

BOARD OF MAYOR AND ALDERMEN

December 12, 2016

The regular meeting of the Board of Mayor and Aldermen was held on Monday, December 12, 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, Tim Bierdz, Reynold Douglas, Butch Eder, Tim Gwaltney, Richard Hall, David Harris, Patrick Lawton, Bo Mills, Sheila Pounder, Phil Rogers, Cameron Ross, 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 Klevan led the Pledge of Allegiance.

Approval of Agenda

There were no changes to the agenda.

Motion by Mr. Janda, seconded by Mr. Klevan, to approve the agenda as written.

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

Approval of Minutes

There were no corrections to the minutes.

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

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

Special Recognition

Germantown Education Commission Teacher of the Month – December 2016

Alderman Gibson presented the December 2016 Teacher of the Month award to Dr. Melissa Ducey who is the lone physics teacher at Houston High School.

Farmington Elementary School Cross Country Team

Mayor Palazzolo asked the teams to come forward and presented a proclamation to the Farmington Elementary School “Falcons 5K Club”. The Girls Cross Country Team was undefeated this year and has won the 2016 Tennessee state championship and placed third at nationals; and the Farmington Elementary School “Falcons 5K Club” Boys Cross Country Team placed second at regionals and eighth at state.

Houston Middle School Cross Country Team

Vice Mayor Owens asked the teams to come forward and presented a proclamation to the Houston Middle School Cross Country team. They qualified and competed at the 2016 National Championship meet in Evansville, Indiana. Both girls and boys teams qualified at the Regional level in order to compete in the State Championship meet this season. Girls placed 1st and boys placed 4th at Regionals. Varsity girls placed 2nd at State and Junior Varsity girls placed 1st at State. The girl’s team qualified for Nationals and

boys that competed at Nationals qualified with their individual times. The 13-14 year old girls team placed 9th in the Nation and the 11-12 year old girls team placed 6th in the Nation.

Alderman Liaison Reports

The Aldermen reported on their commissions' activities.

Citizens to be Heard

Ms. Nicole McNamee, 1745 Enclave Green Cove, came forward to address the Board regarding hobby drones and unmanned aircrafts. She asked the Board to consider ordinance measures and State legislation as a means to protect citizen privacy.

Mr. William Provience, 9041 Bridgetown Cove, came forward regarding HB 995 – gun permit holders. He stated the signage in Germantown should coincide with State law.

CONSENT

Automatic Teller Machine Lease Renewal

The City is able to provide its customers and citizens with the opportunity, at no cost to the City, to access an ATM machine within City Hall. It has been determined that court customers and utility customers find it convenient to have access to cash. Sometimes it has been necessary for the court customer or utility customer to go off premises to obtain funds for payment of a court fine or utility bill. There will be no charge to the City for the machine being in City Hall. Normal fees for the use of obtaining funds will be charged by SunTrust for the use of the ATM machine. The ATM machine will be serviced by SunTrust Bank.

MOTION: To approve and exercise the first of five renewals of the SunTrust ATM lease for an additional one (1) year term commencing January 1, 2017 and expiring December 31, 2017.

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

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

Professional Services Agreement – Wolf River Lateral F (East Bank) Repair and Stabilization Improvements

Mr. Gwaltney stated the specific area of concern is approximately 200 feet north of Wolf River Boulevard, along the western boundary of Grove Park 1 Addition Phase 1A. The stream bank at this location is severely eroding and encroaching on private property and residential fences. Through the years, Public Works has provided continuous maintenance activities such as placement of rip-rap (rock) and clearing and snagging of dead trees and other debris as needed in an effort to keep the lateral within the public easements. However, due to bank erosion and sloughing, vehicle/equipment access is becoming more and more difficult. Recent flooding has caused the east bank to erode at an accelerated rate. On-going maintenance efforts are not able to keep up with the rate of erosion. Permanent bank repair and stabilization measures have been completed with great success for previous bank stabilization projects at various locations along laterals D, E, F & G. This project was included in the City's Capital Improvement Program.

Motion by Mr. Owens, seconded by Mr. Barzizza, to authorize the Mayor to enter into a Professional Services Agreement for Engineering Services with W. H. Porter Consultant, PLLC in an amount not to exceed \$85,708.00 for drainage improvements for bank stabilization to Lateral F (east bank).

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

Change Order No. 1 – Germantown Athletic Club Renovation Project Phase II

Mr. Rogers stated that during the renovation of any older facility it is not unusual to encounter unforeseen site conditions as a result of conflicts between the original drawings and the as-built drawings or work that was previously done and not documented. The unforeseen conditions result in additional work being required that could not be anticipated until construction begins and true conditions are evaluated. Change Order No. 1 is primarily the result of unforeseen conditions. However, there were minor omissions in the drawings, additional work required to meet new regulatory codes and a request for changes by the owner reflected in this request for change order.

Motion by Mr. Klevan, seconded by Ms. Gibson, to approve Change Order No. 1 for the Germantown Athletic Club's Phase II Renovation Project with A and B Construction increasing the contract amount by \$58, 575.04 from \$2,320,809.00 to \$2,379,384.04.

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

Resolution No. 16R33 – Amendment to the Industrial Development Board Charter

Mr. Lawton stated the purpose of this agenda item is to consider the application filed by the City of Germantown Industrial Development Board (IDB) to amend its charter relative to tax increment financing (TIF). In June 2001, the City of Germantown formed an Industrial Development Board, consistent with the applicable state statutes. The powers granted to the IDB at that time were limited to granting a payment in lieu of ad valorem taxes (PILOT) payment program. The IDB charter was amended on May 11, 2009, to expand its powers and allow for the issuance of TIF bonds as a way to encourage economic development efforts.

The action taken in 2009 did not contemplate the use of private financing for public improvements to be funded by TIF. The specific action before the BMA at this time is to approve Resolution No. 16R33 that extends the IDB's authority in administering the TIF program to also include private financing secured by incremental revenues. All such actions must be approved by official action of the BMA in order for such actions of the IDB to be effective. On Wednesday, December 7, 2016, the IDB held a public hearing to consider this matter and voted unanimously to petition the BMA with an amendment to the IDB charter.

Motion by Mr. Klevan, seconded by Ms. Gibson, to:

1. The Board of Mayor and Aldermen hereby finds and determines that it is wise, expedient, necessary and advisable that the Amendment to the Charter of The Industrial Development Board of the City of Germantown, Tennessee, Exhibit "A" be adopted.
2. The Amendment to the Charter Exhibit "A" is hereby approved and the Members of the IDB are authorized to execute the Amendment and the Chairman is authorized and directed to take all actions which are necessary or appropriate, including the filing of any and all required documents with the Tennessee Secretary of State and the Register of Shelby County, Tennessee.

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

Comments by Alderman Barzizza

Alderman Barzizza stated that he found it strange that no citizens came forward during the public hearing on general amendments to the zoning code. Due to an oversight, the public hearing was not properly posted and announced to the public in advance of the public hearing and vote on November 28, 2016. He asked that the second reading be deemed null and void due to proper procedures not being followed. He also requested that on matters of this nature the aldermen be given more notice than just a few days prior to the meeting so the aldermen can do their due diligence in preparation for the meeting.

Special Recognition Alderman Dave Klevan

Mayor Palazzolo, the Aldermen and City Administrator extended their appreciation to Alderman Klevan for his two years of service to the community as an appointed alderman and for his decades as an appointed commission member.

Mayor Palazzolo presented to Alderman Klevan a plaque and a proclamation recognizing his years of service.

PROCLAMATION

WHEREAS, Dave Klevan has provided outstanding leadership, support and loyalty to the City of Germantown during his term as Alderman, commencing with his appointment to Position 3 on January 12, 2015; and

WHEREAS, he is a graduate of Marshall University, served our country in the US Army, has lived in Germantown for more than 31 years, is the loving husband to Arlene, his wife of 43 years, is the proud father of two daughters, Andrea and Natalie, and sons-in-law, Chad and Andrew, and is the devoted grandfather to two wonderful grandchildren, Grayson and Caroline; and

WHEREAS, he began serving his community on the Planning Commission in 1997 and continued through 2004 (serving as Chairman several times) and he returned to the Planning Commission in 2008 where he served as Chairman through 2014; and

WHEREAS, he has served on the following City commissions: Board of Zoning Appeals, Economic Development Commission, Parks and Recreation Commission, Personnel Advisory Commission, Tree Board and Vision 2020 Committee; and

WHEREAS, he has been a member of the Germantown Area Chamber of Commerce since 1997, serving on its Board of Directors for 15 years and as Chairman in 2005, 2006 and 2012; and

WHEREAS, he was a charter member of the Board of the Shelby County Chambers Alliance from 2007-2011; and

WHEREAS, he is a 1997 graduate of Leadership Germantown, subsequently serving on the Board of Directors from 1998-2000 and as Chairman in 1999; and

WHEREAS, he has received multiple awards throughout a distinguished career in the private sector where he is the principal owner of Corporate Benefit Management Group, a past recipient of the Germantown Hometown Hero Award and the Germantown Area Chamber of Commerce Small Business of the Year,

Now, therefore, I, Mike Palazzolo, Mayor of the City of Germantown, Tennessee, on behalf of the Board of Mayor and Aldermen, the citizens of Germantown and City personnel, wish to recognize Dave Klevan on his record of service during his term of office and express our heartfelt appreciation to him for his dedication to our community and do hereby proclaim Monday, December 12, 2016 as

DAVE KLEVAN DAY

in the City of Germantown and express great appreciation for his selfless public service to the citizens of this community.

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Economic Development Director Cameron Ross extended his appreciation to Alderman Klevan and presented him with a plaque on behalf of the Economic and Community Development department and its supporting commissions.

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder