

BOARD OF MAYOR AND ALDERMEN

March 10, 2014

A regular meeting of the Board of Mayor and Aldermen was held on Monday, March 10, 2014 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, Rocky Janda and Forrest Owens. Staff present: Patrick Lawton, Debra Wiles, George Brogdon, Tim Gwaltney, Bo Mills, Susan Hopson, Chief John Selberg, Deputy Chief Rodney Bright, Cathryn Perdue, Lisa Piefer, Wade Morgan, Pam Beasley, Reynold Douglas, Cameron Ross, Butch Eder, Ralph Gabb 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 Forrest Owens led the Pledge of Allegiance.

Approval of Agenda

During the Executive Session, the Board agreed to move #11 – Repair Well #8-Southern Avenue, #16 – Purchase of Five Mobile Vision In-car Video Systems and #17 – GMSD Computer Purchase, and to defer #13 – Ord. 2014-4 – Western Gateway on third and final reading.

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 was one correction noted in the executive session, a misspelling of a person's name.

Motion by Mr. Janda, seconded by Mr. Owens, to approve the minutes of the Board of Mayor and Aldermen meeting held February 27, 2014 as amended.

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

Citizens to be Heard

Attorney Perry Craft of 211 Danielson Pk, Nashville, TN came forward and spoke on behalf of CK Masonry in regard to the manhole rehabilitation.

Kurt Koehn of 1520 Tyne Blvd, Nashville, TN stated that his product was offered at a price much less than the favored bid. He stated his bid was rejected for three reasons which he believes were not performance based. He went on to explain the reasons why his project was rejected which he felt was not justified.

Danny Warren of 18 Church St., Carver, MA came forward and gave some statistics on the different places that had used his product and the studies that had been done on the materials. Mr. Warren is the person who perfected this product.

BEER BOARD

Mayor Goldsworthy stated the Board of Mayor and Aldermen was now in recess and convened the Beer Board.

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Public Hearing – Beer Permit – Whole Foods

City Administrator Patrick Lawton explained that Whole Foods Market, Inc. had requested a beer permit for off-premise consumption for their new store to be located at 7825 US Highway 72. A background check had recently been completed on the store manager and nothing had been found to discredit the applicant.

Mr. Lawton stated the application was in compliance with the City code of ordinances and the administration recommended approval.

Alderman Marcom noted that on the application it stated for on-premise.

City Clerk Dotty Johnson stated she had not noticed and had taken for granted that it was for off-premise since it was for a grocery store and our ordinance does not permit an off and on premise permit. The Board decided to proceed and vote on the off-premise permit.

Mr. Joe Jarret, one of the developers representing Whole Foods, came forward and stated he thought it was their intention for on-premise.

Patrick Lawton stated the item before the Board was for off-premise, if it is something different, he recommended they bring it back to the Board.

Mayor Goldsworthy stated it would be within the Board's purview to consider the application as off-premise which is what the understanding has been with the assumption that there will be retail sale. If the applicant desires an on-premise then it will come back to the Board as a separate application.

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

Motion by Mr. Palazzolo, seconded by Mr. Janda, to approve the request from Jeffrey James Turngren, the Store Leader for Whole Foods Market Group, Inc. to be built at 7825 US Highway 72, for a permit to sell beer for off-premise consumption.

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

Mayor Goldsworthy adjourned the Beer Board and called the Board of Mayor and Aldermen to order.

BOARD OF MAYOR AND ALDERMEN

Resolution No. 14R04 – A Resolution by the City of Germantown to Amend Specific Provisions of its Private Act Charter

Mr. Lawton explained that during the strategic planning retreat in August 2013, the Board of Mayor and Aldermen expressed an interest in changing the residency requirement in regard to the appointment of the City Attorney. Currently Article VI Section 6.01 of the City's private act charter has a condition of appointment that the City Attorney must reside within the City of Germantown.

Because this is an amendment to the City's private charter issued by the State of Tennessee, it requires approval by the general assembly. Representative Mark White has agreed to sponsor this legislation on behalf of the City.

RESOLUTION 14R04

A RESOLUTION BY THE CITY OF GERMANTOWN TO AMEND SPECIFIC PROVISIONS OF ITS PRIVATE ACT CHARTER

WHEREAS, it appears that the interests of the City of Germantown, Tennessee will best be served by the Charter of the City is amended in the certain particulars:

NOW, THEREFORE, BE IT IS HEREBY RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN THAT:

The Honorable Mark White is hereby requested to introduce the following Act to the General Assembly of the State of Tennessee:

AN ACT to amend the Charter of the City of Germantown, Tennessee, being Chapter 87 of the Private Acts of Tennessee of 1985 and all acts amendatory thereto:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Article VI, Section 6.01 of the Charter of the City of Germantown, Tennessee is amended by deleting in its entirety the language of the paragraph thereof and replacing same with the following language:

The City Attorney shall be an attorney at law entitled to practice in the courts of the State of Tennessee.

SECTION 2. This act shall have no effect unless it is approved by two-thirds (2/3) vote of the City of Germantown Board of Mayor and Aldermen. Its approval or non-approval shall be proclaimed by the Mayor of the City of Germantown and certified to the Secretary of State.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

Adopted this 10th day of March, 2014.

Motion by Mr. Marcom, seconded by Mr. Owens, to adopt Resolution No. 14R04 – A resolution by the City of Germantown to amend specific provisions of its private act charter.

The Mayor noted that this amendment to our Charter would require at least four yes votes.

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

Sewer Manhole Rehabilitation

Procurement Director Lisa Piefer explained the bidding process they went through in order to get the bids and how they reached the conclusion.

Public Services Director Bo Mills explained that the City Sewer Division performs preventive maintenance and repairs on over 210 miles of sewer mains annually. The scope of this contract includes pre-flushing, visual inspection, an application of a polymer based polyurethane protective coating and the final inspection of the sewer manholes and wet wells identified in the bid. This process protects the walls from hydrogen sulfide and acid generated by microbiological organisms present in the wastewater by sealing the walls with a protective coating and repairing voids in the brick masonry structure.

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Mr. Mills stated that one must know the products, have an exposure to them and see it working, not to just go to tech shows but to actually see the product in action. He also stated that two years ago the City had done some rehabilitation of manholes and had asked C.K. Masonry to bring the product to the City and we even offered to cost share with the company so we could actually see what their product would do but we did not get the opportunity. Mr. Mills stated this was a \$300,000.00 contract and we cannot afford to be a testing site and we must have a product that we can trust to do the job.

The City received two qualified bids and CTR Utility Rehab, LLC met all the specification requirements and is the most responsive and responsible bidder.

In response to a question from Alderman Marcom, Mr. Mills stated in years to come there will be another manhole relining process at some point in time.

Motion by Mr. Owens, seconded by Mr. Palazzolo, to authorize the Mayor to enter into a rehabilitation service contract with CTR Utility Rehab, LLC in an amount not to exceed \$300,000.00 for the FY14 Sewer Manhole Rehabilitation Contract.

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

Southern Ave. Aeration Tower Refurbishment

Mr. Mills explained that the Southern Ave. Water Treatment Plant was opened in 1977. It was first a 6 million gallon per day plant. In 1980, it was expanded it to 12 million gallons. It has been the primary water treatment plant for 37 years. In 2009, the Board approved a contract to completely renovate this facility. The project was completed in 2011.

This is the next phase of the renovation at this site and this is for the standing aeration towers. The project intent due to the type of construction of these towers and their height, were found to be very vulnerable to seismic conditions. Allen & Hoshall was contracted in 2012 to design a replacement for these particular facilities. The Board rejected the bids last year after coming in over budget. After meeting with the contractors and design engineers, the consensus was to totally demolish both aeration towers and redesign the system with two enclosed induced draft aerator vessels similar to the system at the Johnson Road Treatment Plant.

After staff reviewed the four qualified bid submittals, the low bidder, Landmark Construction Company, is recommended. The main provisions for this contract were that the water plant must remain completely operational until October 1, 2014 when consumption historically drops due to seasonal change, and must be completed and restored to full capacity by April 15, 2015.

Motion by Mr. Marcom, seconded by Mr. Drinnon, to contract with Landmark Construction Company for the Southern Avenue Aeration Tower Refurbishment Project in the amount of \$929,000.00.

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

Repair Well #8 – Southern Ave. – MOVED TO CONSENT

Ordinance 2013-15 – Amendment to Section 3-116 (Alcoholic Beverages – Location of Establishments) Regarding Zoning Districts – Third and Final Reading

Chief Planner Wade Morgan stated there had been no change to the ordinance since the second reading. This ordinance will permit the liquor selling establishments to be permitted in SC-1 districts and the T-5 and T-6 districts also be a permitted district, subject to the approval of a warrant.

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Motion by Mr. Marcom, seconded by Mr. Owens, to approve on third reading Ordinance 2013-15, which will amend Section 3-116 (Alcoholic Beverages – Location of Establishments).

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

Ordinance 2014-4 – Western Gateway – Third and Final Reading – DEFERRED

Ordinance 2014-06 – Closure of a Portion of McVay Road – First Reading

Economic & Community Development Director Cameron Ross noted this is for the closure of the portion of McVay Road, north of North Street that is abutted on both sides by the Saddle Creek Shopping Center development. The Saddle Creek South PUD site plan proposes the closure of McVay Road as a public thoroughfare and the incorporation of the former right-of-way into Buildings W and S, access drives to those buildings and the detention area for the shopping center.

Motion by Mr. Owens, seconded by Mr. Palazzolo, to approve on first reading Ordinance 2014-06, which will close as a public street that portion of McVay Road north of North Street and abutting Lots 1, 2 and 3 of the Boyd Arthur Homeplace Subdivision and Lot 4, Section C of the Schaeffer Subdivision, as shown on the Saddle Creek South final site plan, and set April 14, 2014 as the public hearing date.

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

Ordinance 2014-07 – Amendment to the Regulations on Signs in Commercial and Office Districts – First Reading and Set Public Hearing Date

Mr. Ross stated this change to the sign ordinance would make Germantown a little more competitive.

Mr. Morgan stated this had been considered and recommended for approval by the Design Review Commission. The amendment would change the height and width of wall mounted signs.

Alderman Owens commented that he appreciated the time and effort the DRC had given to this amendment.

Motion by Mr. Marcom, seconded by Mr. Owens, to approve on first reading Ordinance 2014-07, which will amend the regulations in Section 14 of the City Code on permanent signs, and set April 14 as the public hearing date.

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

Purchase of five (5) Mobile Vision In-car Video Systems – Moved to Consent

GMSD Computer Purchase – Moved to Consent

CONSENT

Sungard Learning Center

Technology has advanced significantly over the years. This advancement in technology requires the City to continue to upgrade and train employees in order to communicate effectively. The addition of this learning center will allow the City to empower employees to a higher level while tracking the education process. The cost for this upgrade is \$15,300.00.

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MOTION: To amend the existing contract with SunGard Public Sector for the addition of a learning center in the amount of \$15,300.00.

Video Streaming Upgrade

The Board approved a contract with Granicus, Inc. in December of 2009. Since implementation, mobile use and technology has advanced significantly. In order to reach out to the citizens on as many platforms as possible, the City will need to upgrade the current software and hardware in place. The original hardware is no longer under maintenance and is unable to support Live or On-demand streaming to mobile devices. The total amount for the upgrade will be \$15,399.88.

MOTION: To authorize the Mayor to execute a contract for an upgrade to the existing streaming hardware and software in an amount of \$15,399.88 and declare the old hardware surplus.

Proximity Card Access Fleet Services

In 2003 the City applied for a Homeland Security Grant in the amount of \$50,000.00 for a security system to protect our Public Safety Communications Center. Since the initial installation, additional buildings and doors have been added to the same proximity card access and closed circuit camera system. Under the construction contract, for the Fleet Services building, the City's Contractor is responsible for providing conduit for all data, phone and proximity card access. It is the City's responsibility for installing the low voltage wiring and components for communications along with entrance control equipment.

MOTION: To approve the purchase and installation of a proximity card system from Tyco Integrated Security in the amount of \$13,944.17 for the Fleet Services building located at 7726 Southern Avenue.

Appointment to Personnel Advisory Commission

There is a vacancy on the Personnel Advisory Commission and Mr. Steven Priddy has expressed a desire to serve.

MOTION: To approve the appointment of Mr. Steven Priddy to serve on the Personnel Advisory Commission.

Authorize Payment to Germantown Board of Education

City staff continues to assist the Germantown Board of Education(GBoE) and has worked recently to set up checking accounts and a chart of accounts. This proposed payment would be transferred into this account. This arrangement allows for a clear division between City employees and employees of the GBoe and allows the GBoE to fulfill the obligation to contract for legal services.

MOTION: To approve the appropriation of funding in the amount of \$8,000.00 to the Germantown Board of Education to purchase office supplies incurred during the current fiscal year.

Repair Well #8 – Southern Ave. – Moved from Reg. Agenda

Staff is requesting the award of this contract to National Water Services to make the necessary repairs identified in the scope of the proposal and then to reinstall the well per the original bid for tear down and reinstallation. This contract includes all materials, machine shop labor, crews and equipment expense.

MOTION: To contract with National Water Services, LLC for repairs to well #8 at the Southern Avenue well field in the amount of \$29,667.00.

Purchase of five (5) Mobile Vision In-car Video Systems – Moved from Reg. Agenda

These five in-car video units are additional units to be installed into five new replacement vehicles. The current in-car camera systems are over five years old and have been out of warranty for over two years. The systems need regular repair that is time and cost ineffective. The current systems will be utilized as spares when the other cameras are sent for repairs. This will ensure that no police vehicle will be taken

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out of service because the camera system is not functioning. The cost of the units will be \$22,975.00 utilizing the Tennessee Statewide Contract 35795.

MOTION: To approve the purchase of five (5) Mobile Vision Flashback 3 digital in-car video surveillance systems from L3 Communications Mobile Vision Inc. in the amount of \$22,975.00.

GMSD Computer Purchase – Moved to from Reg. Agenda

With the August start date of classes fast approaching, GMSD staff finds the need to have newly acquired employees ready to begin work as soon as possible. The City is able to utilize State of Tennessee SWC34905 with Apple to realize the best discount available.

MOTION: To authorize the purchase of computers from Apple, Inc. for the Germantown Municipal School District (GMSD) Central Office in the amount of \$14,760.00.

MOTION: Motion by Mr. Janda, seconded by Mr. Palazzolo, 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