

## **BOARD OF MAYOR AND ALDERMEN**

March 28, 2016

The regular meeting of the Board of Mayor and Aldermen was held on Monday, March 28, 2016 at 6:00 p.m. in the Council Chambers of the Municipal Center.

Mayor Mike Palazzolo was present and presiding.

The following aldermen were present: John Barzizza, Mary Anne Gibson, Dave Klevan, Forrest Owens and Rocky Janda. Staff present: Patrick Lawton, Debra Wiles, Chief Richard Hall, Fire Chief John Selberg, Tony Fischer, Steve Wilensky, Paul Chandler, Reynold Douglas, Butch Eder, Cameron Ross, Phil Rogers, Cathryn Perdue, Joe Nunes, Bo Mills and Dotty Johnson.

### **Call to Order**

The Mayor called the meeting to order.

### **Invocation**

General Services Director Reynold Douglas gave the invocation.

### **Pledge of Allegiance**

Alderman Rocky Janda led the Pledge of Allegiance.

### **Approval of Agenda**

There was one change to the agenda, #14 – City of Germantown/Tennessee Genealogical Society Agreement Extension was removed from the agenda.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the agenda as amended.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

### **Approval of Minutes**

There were two corrections to the minutes. On page 3, 10<sup>th</sup> paragraph, the word transiting should be transitioning and on page 7, second paragraph, the date should be June 30, 2016.

Motion by Mr. Janda, seconded by Mr. Owens, to approve the minutes as amended.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

### **Teacher of Month Award**

Alderman Gibson stepped down from the dais to present Mr. Casey Callaway with the Teacher of the Month award. Mr. Callaway is the chairperson of the social studies department and head baseball coach at Germantown High School. His award was sponsored by Principle Toyota.

### **Special Recognitions**

#### **Friends of Germantown Animal Shelter Auction**

Public Works Director Bo Mills came forward to recognize the board from the Friends of Germantown Animal Shelter. This is a 501C3 organization that held an auction and raised over \$12,000 for the shelter. Board members Mr. Steve Morley, President, Ms. Barbara Montgomery, Vice President, Ms. Ilene Gilmore, Secretary, and Ms. Anna Peake, Treasurer came forward and were introduced and recognized for their continued support of the Germantown Animal Shelter. This group of volunteers continues to support the Animal Shelter in so many ways whether feeding, socializing, cleaning or bathing the animals.

Mayor Palazzolo thanked the group for their continued efforts and volunteer work.

### **Recognition of Officer Jason True**

City Administrator Patrick Lawton introduced Officer Jason True who has been a Germantown Police Officer for the past 18 years and for the past six years he has been a school resource officer at Germantown High School. He also coaches the 9<sup>th</sup> grade boy's basketball team. Officer True takes great pride in his work and tries very hard to make a difference in the lives of the students he comes in contact with.

Police Chief Richard Hall stated Officer True's full time job is being security and mentoring the students. The coaching part is on his own. He is a real asset to the Police Department and to the school.

Each of the aldermen thanked Officer True for his commitment to the students and for taking his own time to mentor and coach the students. It was said by a citizen, "when Officer True walks into a room he does not pick a click, he picks a kid." He is the same to each student.

Mayor Palazzolo recognized Shelby County Trustee Mr. David Lenoir, Chamber of Commerce Executive Director Ms. Janie Day, and a Boy Scout who were in attendance.

### **Alderman Liaison Reports**

Alderman Barzizza:

Historic Commission is working on repairs at the John Gray House and getting ready for the 175<sup>th</sup> Anniversary of the Charter of the City of Germantown.

Alderman Gibson:

The Neighborhood Preservation Commission is preparing for the annual tour of model homes and landscapes on April 24. It will showcase homes that have been recently renovated or landscaped whether personally or with a contractor. The Neighborhood Summit will be held on Tuesday, October 25.

The Education Commission is preparing for the Annual Education Celebration to be held on Thursday, April 28.

Alderman Klevan:

The Library Board reported that the Library is not only used as a library it is also used as a social meeting place. In FY16, they reported 1,225 meetings which is 13% increase over last year.

Public Safety Education Commission will meet next week and will have guest speaker Mr. Wayne Gooch, a professor at University at Memphis, to speak on "Alive at 25".

Design Review Commission has approved a sign for the Rock 'N Pizza to open in Germantown.

Vice Mayor Owens:

The Parks and Recreation Commission approved the location of the fountain that was previously on the corner of Farmington and Poplar. The Leadership Germantown class of 2016 is raising money to reassemble the fountain between the Genealogy Center and the Pickering Center.

Alderman Janda:

The Great Hall Commission met and are working on the expansion of the lobby area and how it will increase business.

The Environmental Commission met and scheduled Amnesty Dumpster Day which will be held on Saturday, April 16, from 7:30 a.m. to 12:45 p.m.

### **Citizens to be Heard**

No citizens came forward.

**Resolution 16R15 – Parks and Open Space Master Plan**

Parks and Recreation Director Pam Beasley gave some background information on the Parks and Recreation Agency (CAPRA) and their requirements that pertain to Resolution 16R15 and 16R16. As a requirement of standards set by CAPRA, the Parks and Recreation Department is required to seek a resolution from the highest approving authority to confirm adoption of the Parks and Open Space Master Plan which is used as a guide for implementing park improvements. Adoption of the existing plan is simply confirmation of what has already been approved by the Board of Mayor and Aldermen and completed as part of annual budget allocations over the past five years.

The Comprehensive Recreation Plan provides a comprehensive implementation guide and assessment of recreation programs in all nine program service areas provided by the Parks and Recreation Department. Staff uses the plan as a management tool in service delivery and in preparing annual budget requests. Adoption of the existing plan is simply confirmation of the programs and services that are included in the annual budget.

Alderman Gibson stated the City of Germantown has the only Parks and Recreation Department in the State of Tennessee that holds the CAPRA accreditation.

Motion by Mr. Owens, seconded by Mr. Barzizza, to adopt Resolution 16R15, the Parks and Open Space Master Plan.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

**Resolution 16R16 – Comprehensive Recreation Plan**

Motion by Mr. Klevan, seconded by Mr. Barzizza, to adopt Resolution 16R16, the Parks and Recreation Department Recreation Plan.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

**Appointment of City Clerk**

Mr. Lawton stated that the City Charter requires the City Clerk/Recorder be appointed by the Board of Mayor and Aldermen and serve at the will of the Board. Michele Betty has served as the Executive Assistant for the Mayor and City Administrator since January 2002. With the retirement of the present City Clerk effective May 1, 2016, and in order to ensure a smooth transition in this critical position, the Administration is requesting that the Board consider the appointment of the City Clerk at this point in time, effective May 2, 2016.

Alderman Gibson welcomed Michele on board for the service she provides the citizens and also to the Board.

Alderman Owens thanked Michele for all her years of service and her professionalism goes beyond boundaries and her ability to deal with so many personalities and she does it with professionalism and great demeanor.

Motion by Mr. Owens, seconded by Mr. Janda, to appoint Michele Betty as City Clerk/Recorder for the City of Germantown effective May 2, 2016.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

Michele and her family were introduced to the audience.

## **CONSENT**

### **July 4 Fireworks Show**

Each year the City contracts with a fireworks company to provide an electronically fired aerial fireworks display for the July Family Fourth event held at Municipal Park. The contract was awarded in FY15 with an option to extend the contract for two additional years at the same price of \$16,500.00. Since this is the City's 175 anniversary of incorporation, staff would like to request a change order to add \$3,000.00 of fireworks to the budget which will include starting the show with special number fireworks that will explode in shapes of 1,7, and 5 and increasing the size of the finale.

MOTION: To authorize the Mayor to exercise the City's option to extend the contract with Pyro Shows, Inc for the July 4, 2016 fireworks display in the amount of \$16,500.00 and a Change Order in the amount of \$3,000.00 for a total amount not to exceed \$19,500.00.

### **Purchase – Bulk Asphalt**

In July 2015, the Board awarded renewal contract to Standard Construction Company, Inc. and Lehman Roberts for hot asphalt mix. This is a request to increase each contract amount for the remainder of the first option year. The vendors have been notified and have agreed to the increase.

MOTION: To purchase an additional 750 tons of 411D hot asphalt mix in the amount of \$45,375.00 from Standard Construction Company, Inc. and 500 tons of 411D hot asphalt mix from Lehman Roberts in the amount of \$28,500.00 for a total of \$73,875.00.

### **GPAC Box Office HVAC Replacement**

The existing fan coil unit (FCU) in the ticket box office was installed during the original construction in 1994 and no longer has the heating or cooling capacity to maintain a comfortable workspace environment.

MOTION: To authorize the Mayor to enter into a contract with Metro Mechanical Contractors, Inc. in the amount of \$13,566.00 for HVAC equipment replacement in the GPAC Box Office.

### **Fuel System Upgrade**

Fire Station Two is with two underground storage tanks, one 5,000-gallon unleaded gas and one 4,000-gallon diesel for refueling all City vehicles and equipment. The fuel dispensers, underground storage tank monitoring system, leak detection, and automatic tank gauging system needs to be replaced due to age, current mechanical condition and limited parts availability. Upgrades are required to maintain compliance with regulations mandated by the Tennessee Department of Conservation Underground Storage Tank Division.

MOTION: To approve installation of two new fuel dispensers, replace the underground storage tank leak detection monitor and automatic tank gauging system at Fire Station Two in the amount of \$26,526.21.

### **Library Flooring Replacement**

The library was constructed in 1996 and the flooring has not been replaced from original construction. This project will replace badly worn carpet in main public areas to provide an aesthetically pleasing appearance within the facility.

MOTION: To authorize the Mayor to enter into a contract with BG Carpets dba Carpet Contractors in the amount of \$77,082.00 for flooring replacements inside the Germantown Community Library and approve Budget Adjustment No. 16-52.

### **Overtime Reimbursement – Police**

The Germantown Police Department has an officer assigned to the Federal Bureau of Investigation Joint Safe Streets Task Force, the Drug Enforcement Administration Task Force, the Terrorism Task Force and the Secret Service Task Force. The officer usually works overtime in the performance of his duties. The task forces reimburse any overtime that the officer receives while carrying out his/her duties.

MOTION: To recognize overtime reimbursement from the Federal Department of Justice, the Department of Homeland Security and the State of Tennessee in the amount of \$20,379.99 and to approve Budget Adjustment No. 16-51.

**Temporary Customer Service Employees**

Past experience with the transition from one contractor to another has led to an increased number of complaint calls to the City in the final months of the contract. In addition, the current contractor has experienced collection issues.

The Neighborhood Services division is requesting the current temporary position remain in place through the end of the first quarter in FY17 and that the Board approve funds for a second temporary customer service employee.

MOTION: To authorize the expenditure of an additional \$19,058.00 for temporary customer service employees under the contract with ACRO Service Corp.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to accept the consent agenda as printed.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

**Regular Agenda**

**City of Germantown, Tennessee Genealogical Society Agreement Extension - REMOVED**

**Project Development Contract 1207 - Village of Germantown Expansion**

Economic Development Director Cameron Ross stated this Project Development Contract is for the Village of Germantown. This construction of a this new site plan keeps the building height to 3-story, increases the number of units to 33, and adds 19 additional new surface parking spaces in front of the building along Walking Horse Circle. The new site plan also reflects the inclusion of a new courtyard that will be surrounded on all sides by buildings. The new building will be connected to the existing facility with the construction of a single-story, enclosed walkway between the two structures. The height will be identical to the existing three story independent living facility already on the property.

Alderman Owens stated that for full transparency his mother resides at the Village of Germantown but that will have no bearing on his vote.

Motion by Mr. Klevan, seconded by Ms. Gibson, to approve Project Development Contract 1207 for the Village of Germantown expansion.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

**Project Development Contract 1209 - VMS Germantown Office Building**

Mr. Ross stated this contract is for the construction of an 8,562 sq. ft., single story office building located on Lot 2 in the Forest Hill Heights-Amended PUD, Phase 15. This will be for the regional headquarters for Wendy's and Chili's franchise needs and will also serve as a regional training center for Wendy's customer service. The applicants were present to answer any questions the Board might have.

Motion by Mr. Barzizza, seconded by Mr. Klevan, to approve Project Development Contract 1209 for the VMS Germantown Office Building.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

### **Solid Waste and Yard Trash Disposal Contract**

Two separate contracts will be awarded for the disposal of solid waste generated from the collection of residential units and City facilities in the City of Germantown. One is for the disposal of residential/City solid waste. The second contract is for the disposal of yard trash in plastic bags with Quad County Environmental Solutions, LLC.

Mr. Lawton stated the Board had previously approved a collection contract with Waste Pro for the collection of solid waste, yard debris and recyclables in our city. The collection contract will begin July 1, 2016. Administration had also explained that the disposal of yard debris and solid waste would be presented to the Board under a separate contract.

Bids for the disposal of solid waste and yard debris were received on March 18. Based on the results of the bids, the administration recommended the solid waste disposal contract be awarded to BFI Waste Systems of North America as the low bidder. They submitted the lowest price per ton. The estimated cost based on the number of tons projected for FY17 is \$323,855.00. They also provided a cost for this disposal service during the five years of the contract.

