

BOARD OF MAYOR AND ALDERMEN

October 28, 2013

A regular meeting of the Board of Mayor and Aldermen was held on Monday, October 28, 2013 at 6:00 p.m. in the Council Chambers of the Municipal Center.

Vice Mayor Greg Marcom was present and presiding.

The following Aldermen were present: Greg Marcom, John Drinnon, Mike Palazzolo, Forrest Owens and Rocky Janda. Mayor Goldsworthy was absent. Staff present: Debra Wiles, George Brogdon, Tim Gwaltney, Bo Mills, Susan Hopson, Chief John Selberg, Chief Richard Hall, Pam Beasley, Reynold Douglas, Butch Eder, Ralph Gabb, Paul Chandler, Lisa Piefer and Dotty Johnson.

Call to Order

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

Vice Mayor Marcom noted that the Mayor and City Administrator Patrick Lawton were attending a Shelby County School Board meeting representing our City's interests in the on-going school negotiations with that Board. He personally thanked the Mayor, Patrick and staff for all their hard work and dedication in dealing with the efforts of creating a municipal school district in Germantown.

Invocation

Community Services Division Director George Brogdon gave the invocation.

Pledge of Allegiance

Alderman Forrest Owens led the Pledge of Allegiance.

Approval of Agenda

During the executive session the Board had agreed to move the following agenda items to the Consent Agenda:

Item #11 – Contract Extension – Street Sweeping

Item #14 – Debris Collector Purchase

Item #15 – Turf Vacuum Purchase

Item #16 – Excavator Purchase

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. Janda, seconded by Mr. Drinnon, to approve the minutes of the Board of Mayor and Aldermen meeting October 14, 2013.

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

Recognition of Donation – Suburban Garden Club

Mr. Brogdon stepped forward and asked Patty Brigance, Liz Thomas, Wilson Jones and Jacque Clift to come forward. He stated that the Suburban Garden Club began beautifying the area north of the Germantown Community Library by building the beautiful stone fountain and since has gradually landscaped the area to bring it to the wonderful splendor it is today. The Club has donated \$1,075.00 to purchase another park bench for the area. The Club has already purchased benches for the area and is adding additional benches for library and park users to enjoy a relaxing place to read, enjoy nature, enjoy the natural beauty or view the fabulous fountain.

Board of Mayor and Aldermen

October 28, 2013

Page 2

Ms. Brigrance stated it was their pleasure to enhance the park area for the City. She stated the City crews were incredible and had worked very hard to help. They said an extra thank you to Kenny Wright for his very hard work.

Motion by Mr. Owens, seconded by Mr. Janda, to approve a donation from the Suburban Garden Club in the amount of \$1,075.00 to purchase a park bench for the Germantown Community Library and to approve Budget Adjustment 14-25.

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

Beautification Commission Business Award

Alderman Forrest Owens stepped down from the dais to present the Beautification Business Award to Verizon Wireless for the month of October. Mr. Kyle Wiggins from the Beautification Commission presented Mr. Jeff Castner, representative from Verizon Wireless, with the award for the month of October.

Citizens to be Heard

Mr. David Braun, 4983 Lake Valley Cove, Memphis, came forward and asked the City be more lenient on the estate sale signage. They are not allowed to put up these professionally made signs. He stressed they are not yard sale signs or garage sales and feel they should be allowed to put them up.

Ordinance 2013-12 – Amendment to OSHA Plan – Third and Final Reading

Human Resources Director Susan Hopson stated this ordinance provides guidelines and procedures for implementing the Occupational Safety and Health Program (OSHA) for the employees of the City. The City's plan for providing a safe work environment, as well as how it will handle accidents and unsafe situations, are outlined in the document. This amendment will ensure that an updated plan is on file with OSHA and also available for employees to review as required by law.

Motion by Mr. Janda, seconded by Mr. Drinnon, to adopt Ordinance 2013-12 on third and final reading.

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

Ordinance 2013-13 – Smart Code – Second Reading

Chief Planner Wade Morgan stated on September 23, 2012, the Board approved the Economic Development Strategic Plan which developed nodes, and with an approved small area plan – districts, for the five non-residential areas in the City. This ordinance will replace the original Smart Growth Code for the Central Business District, making it applicable to all five non-residential districts upon adoption of a Small Area Plan.

Motion by Mr. Owens, seconded by Mr. Janda, to approve Ordinance 2013-13 – the “Smart Code” on the second reading, deleting the original Smart Growth Code (Art. 7, Chapter 23) of the City's Code of Ordinances, replacing it in its entirety with the Smart Code, and making it applicable to all five non-residential districts upon adoption of a Small Area Plan, per the Economic Development Strategic Plan adopted September 24, 2012.

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

Contract Extension – Street Sweeping – Moved to Consent

Property and Casualty Insurance Renewal

Procurement Director Lisa Piefer stated after completing the review and update process of all the City's property, worker's compensation and liability information, staff submitted to TML Risk Management Pool the 2013/2014 Policy Year Renewal. This year's TML Pool Insurance Total premium of \$788,692.00 and represents an overall 2.5% increase over last year's total. Our budget was \$866,000.00 for this year.

Board of Mayor and Aldermen

October 28, 2013

Page 3

All the insurance policies represented have been placed by McDonnell Insurance, Inc., a local business insurance consulting and brokerage services that represents the TML risk Management Pool. McDonnell Insurance, Inc. will receive agent commissions of \$44,718.00 for the placement of these insurance policies.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to approve the renewal of insurance coverage and payment of premiums (less the related dividends) to TML Risk Management Pool for property, workers compensation and general liability policies.

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

Approval of Warrants for the Somerset Subdivision

Chief Planner Wade Morgan explained that Warrants are deviations from the strict requirements of the Smart Growth districts and must be approved by both the Planning Commission and the Board of Mayor and Aldermen. The subdivision is located on the northeast corner of Exeter Rd. and Neshoba Rd. Warrant 1 will allow a 15 foot minimum front building setback on Lots 5 – 18; Warrant 2 will allow a minimum side yard setback of 3.5 feet on Lots 5 – 18, with a further provision that the total of both side yard setbacks equals a minimum of 12 feet; Warrant 3 will allow Lots 1 – 22, and 43 to have side-loaded garages, which is a location other than within the “Third Lot Layer”; and Warrant 4 will allow Lots 1 – 5 to have a 35 foot building setback from the existing “R” zoning district.

In response to a question from Alderman Drinnon, Mr. Morgan stated the Planning Commission had unanimously approved the landscape plans.

Alderman Owens commended the surrounding property owners, staff and developers for truly coming together in a sense of cooperation. The plan had changed a few times to accommodate all.

Motion by Mr. Owens, seconded by Mr. Palazzolo, to approve warrant number 1, to allow a 15 foot minimum front building setback on Lots 5 through 18.

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

Motion by Mr. Owens, seconded by Mr. Palazzolo, to approve warrant number 2, to allow a minimum side yard setback of 3.5 feet on Lots 5 through 18, with a further provision that the total of both side yard setbacks equals a minimum of 12 feet.

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

Motion by Mr. Owens, seconded by Mr. Palazzolo, to approve warrant number 3, to allow Lots 1 – 22, and 43 to have side-loaded garages, which is a location other than within the “Third Lot Layer”.

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

Motion by Mr. Owens, seconded by Mr. Palazzolo, to approve warrant number 4, to allow Lots 1 through 5 to have a 35 foot building setback from the existing “R” zoning district.

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

Debris Collector Purchase – Moved to Consent

Turf Vacuum Purchase – Moved to Consent

Excavator Purchase – Moved to Consent

CONSENT

Overtime Reimbursement – Police Department

This is overtime reimbursement from the Federal Department of Justice (\$10,243.94), and the Shelby County Government (\$1,126.50) to the Germantown Police Department. The overtime the officer receives is deducted from the Police Department Overtime Wages line item throughout the year. The reimbursement will be placed back into the Police Department Overtime Wages line through the budget adjustment.

MOTION: To recognize overtime reimbursement from the Federal Department of Justice the Department of Homeland Security and The Shelby County Government and to approve Budget Adjustment 14-19.

IBM Server and Tape Drive Maintenance Renewal Payroll Budget Transfer

The expiring contract covers the server in use in the Police Department/Court Clerk areas, the tape drive used to provide backup tapes for the server, as well as the Police IBM messaging switch used to connect Police MDTs to the iSeries server. Staff is recommending entering into a 24-month agreement for the iSeries server, tape drive and message switch in the amount of \$32,801.00.

MOTION: To authorize the Mayor to enter into a contract with Dynamix Group, Inc. in the amount of \$32,801.00 for a 24-month maintenance contract and declare the old IBM iSeries server as surplus.

Purchase – Basketball Jerseys

The Parks and Recreation Department provides team jerseys for the youth basketball program. The program includes approximately 400 boys and girls, ages 7 to 17 years old. The low bid was BSN sports and will not exceed \$12,022.00.

MOTION: To authorize the purchase of boys and girls basketball uniforms from BSN Sports in an amount not to exceed \$12,022.00.

Contract Extension – Street Sweeping – Moved from Regular Agenda

This is the final year of a three year agreement that ends on October 31, 2013. This contract extension will exercise the first extension period of the contract and represents a 1.17% increase from last year's agreement per the specified bid amount.

MOTION: To exercise the City's option to extend the sweeping services contract with Sweeper Corporation of America for a twelve (12) month period in an amount not to exceed \$183,549.00.

Debris Collector Purchase – Moved from Regular Agenda

This debris collector is a self-contained trailer mounted machine and is used to remove leaves and debris from storm drains, city streets and other City owned properties requiring landscaping maintenance. The cost of the unit is \$36,678.50.

MOTION: To approve the purchase of a 2013 ODB Trailer Mounted Vacuum Debris Collector Model SCL800TM25 from Old Dominion Brush Company in the amount of \$36,678.50 and declare unit 935, a 1994 Tarrant Debris Collector as surplus property.

Turf Vacuum Purchase - Moved to Regular Agenda

This turf vacuum is a power take off driver trailer mounted machine with a 6.5 cubic yard capacity and is used to remove leaves and debris from athletic fields, greenway and various park areas with limited access. Authorization is requested to declare unit 8388, a 2002 Agrimetel TV 5000P, as surplus property. Cost of the machine is \$21,169.57.

MOTION: To approve the purchase of a 2013 Toro Versa Vacuum from Jerry Pate Turf & Irrigation in the amount of \$21,169.57 and declare asset number 8388, a 202 Agrimetel TV5000P, as surplus property.

Board of Mayor and Aldermen

October 28, 2013

Page 5

Excavator Purchase – Moved from Regular Agenda

This compact excavator is a replacement to be used by all departments that require extended depth excavation. This machine is used for stormwater, sewer and water maintenance. Cost of this machine is \$105,486.09.

MOTION: To approve the purchase of a 2013 Caterpillar 308E CR Excavator from Thompson Machinery in the amount of \$105,486.09 and declare unit 724, a 2003 Terex Backhoe, as surplus property.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to accept the consent agenda as presented.

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