

BOARD OF MAYOR AND ALDERMEN

August 26, 2013

A regular meeting of the Board of Mayor and Aldermen was held on Monday, August 26, 2013 at 6:00 p.m. in the Council Chambers of the Municipal Center.

Mayor Sharon Goldsworthy was present and presiding.

The following Aldermen were present: Greg Marcom, John Drinnon, Mike Palazzolo, Forrest Owens and Rocky Janda. Staff present: Patrick Lawton, Debra Wiles, George Brogdon, Andy Pouncey, Tim Gwaltney, Chief John Selberg, Chief Richard Hall, Pam Beasley, Reynold Douglas, Butch Eder, Ralph Gabb, Paul Chandler, Susan Hopson and Dotty Johnson.

Call to Order

Mayor Goldsworthy called the meeting to order at 6:00 p.m.

Invocation

Finance Director Ralph Gabb gave the invocation.

Pledge of Allegiance

Alderman Rocky Janda led the Pledge of Allegiance.

Approval of Agenda

During the Executive Session the Board discussed moving the following to the consent agenda:

#12 – Access Together Agreement

#15 – CEI Contract Supplement – Wolf River Blvd.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to approve the agenda as amended.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens –yes, Janda–yes. Motion approved.

Approval of Minutes

There were no corrections or additions to the minutes.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to approve the minutes of the Board of Mayor and Aldermen Meeting held August 12, 2013, and the Special Called Meeting held August 19, 2013.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens –yes, Janda–yes. Motion approved.

Citizens to be Heard

No one came forward to speak.

Public Hearing – Ordinance 2013-11 – Amendment to Chapter 9 – Environmental Ordinance and Chapter 22 – Vegetation Ordinance – Second Reading

Neighborhood Services Manager Joe Nunes came forward and explained that the amendment to this ordinance would reduce the amount of time from ten to five days after the effective date of the notice to remove rubbish and/or cut grass/vegetation. The ordinance updates the notice requirements so that notice may be given by personal service or first-class mail with proof of mailing.

In the event the City incurs expenses related to the cleaning or cutting of these lots, the ordinance requires the recording of a lien on the property for the costs incurred, plus the cost of filing the lien and a \$100.00 administrative fee.

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A discussion followed on how to recover monies on properties that are vacant and in foreclosure and the City has to absorb the costs related to the cutting of the lot.

Mayor Goldsworthy opened the public hearing. Having no one come forward, the public hearing was closed.

Motion by Mr. Janda, seconded by Mr. Marcom, to adopt Ordinance 2013-11 on second reading.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens –yes, Janda–yes. Motion approved.

Resolution 13R07 – Initial Authorizing Bond Resolution

Finance Director Ralph Gabb explained that the City utilizes proceeds from selling long-term debt to finance capital improvements projects that add to or replace the public infrastructure. Bond financing for drainage and roadway projects is included in the FY14 budget.

The City proposes to issue up to \$3,500,000.00 of General Obligation Bonds, Series 2013 to provide financing for capital improvements projects that are planned in the current fiscal year. These bond-funded capital improvements include, but are not limited to, improvements to and stabilization of various drainage laterals, construction of a new roadway to the Farm Park, and the extension of the Greenway along Wolf River Blvd.

This resolution puts into motion the initial authorizing that permits the City of Germantown to issue up to \$3,500,000.00.

Motion by Mr. Marcom, seconded by Mr. Drinnon, to approve Resolution 13R07 authorizing the issuance of up to \$3,500,000.00 General Obligation Bonds, Series 2013, of the City of Germantown, Tennessee pursuant to state law under Title 9, Chapter 21, Tennessee Code Annotated, for the purpose of financing cost of public works projects related to the City’s greenways, its roadways and its stormwater drainage systems and to direct staff to publish the prescribed notice about this resolution in a newspaper having general circulation in the City.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens –yes, Janda–yes. Motion approved.

Resolution 13R08 – Authorizing Resolution for General Obligation Bond

Mr. Gabb stated this resolution authorizes the execution, per term, issuance, sale and payment of the amount not to exceed \$3,500,000.00 of General Obligation Bonds.

As part of this issue process, Public Financial Management, Inc. assists the City with preparing the bond sale documents, arranging the ratings agency reviews, contacting potential bond purchasers and directing the competitive bid process for obtaining favorable market interest rates. Bond counsel Adams and Reese LLP, of Nashville, TN will provide the specialized legal expertise required for issuing public debt and complying with applicable security laws.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to approve Resolution 13R08 authorizing the execution, terms, issuance, sales, and payment of not to exceed \$3,500,000.00 General Obligation Bonds, Series 2013, of the City of Germantown, Tennessee pursuant to state law under Title 9, Chapter 21, Tennessee Code Annotated, for the purpose of financing the costs of public works projects related to the City’s greenways, its roadways and its stormwater drainage system, subject to the terms and interest rate limitations specified therein.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens –yes, Janda–yes. Motion approved.

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Resolution 13R09 – Authorizing Resolution for Refunding Bonds

Mr. Gabb stated the City proposes to refinance up to \$5.8 million of its existing debt of the General Obligation Bond, Series 2005. Due to current market conditions and favorable bond interest rate, the refunding of the older bonds will generate debt service savings over the remaining life of the original bonds.

Motion by Mr. Palazzolo, seconded by Mr. Owens, to approve Resolution 13R09 authorizing the City of Germantown to issue up to \$5,570,000.00 of General Obligations Bond to refinance currently outstanding debt at more favorable interest rates, pursuant to state law under Title 9, Chapter 21, Tennessee Code Annotated.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens –yes, Janda–yes. Motion approved.

Ordinance 2013-12 – Amendment to TOSHA Plan – First Reading

Human Resources Director Susan Hopson stated the City is required to maintain an approved Plan of Operation for the Occupational Safety and Health Program for all employees. This ordinance amendment is to ensure that an updated plan is on file with OSHA and also available for employees to review. It is important to outline the processes the City will follow to ensure it is in compliance with relevant laws and safety practices.

Motion by Mr. Owens, seconded by Mr. Drinnon, to adopt Ordinance 2013-12 on first reading and set October 14, 2013 for second reading and public hearing.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens –yes, Janda–yes. Motion approved.

Access Together Agreement – Moved to Consent

Project Partnership Agreement – Dept. of Army – Lateral D Culvert

Lateral D is an earthen drainage ditch located in northeast Germantown and a tributary of the Wolf River. CIP Manager Butch Eder explained since the completion of the Wolf River Channelization Project by the Corps of Engineers in 1964, the Wolf River has experienced an enormous amount of channel bottom lowering and head-cutting up adjacent tributaries including Lateral D. This bank and stream bed erosion is threatening the box culvert at Farmington Boulevard and a major sewer line.

This is a Partnership Agreement with the Department of the Army to fund the construction of improvements on Lateral D at the box culvert under Farmington Blvd. with the City's share being \$335,600.00. Once approved, the Corps of Engineers will finalize the plans & specifications and bid the project for construction. The City's share of \$335,600.00 includes an \$18,600.00 credit for lands, easements and right-of-way.

Motion by Mr. Marcom, seconded by Mr. Drinnon, to authorize the Mayor to enter into a Partnership Agreement with the Department of Army to fund the construction of improvements on Lateral D at the box culvert under Farmington Boulevard with the City of Germantown's share being \$335,600.00.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens –yes, Janda–yes. Motion approved.

Feasibility Cost Sharing Agreement – Dept. of Army Lateral D Sewer Crossing

Mr. Eder explained that during the feasibility phase of the Sanitary Sewer Crossing Project, it was determined that the cost to complete the feasibility study would be \$140,000.00. This exceeded the \$100,000.00 limit under Section 14 resulting in a cost to the City of \$20,000.00. The City's participation in the Cost Sharing Agreement will allow the Corps of Engineers to complete the feasibility and design phase and prepare construction documents to bid the Lateral D Sewer Crossing Project.

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Motion by Mr. Marcom, seconded by Mr. Palazzolo, to authorize the Mayor to enter into a Cost Sharing Agreement with the Department of Army to complete a feasibility study for reducing the threat of damage to the sanitary sewer siphon caused by bank and streambed erosion on Lateral D with the City of Germantown's share being \$20,000.00 and to approve Budget Adjustment Number 14-07.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens –yes, Janda–yes. Motion approved.

Mayor Goldsworthy commented this project took place with a lot of perseverance and patience on staff's part to bring these projects forward so that the entire burden of the costs of correcting the problems on this ditch are not borne by the people of Germantown. She commended staff on this project.

CEI Contract Supplement – Wolf River Blvd. – Moved to Consent

CONSENT

PEG

Comcast remitted \$50,894.54 and AT&T remitted \$12,280.89 for the fourth quarter of FY13. Comcast and AT&T have a state contract to provide cable services to the residents of the City. The PEG access fees are remitted to the City quarterly who in turn remits the money to the designated PEG station, Germantown Community Television Foundation.

MOTION: To approve the transfer of funds in the amount of \$63,175.43 which was received from Comcast and AT&T to the designated PEG station Germantown Community Television Foundation and approve Budget Adjustment Number 13-145.

Office Furniture - GPAC

GPAC staff offices are located in five small areas within the venue. There are multiple employees working in close quarters in every location. The original venue was designed with only three employees expected to have a desk and work area. This change will move three employees to an area that is ADA compliant.

MOTION: To approve the purchase of office furniture from Business Interiors by STAPLES in the amount of \$14,147.62, and declare the replaced furniture as surplus.

Uniforms – Fire Department

There are 77 full-time fire fighters and 32 reserves who receive annual uniform allotments. Fire Department employees will be able to purchase their uniforms from the approved vendors based on their individual allotments.

MOTION: To purchase Fire Department uniforms and accessories from CMS Uniforms, Shapiro Uniforms and Midsouth Solutions based on quoted prices for September 1, 2013 through August 31, 2014 in amounts not to exceed the Department's annual uniform budget.

Access Together Agreement – Moved from Reg. Agenda

This is a one-year Access Together Agreement between Shelby County Schools, the City and the Germantown Community Television Foundation and to appropriate this year's funding of \$125,000.00. The most recent Access Together Agreement, approved by the Board in 2010, expired June 30 of this year.

MOTION: To authorize the Mayor to execute the Access Together Agreement between the City of Germantown, Shelby County Schools and the Germantown Community Television Foundation and to appropriate to the Germantown Community Television Foundation the annual PEG service fee for FY14 in the amount of \$125,000.00.

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CEI Contract Supplement – Wolf River Blvd. – Moved from Reg. Agenda

There were two issues that arose near the completion of Wolf River Blvd. that resulted in the contractor justifiably requesting a 51 day time extension. Those issues were related to poor soil conditions at the western end of the project near Kimbrough and a guardrail issue at the bridge approach end terminals. Due to this time extension, the CEI contract needs to be extended to September 20, 2013. The fee proposal is \$44,757.75 for the 51 additional days. This supplement is 80% reimbursable.

MOTION: To approve a \$44,757.75 supplement to the Professional Services Agreement with Smith Seckman Reid, Inc. increasing the contract amount from \$3,159,161.55 to \$3,203,919.30 for Construction Engineering and Inspection Services related to the Wolf River Boulevard project.

Motion by Mr. Janda, seconded by Mr. Marcom, to accept the consent agenda as amended.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens -yes, Janda–yes. Motion approved.

ADJOURNMENT

There being no further business to be brought before the Board, the regular meeting was adjourned.

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder