

## **BOARD OF MAYOR AND ALDERMEN**

April 25, 2016

The regular meeting of the Board of Mayor and Aldermen was held on Monday, April 25, 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, Deputy Chief Rodney Bright, Fire Chief John Selberg, Pam Beasley, Steve Wilensky, Reynold Douglas, Butch Eder, Tim Gwaltney, Cameron Ross, Lisa Piefer, Joe Nunes, Dotty Johnson and Michele Betty.

### **Call to Order**

The Mayor called the meeting to order.

### **Invocation**

Parks and Recreation Director Pam Beasley gave the invocation.

### **Pledge of Allegiance**

Alderman Mary Anne Gibson led the Pledge of Allegiance.

### **Approval of Agenda**

The changes to the agenda were: Add-On to the Consent Agenda – Moved Norfolk Southern Railway Poplar Culvert Replacement Projects from Regular Agenda, Add-On – Resolution 16R21 Hall Income Tax Legislation, Inland Contract Amendment, Waste Pro Contract Amendment, and On-Call Contract for Collection.

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 was one addition to the minutes. Alderman Klevan asked that his statement be added to the minutes 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.

Motion by Mr. Barzizza, seconded by Mr. Janda, to approve the minutes of the Board of Mayor and Aldermen meeting held April 11, 2016 as amended.

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

### **Proclamation**

Mayor Palazzolo asked Mike and Carol Ross-Spang to come forward on behalf of their son Matt Ross-Spang. The Mayor read a proclamation recognizing the accomplishments of Matt Ross-Spang who, at age 29, won a Grammy on February 15, 2016 as the Recording Engineer when “Something More Than Free” won the Grammy for Best Americana Album. Mayor Palazzolo proclaimed April 25, 2016 as Matt Ross-Spang Day.

### **Special Recognition**

#### **Grant Writing**

Mr. Lawton asked Alexa Robinson to stand. Alexa has been a long time grant writer for GPAC. City Administration realized her talent and asked her to become a part-time member of the City team in July 2013 as the grants manager citywide. In less than three years, Alexa has secured 22 grants adding more

than \$1 million to the City's revenue stream. These funds have been used to build greenway trail connectors, improve safety for children walking and biking to school, encourage families to read together, promote wellness among the City's firefighters, educate entrepreneurs, support economic development activities, create historical archives at the Germantown Community Library and much, much more.

### **Retirement**

#### **Dotty Johnson City Clerk**

Mr. Lawton stated Dotty Johnson will retire May 1, 2016 after 26 years of public service for the City of Germantown. Dotty has a tremendous skill set and has demonstrated those in the variety of positions she has held within the City, first as an Administrative Assistant. Secondly, and when Mr. Lawton needed her to step in, Dotty took over as Court Clerk and did an admirable job in running an operation of which she had no previous working knowledge. However, she was able to use her management and organizational skills to manage the office and work effectively with the judges and prosecutors. During her tenure up to that time, she had built and established working relationships throughout the City, including our elected officials.

It is a rare individual who can stand the test of time working for one organization, let alone in the public arena. Dotty Johnson has accomplished this with a great deal of poise, dignity and humility – the hallmarks of a true public servant. Dotty will be greatly missed.

Mr. Lawton asked Dotty to introduce her family that was in the audience. Following the introductions, the Aldermen individually expressed their appreciation to Dotty and presented her with a bouquet of flowers. Mayor Palazzolo read a proclamation recognizing April 25, 2016 as Dotty Johnson Day in the city of Germantown. Mr. Lawton presented Dotty with a plaque in recognition of her 26 years of service.

Dotty came forward and expressed her appreciation for her co-workers and aldermen past and present, her husband and their children, grandchildren and great-grandchildren.

### **Alderman Liaison Reports**

Alderman Barzizza:

Economic Development Commission discussed the western district and Carre Four project which is progressing very well. The Central Business District is about to begin. The TraVure development is in discussion with potential businesses, Regions Bank recently opened in the Wolf River district and Forest Hill Heights project has been approved.

The Senior Commission canceled their last meeting and the Historic Commission will meet April 26.

Alderman Gibson:

The Neighborhood Preservation Commission held their Annual Tour of Homes and Landscapes on April 24 which showcases homes which have been recently remodeled. An average of 450 guests toured each home.

The Education Commission partnered with Riverdale Elementary PTA which sponsored a Tech Savvy Parenting event. Approximately 140 parents from GMSD, Shelby County Schools, private and home schooled students participated.

The Education Commission's Annual Education Celebration will be Thursday evening. The celebration recognizes the achievements of teachers and students in Germantown.

The Board of Zoning Appeals did meet. Fresh Market in East Poplar district is having a face lift at their entry way. Further approvals will go before the Design Review Commission.

The second Annual Art and Talent Contest was held at the Farm Park on April 23. An estimated 400 guests attended.

The GMSD 5K Stampede was held on April 24 with 2,227 participating in this first-time event.

Alderman Klevan:

Referring to the generous donation on the agenda from Friends of the Library, Alderman Klevan encouraged use of the book store and expressed his appreciation for work the Friends volunteers do for the City.

The Germantown Athletic Club Commission will meet in May.

The Public Safety Education Commission is preparing for the Annual Safety City which will be held the week of June 13-17 for 125 children to learn the many aspects of safety.

The Personnel Advisory Commission is looking at improvements to the employee benefits package.

The Design Review Commission will meet April 26 to discuss items on this evening's Board agenda.

The Drug Take Back program will be April 30. Expired and unused prescriptions are being collected at Kroger and Target for proper disposal.

Vice Mayor Owens:

The Beautification Commission and Tree Board are in the process of obtaining arboretum designation for Oaklawn Gardens.

Parks and Recreation Commission organized the ribbon cutting ceremony for the newest section of the Greenway system which took place April 24 along with GMSD 5K Stampede. The new trail includes restrooms, comfort stations, parking lot and trailhead.

Vice Mayor attended the Bike Walk Tennessee Summit in Chattanooga last weekend. Topics included bicycle tourism, festivals, open streets policy, bike share program and safe routes to school.

Vice Mayor traveled with the City Wellness Council to Jackson, Tennessee where Germantown was the first city in Tennessee to be designated a Healthier Tennessee Community by Governor Haslam.

The City Wellness Council and Germantown Area Chamber of Commerce will host a health and wellness expo at the Great Hall.

Alderman Janda:

The Financial Advisory Commission met to discuss the general fund and school budget, both of which were recommended for approval by the Board of Mayor and Aldermen.

The Environmental Commission hosted Amnesty Day on April 16. It was reported that 944 cars went through the two locations with 8.93 tons of recycling and 4.5 tons of scrap metal.

Mayor Palazzolo recognized Vice Mayor Owens as being an advocate for green ways, wellness and bike paths. The State recently tried to pass legislation restricting municipalities' ability to use funds from TDOT to construct greenways and bike paths adjacent to current road systems. This legislation was headed off at the pass due to the work of VM Owens contacting members of the General Assembly advocating against this restrictive legislation.

**Citizens to be Heard**

Sarah Freeman, 7684 Apahon Lane, came forward regarding legal expenses related to open meeting requests and the City Attorney's fees to review this information. She also raised concerns about life insurance policies and the cost associated with the legal review of those policies.

**CONSENT**

**Employee Uniforms**

This is a five-year uniform rental contract, including laundry and repair service with UniFirst Corporation.

MOTION: To approve a five-year rental contract based on unit pricing with UniFirst Corporation for the rental and weekly cleaning of uniforms.

**Approval of Household Hazardous Waste Inter-Governmental Agreement**

Shelby County has been operating the Household Hazardous Waste Facility since 2007 and over those years the City has entered into agreements to support the facility. All municipalities in Shelby County participate in the funding of this operation.

MOTION: To authorize the Mayor to enter into an inter-governmental agreement with Shelby County Government for the operation and participation in funding of the Shelby County Household Hazardous Waste Facility for a period of one year commencing on July 1, 2015 and approve the annual payment to Shelby County Government in the amount of \$15,000.00

**GPAC Lobby Painting**

In 1994, the lobby and all restroom walls were primed and covered with vinyl wall covering. In 2003, the vinyl wall covering was painted to change the décor. The specifications to repaint the lobby area and all restrooms requires that all vinyl wall covering to be removed, then thoroughly prepared before painting begins.

MOTION: To authorize the Mayor to contract with Bland R. Matthews dba Professional Painters Enterprises to paint the lobby and restrooms within the lobby area of GPAC in the amount of \$28,400.00.

**Peer Fitness Trainer Class**

The Fire Department received a grant for Fire Fighter Wellness and Fitness through the FEMA Assistance to Fire Fighters Grant Program. Of the \$165,870.00 grant, \$20,000.00 was earmarked for Peer Fitness Training. The 5-day certification course includes scientific foundations and practical applications of exercise science, techniques, nutrition, safety and fire fighter wellness/fitness.

MOTION: To authorize payment to the International Association of Fire Fighters in the total amount of \$20,000.00 to host a Fire Service Peer Fitness Trainer Class for the Fire Department.

**Approval of Library Donations – Germantown Community Library**

Donations have been made to the Germantown Community Library totaling \$3,453.00 and to the Germantown Regional History and Genealogy Center in the amount of \$78.00.

MOTION: To recognize a \$3,453.00 donation to the Germantown Community Library and a \$78 donation to the Germantown Regional History and Genealogy Center and to approve Budget Adjustment No. 16-63.

**ADD-ON - Norfolk Southern Railway Corporation – Poplar Culvert Replacements Project**

This is Phase III of the on-going Poplar Culverts Replacement Project. One of ten culverts to be replaced is located within Norfolk Southern Railway (NSR) right-of-way. In order to proceed, an agreement with NSR must be executed that allows the City's contractor to enter and perform work within their right-of-way.

MOTION: To authorize the Mayor to enter into an agreement with Norfolk Southern Railway Corporation in the amount of \$19,758.00 related to the Poplar Culverts Replacement Project.

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

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

### **REGULAR AGENDA**

#### **ADD-ON - Resolution 16R21- A Resolution in Opposition of Hall Income Tax Legislation**

Mr. Lawton stated that during his entire 25 year tenure the Board of Mayor and Aldermen and Administration have been concerned about the removal or reduction of this situs based income tax paid by the residents of Germantown not coming back to the community. The tax has been around since 1929 and every year since, the General Assembly makes changes in an effort to remove it. It is a valuable source of revenue for the community. Despite Administration's efforts, including two face to face meetings with our representatives, phone calls and letters to the entire Shelby County delegation, a version of the Hall Income Tax did pass, but for all intents and purposes, the Hall Income Tax will be completely eliminated by 2021. Therefore, after conversations with Mayor Palazzolo, the administration feels that it might be productive to present a resolution to the Board for them to consider passage to Governor Haslam to request that he veto the bill that will eliminate the Hall Income Tax by 2021.

Mayor Palazzolo stated the following resolution will be made part of the permanent record. The City will contact the largest Hall Income Tax revenue producers in the state to encourage those mayors to follow suit.

Ms. Gibson asked that the resolution, if approved by the Board, be sent to our local legislators in Nashville.

#### **RESOLUTION NO. 16R21 - A RESOLUTION IN OPPOSITION OF HALL INCOME TAX LEGISLATION**

WHEREAS, the Hall Income Tax, enacted in 1929, is a state tax on income from dividends and interest on certain investments and is allocated back to the city at 3/8 of the amount collected from Germantown tax payers; and

WHEREAS, the proceeds from this source of revenue for the City's general fund is estimated to generate \$2.5 million to be used for general operations and capital improvements; and

WHEREAS, cities across the state are limited in the diversification of their general fund revenues and the loss of this significant source of revenue for the City of Germantown equates to a 14 cent impact to the City's property tax rate or the examination of City services; and

WHEREAS, recent actions by the Tennessee General Assembly have established reductions in the Hall Income Tax beginning this fiscal year with the legislative intent to eliminate the revenue stream to local governments altogether by 2021.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Mayor and Aldermen of the City of Germantown is in opposition to this legislative action and respectfully request that Governor Haslam veto the bill, House Bill 813 and Senate Bill 47.

BE IT FURTHER RESOLVED that the Mayor transmit this resolution to the Governor with all do haste and that the Mayor and City Administrator reach out to other municipalities across the state who also would be impacted in an negative way by this legislation and collectively develop a legislative alternative to present to the General Assembly next session.

Adopted April 25, 2016

Motion by Mr. Janda, seconded by Ms. Gibson, to approve Resolution No. 16R21, a resolution in opposition to Hall Income Tax legislation.

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

#### **Extension of Tennessee Genealogical Agreement**

The Tennessee Genealogical Society voted in 2005 to donate and transfer its collection of books and materials to the Germantown Community Library. The City made available to the Society space in the C.O. Franklin Center for the collection to be housed. The initial agreement was for 10 years, expiring in 2016. Recently the Library Board recommended to the Board of Mayor and Aldermen that another ten year contract be considered for approval thereby greater certainty for the location of this resource to our community.

Motion by Mr. Klevan, seconded by Ms. Gibson, to authorize the Mayor to enter into an agreement between the City of Germantown, the Library Board and the Tennessee Genealogical Society.

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

#### **ADD-ON Inland Contract Amendment**

Mr. Lawton stated this contract amendment essentially eliminates the existing contract with Inland on May 31, 2016. On October 13, 2014 the Board of Mayor and Aldermen approved an assignment of the existing solid waste collection contract to Inland Waste Solutions. Under the terms of this contract Inland would provide solid waste collection for the City until June 30, 2016. The City also made the determination not to exercise the extension option of the contract with Inland.

Continuing service issues with Inland have caused the City administration to recommend to the Board of Mayor and Aldermen that the current contract with Inland be terminated at an earlier date. The amendment executed by Inland and prepared by our City attorney expedites the termination of this contract with Inland with an effective date of June 1, 2016. Waste Pro of Tennessee, the City's new solid waste vendor, is prepared to step in early and exercise their contract for service with the City of Germantown for solid waste, recyclables and yard debris collection effective June 1, 2016.

Motion by Mr. Barzizza, seconded by Mr. Owens, to authorize the Mayor to execute the attached amendment to contract for services and/or products with Inland Waste Solutions subject to the Board of Mayor and Aldermen's approval of the amendment to the Waste Pro of Tennessee Contract.

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

#### **ADD-ON Waste Pro Contract Amendment**

Mr. Lawton stated this is a companion piece to the preceding agenda item. On March 14, 2016 the Board of Mayor and Aldermen executed an agreement with Waste Pro of Tennessee for a comprehensive solid

waste collection contract. Conditions that exist with our current solid waste collection provider have caused the City administration to recommend to the Board that we revise this agreement in an effort to have Waste Pro begin services required in their contract on June 1, 2016 instead of July 1, 2016.

With the earlier commencement date, Waste Pro has assured the City that they will be able to meet all the terms and conditions of the contract in terms of delivery of equipment, including trucks and carts, and begin the execution 30 days earlier than anticipated. The amendment highlights all the sections of the existing contract where dates needed to be adjusted. One provision in the amendment worth noting is that the liquidated damages term of the agreement, Section 2 of the RFP, is changed to state that the contractor will have a 90-day grace period instead of the original 60 as specified.

In response to a question from Ms. Gibson, Joe Nunes confirmed there would not be a change in routes 90 days to six months after this contract goes into effect.

In response to a request for clarification from Mr. Barzizza, Mr. Nunes confirmed it is expected old carts will be removed and new carts delivered in mid-May.

In response to a question from Mr. Owens, Mr. Nunes stated information regarding the changes would be communicated through direct mail, a water bill insert and attached to the new carts.

In regard to all off the phone calls from citizens, Mr. Barzizza commended Mr. Nunes and his staff for their patience, hard work and excellent customer service.

Motion Ms. Gibson, seconded by Mr. Owens, to authorize the mayor to execute the amendment to the contract for services and/or products with Waste Pro of Tennessee.

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

#### **ADD-ON On-Call Contract for Collection**

Mr. Lawton stated in recent months the city has experienced an increase in the number of complaints from residents resulting from missed services during the collection of solid waste by the current contractor, Inland Waste Solutions. In order to ensure that solid waste is collected in a timely manner per the terms of the contract, the City established additional contracts to provide for on-call collection of solid waste and yard waste. The City entered into an emergency contract with Michael's Tree & Loader, LLC (MTL) to provide yard waste collection on an on-call basis. This contract was approved by the Board on December 14, 2015 and an extension through June 30, 2016 was approved on April 11, 2016. The original contract authorized the expenditure of \$40,000. This was increased by the Board to \$80,000.00.

In an effort to determine if yard waste is collected on all routes and service is completed prior to the end of the scheduled work day, the City contracted with MTL for inspection services on an on-call basis. Once notified by the City, the designated routes are inspected by MTL and any streets identified as not receiving service are communicated to the city and MTL will be authorized to collect the missed streets.

Due to the high number of missed service complaints and solid waste collection routes not being completed, there is a need to increase the authorized expenditure by an additional \$40,000.00 raising the total authorized amount under the contract to \$120,000.00.

Ms. Gibson noted that Mr. Lawton stated during the executive session this amount will be withheld from Inland's bill.

Motion by Mr. Owens, seconded by Mr. Barzizza, to approve an increase of the authorized expenditure amount from the current amount of \$80,000.00 to \$120,000.00 under the existing on-call solid waste collection contract with Michael's Tree & Loader, LLC for the collection of yard waste.

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

Ms. Gibson recognized Christopher Keys in the audience. Christopher, from Scout Troop 74 that meets at OLPH Catholic Church, is working towards the Communications Merit Badge. He was accompanied by his mom, Amy, and his little brother, Andrew.

Alderman Janda, in response to comments made by Ms. Freeman during Citizens to be Heard, assured the Board that the Financial Advisory Commission takes their job seriously. He recommends even more money for the Freedom of Information requests.

Alderman Janda, in response to comments made by Ms. Freeman regarding life insurance, he would like the Board to further review the action taken and bring it forward for the citizens to see what is involved in decision making.

Mayor Palazzolo stated the Administration will take these recommendations under advisement.

Mayor Palazzolo adjourned the Board.

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Mike Palazzolo, Mayor

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Michele Betty, City Clerk/Recorder