

## **BOARD OF MAYOR AND ALDERMEN**

April 11, 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, Pam Beasley, 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**

Public Works Director Bo Mills gave the invocation.

### **Pledge of Allegiance**

Alderman John Barzizza led the Pledge of Allegiance.

### **Approval of Agenda**

The changes to the agenda were: Add-On to the Consent Agenda – Emergency Purchase – East Bridge Ditch Repair, Add-On – Beer Board – Temporary Beer Permit – Bobby Lanier Farm Park Inc.

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 of March 28, 2016. Page 1 – Friends of Germantown Animal Shelter Auction, the President's name is Steve Morley. On page 5 – Project Development Contract 1207 – Village of Germantown, second paragraph, the word should be resides.

Motion by Mr. Barzizza, seconded by Mr. Janda, to approve the minutes of the Board of Mayor and Aldermen meeting held March 28, 2016 as amended.

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

### **Teacher of the Month Award**

Alderman Gibson stepped down from the dais and presented the April Teacher of the Month Award to Mrs. Callie Moskovitz, fourth grade teacher at Riverdale School. Mrs. Moskovitz has been in the teaching profession for over 25 years and continues to stay current with changing practices and standards. Parents say she has the ability to relate to every child that comes into her classroom. Her award was sponsored by Principle Toyota.

### **Youth Excellence Award**

Alderman Gibson presented Ms. Jane-Bradford Wickliffe, a senior at Westminster Academy, with the Youth Excellence Award for April. She was selected for this month's award because of her extraordinary work ethic, her academic success and her community service in a variety of local service projects.

### **Special Recognition**

#### **GPAC Education Video**

Germantown Performing Arts Center (GPAC) Executive Director Paul Chandler stated that Board Chairman Anca Pop had asked for this year to be about education and staff began to work to establish art

education programs. Mr. Chandler then presented a video that gave a visual idea of the variety of programs available at GPAC. GPAC is beginning to establish an education fund to help students that live in the area and those associated with GPAC. Recently over \$9,000.00 was raised during the GPAC Gala.

### **Recognition – Hazardous Material Team Accreditation**

Fire Chief John Selberg stated the Firefighters had established the Germantown Hazardous Materials Response Team (HAZMAT). The person behind this was Lt. Tommy Holbert who also serves as the Hazardous Materials Coordinator. In 2004, the team became the first HAZMAT Team to be accredited by the Tennessee Emergency Management Agency (TEMA). As of today, there are only three teams which have been accredited by the state. The Germantown Team was reevaluated last month and TEMA was impressed with the professionalism and preparedness of personnel and were recommended for reaccreditation.

Chief Selberg introduced Ms. Jane Waldrop the Regional Director of TEMA and Ms. Erin Meier the Area Coordinator of TEMA. Ms. Waldrop presented the certificate to the Germantown Fire Department and the HAZMAT Team. She read a letter from the Deputy Commissioner, TEMA Director David Perky congratulating the department.

Chief Selberg introduced some of the members of the team: Lt. Anthony Hulbert, Fire Driver Chuck Wallace, Firefighter Mitchell Cross, Firefighter William Hogue, Firefighter Brett Baurndind, and the staff who helped with the certification, Admin. Chief Keith Saunders, Asst. Chief Jeff Beaman and Training Officer Byron Smith.

### **Alderman Liaison Reports**

Alderman Barzizza:

Nothing to report since his commissions had not met since his last report.

Alderman Gibson:

The Neighborhood Preservation Commission was preparing for the annual tour of the remodeled homes and landscapes to be held on April 24. The Neighborhood Summit is being planned for the fall.

Education Commission was preparing for the Education Celebration on April 28.

Alderman Klevan:

The Public Safety Education Commission is taking applications for 5 and 6 year old children for Safety City. The “Drug Take Back” will be held on April 30 at the local Kroger and Target. Wayne Gooch had given an enlightening speech on the value of “Alive at 25” and what it stands for.