A separate bid was received for yard debris based on the bids received. The administration recommended the bid for yard debris be awarded to Quad County Environmental Solutions who provided the low bid for yard debris in plastic bags, loose and yard in plastic bags compacted. Quad County Environmental Solutions is located at 385 and Byhalia Road. The total cost in FY17, based on the number of estimated cubic yards to be collected, is \$444,000.00.

The total impact to the budget in FY17 for yard debris and solid waste disposal is \$767,855.00. Funding for this cost will be included in the sanitation fund.

With the final piece of the puzzle in place for solid waste collection and disposal, the administration, working with the Financial Advisory Commission (FAC), will present to the Board of Mayor and Aldermen a recommendation regarding the collection fee to support the sanitation fund. A subcommittee of the FAC will meet to consider a recommendation.

Motion by Mr. Barzizza, seconded by Mr. Janda, to authorize the Mayor to enter into contracts for the disposal of solid waste (residential waste and yard trash) generated from solid waste collection in the City of Germantown based on the unit pricing submitted in the bid. One contract is with BFI Waste Systems of North America, LLC for the disposal of residential solid waste and a second contract with Quad Environmental Solutions, LLC for the disposal of yard trash. Both contracts commence on July 1, 2016 with an initial term of five years and the option of an additional five-year extension.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

### **Professional Services Agreement - Central Business District Streetscape Planning and Design**

Mr. Lawton explained that included in this year's budget is funding for the development of a streetscape plan in the amount of \$100,000.00 for the Central Business District. A successful streetscape design includes the use of street trees and plantings and a green element dealing with the treatment of stormwater runoff and areas in general that can reduce the carbon footprint. Streetscape is also seen as a way to create better places for current and future residents and to enhance public safety at critical intersections and allowing for different methods of transportation by foot, by bike or by stroller in our downtown area.

In response to the RFP, five firms provided proposals to the City. Three firms were selected for interviews. Based on the responses to the RFP and a very objective evaluation system by City staff, the firm of Alta Planning and Design was selected to complete the development of the Central Business District Streetscape Design manual for the City. Alta is partnering with Fisher & Arnold and LRK.

The scope of work is broken down into two project phases. Phase One deals with the primary scope of work leading up to the development of the design manual to be used for all future streetscape development in the central business district. The total price on that portion of the work is \$109,895.00. However, the administration also requested that the design firm provide the City with a price to complete a set of construction documents for the Old Germantown area. Funding has been identified in the FY17 budget and during the five-year planning period at \$500,000.00 to begin the implementation of the complete streets plan. Rather than wait and seek an additional cost proposal to complete the construction documents for the Old Germantown area, which we consider as Phase One of implementation, staff is requesting that the Board authorize the funding now in this design contract to move the project forward.

The total price now with the inclusion of the construction documents is \$154,895.00. As a part of the motion to approve this contract with Alta Planning and Design, it will be necessary to approve a budget adjustment for this additional funding.

A discussion followed on the charettes and who would be notified for input into the designs and who it would affect. This is for the design only.

Motion by Mr. Klevan, seconded by Ms. Gibson, to authorize the Mayor to execute a contract with Alta Planning and Design for professional services for the development of the CBD Streetscape Design Manual, Complete Streets Policy and construction documents for Old Germantown Phase I in the amount of \$109,985.00 and Phase II in a not to exceed amount of \$45,000.00; and to approve Budget Adjustment No. 16-54.

Alderman Barzizza stated he certainly wants to address the Old Germantown area but was concerned on the amount of money being spent on the study and there were several references to realignment and he hoped this was not a backdoor approach to the realignment of Germantown Road.

ROLL CALL: Barzizza-no, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

The regular meeting of the Board of Mayor and Aldermen was adjourned.

The Mayor opened the Beer Board with all Aldermen in attendance.

### **BEER BOARD**

#### **Temporary Beer Permit – Germantown Festival**

Mr. Lawton stated this was an annual request from the Germantown Festival to approve a temporary beer permit allowing the sale of beer on publicly owned property pursuant to Section 3089, subsection (g) of the City of Germantown Code of Ordinances.

Motion by Mr. Janda, seconded by Mr. Klevan, to approve (deny) a temporary beer permit allowing the sale of beer on publicly owned property at the 2016 Germantown Festival on Saturday, September 10, 2016 during the hours of 9:30 a.m. until 6:00 p.m. and on Sunday, September 11, 2016, from noon until 6:00 p.m.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

### **Adjournment**

The Beer Board was adjourned at 7:30 p.m.