

## **BOARD OF MAYOR AND ALDERMEN**

August 12, 2013

A regular meeting of the Board of Mayor and Aldermen was held on Monday, August 12, 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, Assistant Fire Chief Jeff Beaman, Chief Richard Hall, Pam Beasley, Reynold Douglas, Butch Eder, Ralph Gabb, Bo Mills, Paul Chandler, Lisa Piefer, Susan Hopson and Dotty Johnson.

### **Call to Order**

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

### **Invocation**

Parks and Recreation Director Pam Beasley gave the invocation.

### **Pledge of Allegiance**

Alderman Forrest Owens led the Pledge of Allegiance.

### **Approval of Agenda**

During the Executive Session the Board discussed moving the following to the consent agenda: Item #11 (Well Field Maintenance), #12 (Eastbridge Ditch Repair) and #13 (Devonshire Gardens PUD Project Closeout).

Motion by Mr. Drinnon, seconded by Mr. Janda, 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. Marcom, to approve the minutes of the Board of Mayor and Aldermen Meeting held July 22, 2013, and the Special Called Meeting held August 5, 2013.

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

### **Citizens to be Heard**

Paige Michael, 9096 Longwood Lane, came forward to thank the Board for approving the renovation project at Farmington Park.

Danny Messengill, 8699 Cumbernauld Circle South, asked if something could be done about the drainage problem on his street.

James Dale, 8709 Cumbernauld Circle South, was concerned with the drainage around his house.

Richard Salter, 2498 Cedar Dale Dr., stated the trash pickup in his area was really bad. They were not consistent with weekly pickup and had skipped two weeks at varied times. He was also concerned with the cell service on his cellular phone along Dogwood between Kimbrough and Forest Hill-Irene Rd.

### **BEER BOARD**

The Mayor recessed the Board of Mayor and Aldermen meeting and convened the Board as a Beer Board.

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**Public Hearing – Petra Café – New Owners – O’Zhoricks, LLC – 6641 Poplar Ave.**

City Administrator Patrick Lawton stated there was a change in ownership of this establishment and the new owner was requesting a permit to sell beer for on-premise consumption. The police report had nothing to discredit Mr. Aman.

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

Motion by Mr. Marcom, seconded by Mr. Owens, to approve the request from Anwar Aman for a permit to sell beer for on-premise consumption at The Petra Café located at 6641 Poplar Ave.

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

Mayor Goldsworthy then declared the Beer Board adjourned and reconvened the Board of Mayor and Aldermen.

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**Ordinance 2013-8 – Revoke Ordinance 2012-11 Establishment of a Municipal School Board – Second Reading**

Mr. Lawton stated that in May 2012 the Board of Mayor and Aldermen adopted an ordinance authorizing the creation of a municipal school board for the City of Germantown. That action was ruled unconstitutional by a federal judge in November of 2012.

The Board must now consider this Ordinance 2013-8 that revokes this previous action of the Board. This public hearing, scheduled for August 19, 2013, is also the third and final reading on this ordinance.

A federal judge declared unconstitutional previous action by the Tennessee Legislature authorizing the establishment of municipal school systems. The Board must now take the appropriate action and revoke the previous action of the Board.

Motion by Mr. Marcom, seconded by Mr. Owens, to approve on second reading Ordinance 2013-8, an ordinance to revoke Ordinance 2012-11.

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

**Ordinance 2013-9 – Ordinance Establishing a Municipal School Board – Second Reading**

Mr. Lawton explained that for the past several years the Board of Mayor and Aldermen and the City administration had been working toward the establishment of a municipal school district. On July 16, 2013 the residents of Germantown voted overwhelmingly to create this district and these results have now been certified by the Election Commission.

The next action before the Board is consideration of an ordinance establishing the school board. This ordinance accomplishes this task. The ordinance is consistent with state law and the State Board of Education rules and regulations. This action can only be initiated by the Board of Mayor and Aldermen.

The ordinance also requests the Election Commission to set November 7, 2013 as the election date for school board members.

This ordinance will establish a school board consisting of five members, elected at-large. The ordinance also addresses candidate qualifications and specifies the length of terms for each member.

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Motion by Mr. Janda, seconded by Mr. Drinnon, to approve on second reading Ordinance 2013-9, an ordinance to add to Chapter 2, a new Article IX – Schools, to the Code of Ordinances of the City of Germantown to establish a municipal school board and to submit the election of members of the municipal school board to the qualified voters of the City of Germantown on November 7, 2013 or an election to be held on some other appropriate date.

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

**Ordinance 2013-10 –Rezoning of the Southeast Corner of Wolf River and Kimbrough Rd.**

Alderman Marcom recused himself from hearing this item and left the podium.

Economic and Community Development Director Andy Pouncey stated this was the third and final reading for the rezoning of this 2.7 acre parcel to the “O” Office district. The property is located at the southeast corner of Wolf River Blvd. and Kimbrough Rd. The developer intends to build two buildings in the area and there had been no changes since the public hearing.

Motion by Mr. Owens, seconded by Mr. Palazzolo, to approve on third reading the zoning from the “R-T” Multi-family District to the “O” Office District of 2.7 acres, located on the southeast corner of Wolf River Blvd. and Kimbrough Rd.

ROLL CALL: Marcom–recused, Drinnon–no, Palazzolo-yes, Owens -yes, Janda–yes. Motion approved.

Alderman Marcom returned to the podium.

**Well Field Maintenance – MOVED TO CONSENT**

**Eastbridge Ditch Repair – MOVED TO CONSENT**

**Devonshire Gardens PUD Project Closeout – Private to Public Infrastructure Conversion – MOVED TO CONSENT**

Alderman Marcom recused himself from hearing this item.

**Construction Contract – Farmington Park Field Renovations**

Public Services Director Bo Mills stated this was a construction contract for the Farmington Park Field Renovations. In 2006, the east field of Farmington Park was graded and irrigated but the west field was designated as a practice field and the improvements were not included. Due to age and frequent usage, the west field is in need of laser grading soil remediation, drainage improvements, installation of an irrigation system and Bermuda sod. Ambassador Construction Co. was the low bid at \$106,000.00.

Mr. Mills stated a pre bid meeting was held at the field on July 19, 2013 and eleven contractors attended. There were three qualified bids received. The low bid was from Ambassador Construction Co. Because the growing season is very short, the contractor has been notified they must have sod down and growing by September 13.

Motion by Mr. Palazzolo, seconded by Mr. Marcom, to enter into a construction contract with Ambassador Construction Co. for the Farmington Park Field Renovations in the amount of \$106,000.00.

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

**Stable Renovation Project**

Parks and Recreation Director Pam Beasley stated this is a partnership agreement with the Germantown Charity Horse Show.

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The Germantown Charity Horse Show has been a key stakeholder in the master planning process for the Farm Park and has recently approached staff with an interest in providing some type of contribution to the Park. The decision was made to offer to provide the resources needed (materials, labor and supervision) to complete the renovation of the stable building as a gift to the City.

The original cost estimate provided to the City when information was collected from the design team on phase II exceeded \$250,000.00. With much “sweat equity” from volunteers and the Charity Horse Show and their ability to partner with other local contractors who also share an interest in the project and want to do their part to contribute, the City will have a multi-purpose building, built with private funds.

Ms. Beasley recognized the Charity Horse Show’s project manager on the renovation of the stable, Mr. George McGaha.

Mr. McGaha came forward and stated the Horse Show Board had intended to attend this meeting but they had their regular meeting scheduled so he was representing the Board. He stated that Bobby Lanier was a long-time member of the Board and was a corner stone in getting things done for the Horse Show. Over the years, the City has done so much for the Horse Show and they want to give back. He elaborated on things the City had done for the Horse Show and what was now being done with the stable building.

Alderman Palazzolo stated as liaison to the Parks and Recreation Commission and on their behalf, he expressed his appreciation to Mr. McGaha, the Horse Show Board and all the volunteers for all their work.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to authorize the Mayor to enter into a partnership agreement with the Germantown Charity Horse Show authorizing their organization to renovate the stable building at the Bobby Lanier Farm Park as a gift to the City.

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

### **LSSI Contract Renewal**

Community Services Division Director George Brogdon stated this agenda item would extend the contract with LSSI for twelve months to operate the Germantown Community Library and Germantown Regional History and Genealogical Center.

The present agreement with LSSI to manage the Germantown Community Library expires in July, 2013. The contract allows for three separate 12-month extensions with the City, at the City’s discretion. This action will serve as notice to LSSI that the City will execute the option to use the second 12-month extension commencing in July 2013 and ending in July 2014. The extension amount is \$1,211,541.00, which reflects a 3% increase over the expiring contract and includes \$212,803 for materials acquisitions.

In response to a question from Alderman Drinnon, Mr. Brogdon stated the Book Store is operated by the Friends of the Germantown Community Library and generates between \$20,000.00 to \$40,000.00 through sales and other events. The money is then given back to the library for various activities.

Motion by Mr. Drinnon, seconded by Mr. Marcom, to authorize the Mayor to enter into an agreement to extend the present contract for library services with LSSI for 12 months, effective until July 2014 and to approve a proposed amendment of the contract.

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

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**CONSENT**

**Annual Maintenance Fee - TDEC**

This is for the State Facility Maintenance Fee that was established by the Water Quality Control Board. The City qualifies as a community water system with the maintenance fee based upon the number of service connections. The amount is \$16,811.60.

MOTION: To authorize payment to TDEC in the amount of \$16,811.60 for the State Facility Maintenance Fee as established by the Water Quality Control Board.

**Recognition of Donation – Parks & Recreation Dept.**

The Germantown Woman’s Club has recently donated \$1,100.00 to the Parks and Recreation Department with a request that \$600.00 be used for Special Recreation and \$500.00 be used for the Farm Park.

MOTION: To recognize two donations from the Germantown Woman’s Club made to the Parks and Recreation Department totaling \$1,100 and to approve Budget Adjustment No. 14-04.

**Professional Services Agreement – FY14 On-Call Engineering Services**

Kimley-Horn & Associates, Inc. has provided excellent on-call service for the City since 2006 and staff would like to continue that relationship by renewing the contract through FY14 for an amount not to exceed \$20,000.00.

MOTION: To approve an On-Call Professional Services Agreement with Kimley-Horn & Associates, Inc. in an amount not to exceed \$20,000.00.

**Resolution 13R10 – Safety Partner Grant**

This resolution is for a grant program offered by the City’s insurer, which provides up to 50% of the cost for safety related purchases in fiscal year 2014. Germantown is eligible to receive up to the maximum \$2,000.00 from the limited grant funds available. The Fire Department intends to purchase gas detection devices that provide a personal monitoring system for our firefighting personnel when they enter a building after a fire is mostly extinguished.

MOTION: To approve Resolution 13R10, allowing for the City’s participation in the TML Risk Management Pool “Safety Partners” Loss Control Matching Grant Program for FY14.

**Appointment to Historic Commission**

Ms. Elizabeth Riggins, a citizen of Germantown, has applied to fill a vacancy on the Historic Commission

MOTION: To approve the appointment of Ms. Elizabeth Riggins to the Historic Commission.

**Well Field Maintenance – Moved from Reg. Agenda**

National Water Services, LLC was awarded a contract for the annual utility well and pump inspection and analysis. Their reports revealed areas of concern due to lack of water production on high service pump #2 at the Southern Ave. Water Plant and well #3 and #10 at the Johnson Road Water Plant. The pumps were pulled and it was discovered that several internal parts were in need of repair or replacement prior to reinstallation at the well sites.

Due to the reduction of pumping capabilities and the seasonal impact of well production and distribution decline at the highest consumption volume time for our customers, staff is requesting the award of a repair contract to National Water Service to make the necessary repairs and to reinstall the pump and wells. The cost of the repairs is \$73,171.00.

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MOTION: To contract with National Water Services, LLC for repairs to the city well fields in the amount of \$73,171.00.

**Eastbridge Ditch Repair- Moved from Reg. Agenda**

This project is necessary due to the failure of three existing concrete drainage walls in the Eastbridge Ditch, Lateral "F". Authorization is requested to contract with Hamilton-Elles, Inc. for the repairs to a 61' section and to a 30' section of concrete ditch wall in the amount of \$60,580.00.

MOTION: To contract with Hamilton-Elles, Inc. for the repairs to a 61' section and a 30' section of concrete ditch wall on the Eastbridge Ditch in the amount of \$60,580.00 and to approve Budget Adjustment No. 14-03.

**Devonshire Gardens PUD Project Closeout – Private to Public Infrastructure Conversion – Moved from Reg. Agenda**

Alderman Marcom recused himself from voting on this agenda item.

This is the final closeout of the Devonshire Gardens Infrastructure Project related to street repairs within the development. The final accounting resulted in a \$55,428.94 decrease in the contract amount bringing the actual cost of the project to \$333,492.41. Based on the funding agreement between the Homeowners Association and the City, the cost savings is shared with the total amount due the Homeowners Association - \$16,048.79 and the total amount due the City - \$39,380.15.

MOTION: To approve the final closeout of the Devonshire Gardens Infrastructure Project including a refund of \$16,048.79 to the Devonshire Gardens Home Owners Association (HOA) related to street repairs within the development and approval of Budget Adjustment No. 14-06.

Motion by Mr. Drinnon, seconded by Mr. Owens, to accept the consent agenda as amended.

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

Alderman Drinnon made a motion for the record to reflect that the Board wants to commend the Mayor and administration for their leadership in regard to the ambulance service. Seconded by Mr. Marcom.

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.

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Sharon Goldsworthy, Mayor

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Dotty Johnson, City Clerk/Recorder