

## **BOARD OF MAYOR AND ALDERMEN**

November 24, 2014

A regular meeting of the Board of Mayor and Aldermen was held on Monday, November 24, 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, Forrest Owens and Rocky Janda. Staff present: Patrick Lawton, Debra Wiles, Chief Richard Hall, Chief John Selberg, Daniel Page, Bo Mills, Reynold Douglas, Cameron Ross, Butch Eder, Ralph Gabb, Lisa Piefer 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 Mike Palazzolo led the Pledge of Allegiance.

### **Approval of Agenda**

During the Executive Session the Board unanimously agreed to move the following to the Consent Agenda: No. 10 – Recognition of Donation to Farm Park, No. 14 – Wolf River Blvd. Fuel Escalation Change Order, and No. 17 – Competitive Sealed Proposal Authorization –Small Area Plan Development and Public Administration Software Suite and to add to the Consent Agenda - HVAC Repairs – Fire Station 4.

Motion by Mr. Janda, seconded by Mr. Marcom, 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 changes noted during the Executive Session.

Motion by Mr. Owens, seconded by Mr. Janda, to approve the minutes of the Board of Mayor and Aldermen meeting held November 10, 2014 as amended.

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

### **Recognition of Service**

Alderman Marcom presented proclamations to fellow Reserve Police Officers with honoring them and their 20 years of service. Officer Eric Dahler had served over 3,734 hours and Officer Jack Washington had served over 4,218 hours and received a monetary salary of \$1.00 per year. Both had also received Officer of the Year Awards.

### **Youth Excellence Award**

Education Commission member Barbara Boyer and Alderman Janda presented the Youth Excellence Award to Mr. Max Kight. Mr. Kight is a senior at Germantown High School.

### **Teacher of Month Award**

The Teacher of the Month Award was presented to Ms. Diane Morales, the IB Spanish teacher at Germantown High School. She was also presented with a check for \$100.00 from 2014 Leadership Germantown Graduate Amy Abney.

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**Beautification Commission Business Award**

Alderman Owens presented Ms. Lee Ann Davis from the Baptist Rehabilitation Hospital with the Beautification Business Award.

**Recognition of Donation – Farm Park – MOVED TO CONSENT**

**Citizens to be Heard**

Mr. West Caruthers, Division Manager with Inland Services, came forward to explain why the new waste services had been slow and how they were correcting the problems that had incurred since they took over this month. He assured the City that things were improving and considered it a privilege to serve the citizens of Germantown.

Mr. Larry Coley, 9679 Gotten Cove, updated everyone on Lateral G and what FEMA was preparing to do.

**BEER BOARD**

Mayor Goldsworthy declared the Board of Mayor and Aldermen Board Meeting recessed and reopened the proceedings as the Beer Board.

**Beer Permit – On Premise –Maui Brick Oven – 6000 Poplar Ave., Suite 400**

City Administrator Patrick Lawton stated the City had received a request from Maui Memphis Operations, LLC for a permit to sell beer for on-premise consumption at Maui Brick Oven, located at 7850 Poplar Ave., Suite 6. Mr. Michael Tauer, CEO and President of the LLC, was present for questions. Mr. Lawton stated the Administration recommended approval.

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

Motion by Mr. Palazzolo, seconded by Mr. Marcom, to approve the request from Michael Tauer, the President and CEO of Maui Brick Oven Holdings, LLC, for a permit to sell beer for on-premise consumption at Maui Brick Oven at 7850 Poplar Ave., Suite 6.

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

Mayor Goldsworthy declared the Beer Board adjourned and reopened the Board of Mayor and Alderman Meeting.

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**Landscape Alterations & New Signage – Northeast Corner of Germantown’s Municipal Center**

Mr. Lawton explained that the location of Germantown’s Municipal Center fronting on both Germantown Road and Farmington Boulevard made it very difficult for the general public to locate City Hall and the high grade elevation and the existing landscaping add to the confusion. To correct this situation, a project was approved during the FY15 CIP Budget Process to redesign the landscaping and install new signage that will provide a clear view to City hall and beautify the intersection and the Municipal Center’s grounds.

The project was expanded during the design phase to include additional signage for Economic and Community Development, the Police Department and rain gardens. The rain gardens will not only be aesthetically pleasing but will decrease the impact of storm water runoff and provide less maintenance. Included to the base bid, two additional rain gardens were added along Farmington Blvd, one rain garden along Germantown Road near Economic & Community Development and the beautification of the two traffic signal cabinets. The total cost of the landscaping and signage is \$242,052.00.

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Alderman Marcom asked to keep the brick that matches the buildings be used throughout and the use proper lighting of the signage.

Motion by Mr. Janda, seconded by Mr. Drinnon, to authorize the Mayor to enter into a contract with Barnes & Brower, Inc. in the amount of \$242,052.00 for landscape alterations and new signage at the northeast corner of Germantown's Municipal Center and approve Budget Adjustment No 15-28.

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

**Wolf River Boulevard Construction – Change Order No. 4 – MOVED TO CONSENT**

**Resolution 14R18 – Approval of an Additional Building for Shops of Saddle Creek**

Economic and Community Development Director Cameron Ross stated the approval of this PUD will allow the construction of a 5,418 sq. ft., single story retail building on the corner of Poplar and West Farmington Blvd. and the reconfiguration of the parking area in the vicinity.

The development is proposed as a PUD because it involves the following variances from the standard development regulations:

1. The proposed building is located 12 ft. from Poplar Ave. and West Farmington Blvd, where the standard minimum setback is 40 ft.
2. The proposed building is located 11 ft. from the east property line, where the standard rear yard setback is 20 ft.
3. The plan proposes a total of 447 parking spaces, where the SC-1 district requires a minimum of 452 parking spaces for the total floor area of all buildings within the Shops of Saddle Creek center.

Mr. Ross stated they were asking for these variances to move closer to the City's vision for the central business district rather than relief from the Smart Code to move farther away from it.

In response to a question from Alderman Owens, Mr. Ross stated the renderings would be going to the DRC the next day. The Board would be approving the PUD and the variances.

Motion by Mr. Janda, seconded by Mr. Palazzolo, to approve Resolution 14R18, which will allow an additional building at the Shops of Saddle Creek Planned Unit Development.

Alderman Owens stated he had voted against this during the Planning Commission. He stated he was for development, he liked the design and appreciated trying to bridge the two Saddle Creeks together but he felt we were not following the letter of the law when it comes to Smart Growth. He appreciated what the developers were trying to do but he would be voting against the PUD.

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

**Pour In Place Playground at Cone Park – Construction**

Public Works Director Bo Mills stated this was the demo and installation of a new playground and replace the existing wood chip safety surfacing and playground structure with a turf type poured-in-place safety surface. The playground structure was installed in 1994 and no longer meets safety standards.

Mr. Mills stated the goal is to apply this rubberized type surface to a playground each year until all are complete.

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Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to authorize the Mayor to enter into a contract with Miracle Recreation in the amount of \$111,557.00 for the construction of turf type poured-in-place safety surface and playground structure at Cone Park.

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

**Competitive Sealed Proposal Authorization – Small Area Plan Development and Public Administration Software Suite – MOVED TO CONSENT**

**CONSENT**

**Street Sweeping Contract Extension**

This agenda item will exercise the second option year of the five year contract with Sweeper Corporation of America and represents a 3% price increase from last year's agreement.

MOTION: To enter into the second option year of the five-year contract with Sweeper Corporation of America for sweeping services in the amount not to exceed \$203,106.00

**Fire Truck Engine Repair**

The transmission on the 2000 Spartan Aerial Platform started leaking an excessive amount of fluid and staff determined the transmission case was possibly cracked. This repair will require the transmission case to be replaced and completely rebuilt replacing all excessively worn parts at an amount not to exceed \$12,500.00.

MOTION: To authorize G & W Diesel to replace the transmission case and completely overhaul the transmission in F-149 in the amount not to exceed \$12,500.00.

**Employee Gift Cards**

The Board has decided to give \$50 gift cards from Krogers to the employees this year.

MOTION: To approve the purchase of 377 \$50 gift cards from Kroger in the amount of \$18,248.50.

**Recognition of Donation – Farm Park**

Methodist LeBonheur Healthcare System donated \$15,000.00 to the Farm Park. This is the third year of funding from the hospital. The cash contribution will support training, community education programs at the farm and with local schools, and community special events.

MOTION: To recognize a donation to the Farm Park from Methodist LeBonheur Healthcare System to support community events, educational programs and training totaling \$15,000.00.

**Wolf River Blvd. Construction – Change Order No. 4**

Due to the length of construction time on this project, approximately 2 ½ years, a special condition in the construction contract allowed for fuel and bituminous (asphalt) adjustments to reflect the fluctuations of fuel costs over the construction period. A recent review of the July and August 2013 pay estimates revealed errors. The July 2013 pay estimate contained math errors that resulted in underpayment to the contractor and the August 2013 pay estimate omitted fuel/bituminous adjustments altogether. The change order is in the amount of \$52,356.20 with 80% reimbursable and therefore the City's share equals \$10,471.24.

MOTION: To approve Change Order No. 4 in the amount of \$52,356.20 to the construction contract with Acuff Enterprises d.b.a. Scott Contractors increasing the contract amount for \$19,625,667.38 to \$19,668,023.58 for the Wolf River Blvd. Project and to approve Budget Adjustment No. 15-30.

**Competitive Sealed Proposal Authorization – Small Area Plan Development and Public Administration Software Suite**

Administration has requested use of the competitive sealed proposal services for procuring a small area plan development and a public administration software suite. The Economic and Community Development Department has requested the use to procure a consulting firm to conduct a charrette and prepare a Small Area Plan Development. A competitive process needs to be completed to examine costs of an upgrade versus a new system to determine what best meets the City's needs for the existing software.

MOTION: To authorize the use of the competitive sealed proposal process to procure small area plan and public administration software suite.

**Add-On – HVAC Repairs – Fire Station 4**

The HVAC system that serves the first floor and the backup computer server room failed late after normal business hours. The manufacturer's service company was called to troubleshoot and make repairs. It was determined a burnout condition or internal grounded circuit caused the compressor to fail along with a failed inverter board. Both compressors were replaced under the manufacturer's warranty but the inverter board, miscellaneous parts and labor were not covered under the warranty. The system is now performing as designed, as per LEED specifications.

MOTION: To approve payment for HVAC repairs performed by EK Automation at Fire Station 4 in the amount of \$14,363.39.

Motion by Mr. Janda, seconded by Mr. Drinnon, to accept the consent agenda as read.

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

**Special Recognitions**

Mr. Lawton read a proclamation to each of the retiring aldermen. The first was to Alderman Marcom for his 20 years as a reserve police officer, his citizen volunteer services on the Public Safety Education Commission, Design Review and Planning Commissions, and participation in the Leadership Germantown Class of 2005, prior to his election as an Alderman.

The BMA, the City personnel, and citizens recognized his record of service during his term of office, expressed their heartfelt appreciation to him and proclaimed November 24, 2014 as Greg Marcom Day.

Alderman Marcom was presented the proclamation and a plaque recognizing his service as an alderman to the City.

Alderman Marcom stated it had been his privilege to serve the City, personnel and citizens and he would continue to serve on the commissions.

Mr. Lawton presented a proclamation observing his many years of service to the City and citizens of Germantown. Prior to his appointment as alderman, he was appointed to the Planning Commission in 1982 and served continuously, except for 1987 and 1988 when he was appointed to the Board of Zoning Appeals. Mr. Drinnon was elected alderman in 1994 and had subsequently been re-elected in 1998, 2002, 2006 and 2010.

Alderman Drinnon completes his last term of office after five terms of distinguished service as an alderman. The BMA declared November 24, 2014 as John Drinnon Day.

Alderman Drinnon was presented the proclamation and a plaque recognizing his service as an alderman.

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Alderman Janda stated he would like to thank Alderman Drinnon for his service to the City and his positive impact he has had on the City. He was a mentor and friend to him and again thanked him for his service.

Alderman Palazzolo echoed Mr. Janda's sentiments to John Drinnon and also thanked Alderman Marcom for his service to the City.

Alderman Owens thanked both Alderman Drinnon and Marcom for their years of service to the City and their friendship. He thanked Alderman Marcom for his compassion and service to the citizens and Alderman Drinnon for his years of service and for bringing dignity and respect through his leadership.

Alderman Drinnon commented on the excellent direction the City had taken over the years under the direction of Mayor Goldsworthy and City Administrator Patrick Lawton and he stated he was proud to have played a small part.

**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