The Library will start its reading program for 2016 in a few weeks. Our library is the current record holder for the best summer reading program in the State of Tennessee.

Vice Mayor Owens:

The Planning Commission met but had no agenda.

The Wellness Council co-sponsored its second event, a “Run-Bike-Run” and also a Kid’s Fun-Run. The Mayor’s Fun-Run was held and there are two upcoming events, the GMSD 5K on the 24<sup>th</sup> of this month and on the 28<sup>th</sup> the Chamber Wellness Expo at the Great Hall.

Alderman Janda:

Financial Advisory Commission (FAC) discussed the Special Revenue Funds. They discussed some Farm Park ideas. The FAC Subcommittee had some recommendations on the sanitation fee.

**Environmental Commission:**

The commission discussed trash issues, sanitation fees and containers. The Amnesty Day will be held on April 16 from 7:30 a.m. to 12:45 p.m. at the Johnson Road Park and at the Southern Ave. Public Works Complex.

Mayor Palazzolo recognized Chamber of Commerce Executive Director Janie Day who was in the audience.

**Citizens to be Heard**

No citizens came forward to speak.

**CONSENT**

**Extension of On-Call Contract for Collection of Yard Waste**

In an effort to ensure yard waste is collected on all routes and service is completed prior to the end of the scheduled work day, the City contracted with Michael's Tree & Loader LLC (MTL) for inspection and collection services on an on-call basis. The current contract allows, at the City's option and pending approval by the Board, to extend the contract at the same terms for two (2) additional, successive thirty (30) day periods with an end date of June 30, 2016.

MOTION: To authorize the Mayor to enter into a contract extension for two successive thirty (30) day periods with Michael's Tree & Loader LLC, for on-call collection of yard waste (clear bags, roll cars, personal containers and loose limbs) extending the contract through June 30, 2016 for the term(s) listed herein.

**Extension of On-Call Contract for Collection of Solid Waste**

In an effort to ensure collection of solid waste on all routes, the City contracted with Waste Pro of Tennessee, Inc (Waste Pro) to provide solid waste collection on an on-call basis. At the City's option, as part of the original agreement with Waste Pro, the City may extend the contract at the same terms for two (2) additional thirty (30) day periods for an end date of June 30, 2016.

MOTION: To authorize the Mayor to enter into a contract extension for two successive thirty (30) day periods with Waste Pro of Tennessee, Inc. for on-call collection of solid waste (household trash, construction debris, bulky items, white goods and recyclables) extending the contract through June 30, 2016 for the term(s) listed herein.

**ADD-ON - Emergency Purchase – East Bridge Ditch Repair**

This emergency project was necessary due to the failure of one existing 30' section of concrete drainage wall in the East Bridge ditch, Lateral "F", behind 2046 Widgeon Way. The scope of the project will include the demolition and removal of the existing walls, new concrete footings and walls, excavation and wall backfill, chain link and treated pine privacy fence replacement and sod. Concrete and soil testing will be performed and are part of the bid proposal.

MOTION: To contract with Hamilton-Elles, Inc. for the emergency repairs to a 30' section of concrete ditch wall on the East Bridge ditch in the amount of \$24,375.00.

Motion by Mr. Barzizza, seconded by Mr. Klevan, to accept the consent agenda as read.

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

**REGULAR AGENDA**

**Resolution 16R17 – Adoption of Hazard Mitigation Plan**

Fire Chief John Selberg stated the County and each municipality must have a Hazards Mitigation Plan in order to be eligible to apply for and receive federal grant money for mitigation projects. Federal

Emergency Management Agency (FEMA) will not give the plan final approval until each participating jurisdiction formally adopts the plan. Chief Selberg, City Engineer Tim Gwaltney and Storm Water Engineer Tim Bierdz participated in the County Hazardous Mitigation Committee. The plan is used as a guideline to identify the projects that could reduce the impact of a disaster in our community. Tennessee Emergency Management Agency (TEMA) presented the plan to FEMA who approved the plan subject to the adoption by the County and municipalities within the county.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve Resolution 16R17 adopting the updated Shelby County Hazards Mitigation Plan as the plan the City will use in planning for and mitigating natural and man-made incidents and disasters.

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

**Resolution 16R18 - Dogwood School Roof Replacement and Houston High School Parking Lot Improvements**

City Administrator Patrick Lawton stated this resolution provides the authorization to reimburse the Germantown Municipal School District for improvements for the replacement of the roof at Dogwood School and the milling, paving and resurfacing of driveway and parking lot at Houston High School from the Series 2016B bond proceeds.

Motion by Mr. Klevan, seconded by Mr. Owens, to approve Resolution 16R18, authorizing the City administration to make payments to the Germantown Municipal School District for the replacement of the roof at Dogwood Elementary School and Houston High School driveway improvements.

Vice Mayor Owens stated in order to disclose a matter of transparency, he reported that both his daughters attend Dogwood Elementary although that would not have any bearing on his vote.

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

**Forest Hill Heights Small Area Plan Approval**

Economic & Community Development Director Cameron Ross explained this plan started in 2007 with the approval of the Smart Growth Plan which was to facilitate moving forward on the 2020 Plan and achieving the goal for redevelopment of the central business district. Reinvestment in the district utilizing the Smart Code is beginning to happen. The Western Gateway Plan has been approved and the Smart Code is being applied to that area. This is the third plan and will set into motion the ability to put forward the Smart Code.

The Forest Hill Heights Plan identifies short-term (10 year) and long-term (25 year) development strategies for the 303 acre area. The Plan includes all the properties located between Forest Hill and the east City limits south of Winchester Drive and the area between the western boundary of 9540 Winchester and the eastern boundary of the City north of Winchester to Poplar. The process was funded by a public/private partnership between the City and a consortium of private property owners, and is based on Smart Growth principles that encourage higher density, mixed-use, walkable districts, similar to those in the City's Central Business District and Western Gateway.

The Plan includes an economic impact analysis illustrating the financial benefit for the City and market study to correlate with recommended densities; recommendations for the mobility options on the public streets and streetscapes, and an infrastructure analysis to help determine any future needs for the area.

Vice Mayor Owens asked if the next immediate steps that need to be taken would be to establish zoning and create architectural and design guidelines.

Mr. Ross stated this was a priority of the department and it is hoped there will be some recommendations by the end of summer. The process will progress more dramatically based on the needs of the tenants. The intentions are to explain that there are options available if they need to be explored. The City does not want to pin itself down to any one incentive mechanism.

Vice Mayor Owens stated throughout the process the neighbors kept asking for quality and he felt it was very important to develop the guidelines to ensure quality. He felt we must distinguish this area from the rest of Winchester. The property owners want an identity to set Germantown apart. He felt the Great Lawn concept would be the answer.

In response to a question from Alderman Klevan, Mr. Lawton stated we are talking with the chairman of the IDB with meetings scheduled to talk about TIFF and its application to make sure it is done respecting what is in the best interest of Germantown. We need to look at it very carefully and not jeopardize the City's finances.

Alderman Gibson asked about the traffic study and the assurance that the City will look at it very carefully for that step.

Mr. Ross stated it was one of the more important things to ensure the success of this section of Germantown.

Alderman Barzizza stated it was his understanding that the land owner just outside the City limits on the west side has a considerable amount of property and asked if he had indicated any concern about how he will use the property and how it will blend with our development.

Mr. Ross stated the property owner intends to follow the same design guide lines in terms of appearance and character.

Alderman Klevan stated that looking at how we could improve Forest Hill/Irene, it had been brought up several times by citizens that the environment that exists on the north side of Forest Hill would indicate an immediate use of funds versus those same funds for a vision for the future. He felt it was important, when the time comes, that the Board consider the citizens concerns.

Motion by Mr. Klevan, seconded by Ms. Gibson, to approve the Forest Hill Heights Small Area Plan encompassing all the properties located between Forest Hill and the east City limits south of Winchester Drive and the area between the western boundary of 9540 Winchester and the eastern boundary of the City of Germantown north of Winchester to Poplar.

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

### **Change Order No. 2 – Germantown Athletic Club Renovation Project Phase 1**

Germantown Athletic Club Director Phil Rogers stated that Change Order No. 2 is primarily the result of unforeseen conditions such as the discovery of a beam above the ceiling in the lower level that prevents the installation of a 9-foot ceiling as designed and the use of lights that were approved and order by the contractor. Mold was discovered on the sheetrock, furring channels and plywood on the east wall of the Mind & Body Room, Meeting Room and the Spinning Room. Other costs were for inconsistencies in the drawings, additional costs required by regulatory agencies, and additional costs at the request of the owner.

Motion by Mr. Barzizza, seconded by Mr. Klevan, to approve Change Order No. 2 for the Germantown Athletic Club Phase 1 Renovation Project with A and B Construction increasing the contract amount by \$59,680.90 from \$1,482,984.23 to \$1,542,665.13.

**Change Order No. 2 – Germantown Athletic Club Renovation Project Phase 1 - Continued**

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

The Mayor adjourned the regular Board meeting and reconvened as a Beer Board

**BEER BOARD**

**Public Hearing – Beer Permit – Rock ‘N Dough Pizza**

Mr. Lawton stated the City received a request from Richard Corley for a permit to sell beer for on-premise consumption at Rock ‘N Dough Pizza Company, located at 7850 Poplar #6. Mr. Corley was present to answer any questions.

Motion by Ms. Gibson, seconded by Mr. Klevan, to approve the request from Richard Corley for a permit to sell beer for on-premise consumption at Rock ‘N Dough Pizza Co., located at 7850 Poplar #6.

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

Aldermen Gibson and Janda recused themselves and left the dais because they both serve on the Leadership Germantown Board.

**Temporary Beer Permit – Leadership Germantown Trivia Night**

Mr. Lawton stated Ms. Moya Fulbright-Dent, Program Coordinator of Leadership Germantown, was requesting a Temporary Beer Permit for a Trivia Night fundraiser on Saturday, April 23, 2016 at the Great Hall & Conference Center. The Board of Leadership Germantown plans to sell beer during their Trivia Night 2016 event, scheduled to begin at 6:00 p.m. and end at 10:30 p.m. The profits will be used for the benefit of the 501(c)3 organization.

Motion by Mr. Barzizza, seconded by Mr. Owens, to approve a temporary beer permit allowing the sale of beer on publicly owned property at the Great Hall & Conference Center on Saturday, April 23, 2016.

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

Alderman Janda returned to the dais.

**Temporary Beer Permit – 2016 Art and Talent Show at the Farm Park**

Mr. Lawton stated this is the second annual Art and Talent Show and will be held at the Bobby Lanier Farm Park. It will be held on Saturday, April 23 from 3:00 p.m. to 7:30 p.m. The request for the temporary permit was made by Bobby Lanier Farm Park, Inc. Board of Directors.

Motion by Mr. Owens, seconded by Mr. Barzizza, to approve a temporary beer permit for the Bobby Lanier Farm Park, Inc. Board of Directors allowing the sale of beer on publicly owned property at the 2016 Art and Talent Show at the Farm Park on Saturday April 23, during the hours of 3:00 p.m. to 7:30 p.m.

Alderman Klevan requested that anyone that applies for a beer or alcohol permit be present at the Beer Board hearing or at least have a representative present to answer any questions the Board might have.

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

Mayor Palazzolo adjourned the Beer Board.