

BOARD OF MAYOR AND ALDERMEN

August 8, 2016

The regular meeting of the Board of Mayor and Aldermen was held on Monday, August 8, 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: Pam Beasley, Michele Betty, Reynold Douglas, Butch Eder, Tim Gwaltney, Chief Richard Hall, David Harris, Patrick Lawton, Daniel Page, Lisa Piefer, Phil Rogers, Cameron Ross, Chief John Selberg, Paul Turner and Steve Wilensky.

Call to Order

The Mayor called the meeting to order.

Invocation

Pam Beasley gave the invocation.

Pledge of Allegiance

Alderman Gibson led the Pledge of Allegiance.

Approval of Agenda

During the executive session, the Board agreed to two Add-On items: #6c Mayoral Summer Fellows Graduation and #18 Germantown Education Foundation Challenge Match Grant \$7,500.

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

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

Approval of Minutes

Motion by Mr. Barzizza, seconded by Mr. Janda, to approve as written the minutes of the Board of Mayor and Aldermen meeting held July 25, 2016.

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

Special Recognition

Germantown Library Summer Reading

Each year the library hosts a summer reading program for youth and adults. With over 46,000 patron visits in June and July, the library serves a critical role in meeting educational and leisure needs of the community. The program is recognized as the best in Tennessee.

Fire Inspector Clint Starnes

Fire Inspector Clint Starnes received the Fire Fighter of the Year Award from the Germantown Kiwanis in October 2015. He was subsequently nominated by the Germantown Kiwanis for the Kiwanis District Fire Fighter of the Year Award. The Kiwanis District includes West Tennessee, Mississippi and Louisiana. The District selected Mr. Starnes for this Award and presented it to him at the Awards Luncheon at the Kiwanis District Annual Conference in Shreveport on August 6, 2016.

Mayor Summer Fellows

Mayor Palazzolo recognized the five rising seniors who participated in the second annual Mayor's Summer Internship program. The students spent 50 hours of their summer with the Mayor and City staff attending conferences and meetings as well as completing assignments. This summer's graduates are Noor Jaber - Germantown High School, Callon Green - St. Agnes Academy and Jon Branning, Jordan Vertison-Hardy and Uma Neelakantan - Houston High School.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

Natalie Williams, 8049 Neshoba, School Board member, stated the day was the first day of school. She, along with her fellow School Board member, Linda Fisher, and Superintendent Jason Manual, had the opportunity to greet parents and students. There were a lot of smiles and excitement. Ms. Williams expressed her appreciation to the Board for the partnership between the City and the School Board, especially for the capital improvement programs completed this summer.

Andrew Pouncey, 8401 Briar Creek, City Historian, came forward to update the Board on various history related activities including improvements to the train depot, Official History of Germantown website, Friends of the Germantown Train Depot Facebook page, and the 175th Anniversary of the City exhibit to be displayed at the GPAC during December.

Mayor Palazzolo adjourned the Board of Mayor and Aldermen meeting and convened as the Beer Board.

BEER BOARD

Public Hearing – Beer Permit – On Premise – Farm and Fries

The City received a request from Mark D. Waugh and Marie E. Waugh for a permit to sell beer for on-premise consumption at Farm and Fries, located at 7724 Poplar Pike. According to the police report, nothing has been found to discredit the applicants.

Mayor Palazzolo opened the Public Hearing. Having no citizens come forward, Mayor Palazzolo closed the Public Hearing.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to approve the request of Mark D. Waugh and Marie E. Waugh for a permit to sell beer for on-premise consumption at Farm and Fries, located at 7724 Poplar Pike.

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

Mayor Palazzolo adjourned the Beer Board and reconvened as the Board of Mayor and Aldermen.

CONSENT

Approval of Donations

A donation in the amount of \$5,000.00 was made from the Class of 2016, Leadership Germantown to maintain the Fountain of Youth at the Pickering Center for 3 years. During the first year, \$2,000.00 of this amount will be spent for operations and maintenance. Also, a donation of \$20.00 was made from a citizen to the City of Germantown Police Department.

MOTION: To approve funds collected and donated by the Class of 2016 Leadership Germantown in the amount of \$5,000.00 for repairs and maintenance (3 years) of the Fountain of Youth and a donation from a Germantown citizen in the amount of \$20.00 for the City of Germantown Police Department.

Approval of Library Donations – Germantown Community Library

The following organizations have contributed these donations to the Germantown Community Library: Baskin Robbins \$100.00, Leadership Germantown \$500.00, Germantown Women's Club \$430.00 and Kiwanis Club of Germantown \$1,000.00. Mr. James Patton donated \$120.00 to the Germantown Regional History and Genealogy Center.

MOTION: To approve donations of \$2,030.00 to the Germantown Community Library, a donation of \$120.00 to the Germantown Regional History and Genealogy Center and to approve Budget Adjustment 17-1.

Shelby County Books From Birth Grant

As part of the FY17 Budget, a \$12,135.00 grant was included in the Administration budget to support the Shelby County Books from Birth program. A grant in the same amount was awarded to the program during FY16.

MOTION: To authorize payment in the form of a grant to Shelby County Books from Birth in the amount of \$12,135.00.

Germantown Education Foundation – Fill the Fountain of Knowledge

The citizens of Germantown have the opportunity to participate in donating funds to the Germantown Education Foundation through their monthly water bill. The program established has been named “Fill the Fountain of Knowledge.” This is the third presentation and request to the Board of Mayor and Aldermen to remit funds collected on behalf of the Germantown Education Foundation through the Fill the Fountain of Knowledge Campaign.

MOTION: To approve the transfer of funds collected by the City from residents and others to the Germantown Education Foundation in the amount of \$4,513.00.

Donations to Fire Department LAFS Program

The Fire Department has received donations from the following: William & Patricia Melvin \$25.00, Susan Kingston \$50.00 and Germantown Woman’s Club \$100.00. These funds will be used to provide equipment and supplies for the LAFS Program in preparation for Fire Prevention Month.

MOTION: To accept donations in the total amount of \$175.00 to support the Fire Department LAFS program and to approved Budget Adjustment No. 17-4.

Turnout Clothing Purchase

Turnout gear is the personal protective clothing that fire fighters wear while fighting fires. This equipment is made from a special fabric that does not burn, and the construction of the garments provides protection from heat and steam. A set of turnout coat and pants has a life expectancy of approximately 6-7 years. The Fire Department is currently replacing turnout coats and pants purchased in 2010 and before.

MOTION: To approve the purchase of Fire Department turnout clothing from North American Fire Equipment Company (NAFECO) through an HGACBuy cooperative contract EE08-15 not to exceed \$40,000.00 through May 1, 2017.

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. It is partially funded with a grant from the Tennessee Department of Environment and Conservation. All municipalities in Shelby County participate in the funding of this operation. The agreement is for a period of one year commencing July 1, 2016 with the option for three renewal years through June 30, 2021. This item also authorizes the FY17 payment to the county in the amount of \$15,000.00.

MOTION: To authorize the Mayor to enter into an agreement with Shelby County Government for the operation and participation in funding of the Shelby County Household Hazardous Waste facility and approve payment in the amount of \$15,000.00 for FY17.

Defibrillator Maintenance Contract

The Zoll Medical Corporation has been the primary provider of cardiac monitors and defibrillators for the fire department for the past several years. These monitors assist medical personnel in the evaluation, monitoring and treatment of patients.

MOTION: To enter into an Extended Warranty and Preventative Maintenance Contract with Zoll Medical Corporation in the amount of \$12,213.50.

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

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

REGULAR

Ordinance No. 2016-07 – Amendments to Wireless Transmission Facilities – Third and Final Reading

Mr. Ross stated Germantown’s current regulations limit the height of wireless transmission facilities to 100 feet and require a “fall zone” of 10 feet higher than the antennae. Working with Germantown residents and stakeholders as part of the Forward 2030 Strategic Plan process, and after discussions with Germantown Police and Fire Department, it became apparent that there are many areas of the city that are underserved in coverage and capacity by wireless transmission facilities. The City did work with providers during discussions about the amendments but locations were not discussed. The City will reach out to tower and service providers, as well as the Germantown Municipal School District, regarding locations.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve on third reading Ordinance 2016-07, amendments to the Germantown Ordinance related to Wireless Transmission Facilities.

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

Ordinance No. 2016-08 – Amendments to Zoning Ordinance Regarding Transient Dwelling and Guests – Third and Final Reading

Mr. Ross stated Germantown’s current regulations do not address concerns that have been raised regarding short term transient housing in the neighborhoods of Germantown. The following amendment to the Germantown Zoning Ordinance is proposed to preserve the existing character of Germantown’s neighborhoods and manage any transient dwellings that may be operating within the City’s neighborhoods.

Motion by Mr. Owens, seconded by Mr. Klevan, to approve on third reading Ordinance 2016-08, amendments to the Germantown Zoning Ordinance regarding Transient Dwellings and Transient Guests.

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

Ordinance No. 2016-09 – Forest Hill Heights Smart Code Overlay – Third and Final Reading

Mr. Ross stated Forest Hill Heights, constituting 310.7 acres near the southern City limits and Interstate 385, is strategically positioned to play a significant role in the future of Germantown’s economic growth and vitality. Forest Hill Heights encompasses five properties; all zoned differently. The application of the Smart Code will facilitate future mixed use development as the enabling legislation to implement the vision of the Forest Hill Heights Small Area plan.

Motion by Mr. Owens, seconded by Mr. Barzizza, to approve on third reading Ordinance 2016-09, the rezoning of the properties within the Forest Hill Heights Small Area Plan.

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

Construction Contract – Poplar Culverts Replacement Project Phase III

Mr. Gwaltney stated the purpose of this agenda item is to consider approval of a Construction Contract with Ferrell Paving, Inc. in the amount of \$457,631.55 for Phase III of the Poplar Culverts Replacement Project. Board of Mayor and Aldermen approval of the construction contract is contingent upon Tennessee Department of Transportation (TDOT) concurrence to award the contracts.

Motion by Mr. Janda, seconded by Mr. Owens, to authorize the Mayor to enter into a construction contract with Ferrell Paving, Inc. in the amount of \$457,631.55 for Phase III of Poplar Culverts Replacement Project pending TDOT concurrence.

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

Professional Services Agreement – Construction Engineering Inspection (CEI) – Poplar Culverts Replacement Project Phase III

Mr. Gwaltney stated the purpose of this agenda item is to consider approval of a Professional Services Agreement with Askew Hargraves and Harcourt (A2H) in the amount of \$72,350.00 for CEI services related to Phase III of the Poplar Culverts Replacement Project.

Motion by Mr. Janda, seconded by Mr. Klevan, to authorize the Mayor to enter into a Professional Services Agreement for Construction Engineering Inspection (CEI) Services with A2H in an amount of \$72,350.00 for Phase III of Poplar Culverts Replacement Project.

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

Germantown Athletic Club Renovation – Phase II Construction Contract

Mr. Rogers stated the purpose of this agenda item is to consider approval of a construction contract with A & B Construction Company, Inc. in the amount of \$2,320,809.00 for the construction of Phase II of the Germantown Athletic Club's Renovation Project.

Motion by Mr. Barzizza, seconded by Mr. Klevan, to approve a construction contract with A & B Construction Company, Inc. in the amount of \$2,320,809.00 for the construction of Phase II of the Germantown Athletic Club's Renovation Project.

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

Design Supplement No. 3 – Contract Administration and Construction Inspection – Germantown Athletic Club Phase II

Mr. Eder stated the purpose of this agenda item is to consider approval of Supplement No. 3 in the amount of \$30,000.00 to the Professional Services Agreement with Fleming Architects for contract administration and construction inspections that are essential for Phase II improvements to the Germantown Athletic Club increasing the contract amount from \$282,500.00 to \$312,500.00.

Motion by Mr. Owens, seconded by Mr. Barzizza, to approve Supplement No. 3 in the amount of \$30,000.00 to the Professional Services Agreement with Fleming Architects for contract administration and construction inspections that are essential for Phase II improvements to the Germantown Athletic Club increasing the contract amount from \$282,500.00 to \$312,500.00.

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

Germantown Education Foundation Challenge Grant

The Germantown Education Foundation (GEF) raised approximately \$22,000 for the Treasures for Teachers program within 30 days which would add an additional \$100 to each teacher's supplies allowance. There is a \$20 match by Knowledge Tree. In so much as the effort came up short by approximately \$15,000, Alderman Janda would like to make a challenge grant of \$7,500.00 if the Foundation can secure an additional \$7,500.00 in matching funds.

Motion by Mr. Janda, seconded by Ms. Gibson, to offer up to \$7,500.00 in matching grant money to GEF in the next 30 days if the Foundation raises up to \$7,500.00 from any source. The City will match up to \$7,500.00 from contingency.

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

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder