

## **BOARD OF MAYOR AND ALDERMEN**

October 10, 2016

The regular meeting of the Board of Mayor and Aldermen was held on Monday, October 10, 2016, at 6:00 p.m. in the Council Chambers of the Municipal Center.

Mayor Mike Palazzolo was present and presiding.

The following aldermen were present: John Barzizza, Dave Klevan, Forrest Owens and Rocky Janda. Staff present: Pam Beasley, Michele Betty, Paul Chandler, Reynold Douglas, Butch Eder, Tim Gwaltney, Chief Richard Hall, David Harris, Lisa Marinos, Bo Mills, Lisa Piefer, Cameron Ross, Keith Saunders, Paul Turner and Steve Wilensky.

### **Call to Order**

The Mayor called the meeting to order.

### **Invocation**

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 unanimously agreed to table #11 Germantown City Hall Phase II - Erosion Control & Landscaping.

Prior to a motion being made, Alderman Owens recommended that #16 Contract - Bobby Lanier Farm Park Pavilion Event Planner be moved to the Consent Agenda.

Motion by Mr. Klevan, seconded by Mr. Barzizza, to approve the agenda as amended.

ROLL CALL: Barzizza-yes, Gibson-absent, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

### **Approval of Minutes**

There were no corrections to the minutes.

Motion by Mr. Janda, seconded by Mr. Klevan, to approve the minutes of the September 26, 2016 as written.

ROLL CALL: Barzizza-yes, Gibson-absent, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

### **Special Recognition**

#### **Fire Department Receives Life Safety Achievement Award**

The Award recognizes fire departments for having outstanding fire prevention efforts that have contributed to reducing the number of lives lost in residential fires. This award is sponsored by the National Association of State Fire Marshals Fire Research and Education Foundation in partnership with Grinnell Mutual Reinsurance Company. The Germantown Fire Department has received this award several times since it was initiated in 1994 and is one of 160 fire departments across the United States to receive the award this year for recording zero fire deaths in 2015 as well as having documented active and effective fire prevention programs.

#### **Commission for Accreditation of Park and Recreation Agencies (CAPRA) Accreditation**

The purpose of this agenda item is to adopt the proclamation recognizing the Germantown Parks and Recreation Department for achieving CAPRA reaccreditation.

WHEREAS, On October 4, 2016, the City of Germantown Parks and Recreation Department joined one hundred forty one (141) departments of the over 12,000 agencies nationwide to receive national accreditation or reaccreditation from the Commission for Accreditation of Park and Recreation Agencies (CAPRA), and

WHEREAS, National accreditation requires park and recreation departments to respond to 151 standards that represent elements of effective and efficient park and recreation operations, and

WHEREAS, the efforts and standards displayed by the staff of the Parks and Recreation Department are deemed essential to the quality of programs offered and the professionalism of the department's operational system, and

WHEREAS, this reflects a strong commitment to excellence and dedication by the employees in the Parks and Recreation Department of the City of Germantown,

NOW THEREFORE, We, the Board of Mayor and Aldermen for the City of Germantown extend our congratulations to the employees of the Parks and Recreation Department for being recognized as an accredited park and recreation agency and celebrating their twentieth year with this designation.

Motion by Mr. Owens, seconded by Mr. Klevan, to adopt the proclamation recognizing the City of Germantown Parks and Recreation Department for achieving CAPRA reaccreditation.

ROLL CALL: Barzizza-yes, Gibson-absent, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

#### **Beautification Commission Appointment**

The Beautification Commission has a vacancy that can be filled. Previous commission member, Betty McFarland, has moved from the City and is no longer serving. Mr. Clifton Gurley has reached out to Alderman Forrest Owens, Commission liaison, expressing an interest in serving. He has experience in the landscaping business. Mr. Gurley's background and desire to get involved with Beautification efforts and projects make him a good candidate for the position. He would serve until the end of the 2016 year and then be eligible for a 2017 reappointment.

Motion by Mr. Owens, seconded by Mr. Janda, to appoint Clifton Gurley to the Beautification Commission for the remaining 2016 term.

ROLL CALL: Barzizza-yes, Gibson-absent, Klevan-yes, Owens-yes, Janda-yes. Motion approved

#### **Alderman Liaison Reports**

The Aldermen reported on their commissions' activities.

#### **Citizens to be Heard**

No citizens came forward.

#### **CONSENT**

##### **Purchase - Vehicles**

The replacement vehicles purchased under this authorization are used in the day-to-day operations by the Police, Fire, Parks and Recreation, Fleet Services, Public Works and Community Development departments. The replacement of these vehicles is based on current mileage, age, condition and maintenance costs. Normal life cycle on new vehicles is five-to-ten years. The cost difference of the 2017 Ford Police Interceptors is due to seven are to be used for regular patrol and one used by police

administration, which require different options. Three of the new 2017 Ford Utility Police Interceptors are additional vehicles being added to the fleet for patrol.

MOTION: To approve the purchase one new dump truck from National Auto Fleet Group in the amount of \$122,125.00 and thirteen new vehicles from Ford of Murfreesboro in the amount of \$380,447.31 resulting in a total expenditure amount of \$502,572.31, approve Budget Adjustment No.17-19 and to declare replaced vehicles as surplus property.

**Purchase - Water Plant Chemicals**

Water treatment chemicals are purchased as needed from local vendors for the purpose of providing quality potable water to the City of Germantown customers per State of Tennessee requirements. Due to limited storage options, the chemicals required by each plant must be delivered in timely manner upon notification within 48 hours of the request for product. These products are to be the highest quality available, comply with specifications and include MSDS (Material Safety Data Sheets). This purchase will meet the department's needs for approximately one year.

MOTION: To exercise the second and final year contract extension option to purchase water treatment chemicals in the amount of \$7,000.00 from Brenntag Mid South Inc. and in the amount of \$80,002.86 from Ideal Chemical. The total expenditure is \$87,002.86.

**Purchase - Portable and Mobile Police Radios**

The TN SWC No. 418 Utilizes Motorola Solutions for the purchase of portable and mobile radios that are compliant with what the Police Department currently utilizes. With the addition of new Police Officers this fiscal year as well as new vehicles for those officers there is a need to increase the amount of portable and mobile radios. The cost for each radio will be \$2,899.16 for a total of five (5) at \$14,495.80. The cost per mobile radio is \$2,976.20 each for a total of \$14,881.00. Total cost for all ten (10) radios is \$30,326.80. The purchase of these radios will be made with State and Federal Drug funds saving the taxpayers any costs.

MOTION: To approve the purchase of Motorola Portable/Mobile Radios per the TN SWC No. 418 for a total cost of \$30,326.80.

**Purchase - Ford Expedition Police**

The vehicle will be used to transport for officers with duty belts and equipment. It will support special events, Crisis Negotiations and SWAT teams and training. Replacing the current vehicle will help to ensure that there will be less maintenance and fuel costs and better reliability. The vehicle to be purchased will be a 2017 Ford Expedition EL XLT 4X2 and will be purchased utilizing Federal and State Drug Funds saving the taxpaying citizens any costs.

MOTION: To approve the purchase of police vehicle from Ford of Murfreesboro in the amount of \$48,541.24.

**Budget Adjustment- Public Safety Education Commission Purchase Trailer**

The purpose of this agenda item is to approve Budget Adjustment No. 17-15 for \$2,650.00 from Other Revenue to purchase a 6' x 12' enclosed trailer for the storage of all the equipment utilized by the Public Safety Education Commission and to recognize a donation of \$2,650.00 to the Public Safety Education Commission.

MOTION: To approve Budget Adjustment No. 17-15 for \$2,650.00 and recognize donations of \$2,650.00.

**Contract Extension- Police/Fire Uniforms**

Members of the Police and Fire Departments are required to wear designated uniforms in the performance of their duties. Each member of the Police and Fire Departments has an allotted amount for the purchase of the uniforms. The uniforms were being purchased from multiple vendors and at different costs. The uniform bid was received and approved by the Board of Mayor and Aldermen in October of 2015 for a one year contract with four additional option years. Mid-South Solutions was contacted in advance to accept the terms of the original contract with no increases in pricing.

MOTION: To approve the contract extension one with Mid-South Solutions not to exceed \$40,000.00 for Police, \$37,100.00 for Fire and \$6,500.00 for Ambulance.

**Civic Support - Germantown Education Foundation**

The Foundation is an independent, 501(c)3, not-for-profit corporation that raises funds to directly support the public education of children in Germantown, Tennessee. The mission of the Foundation is to mobilize community resources to support and benefit schools and educational programs in the city of Germantown. The Foundation supports the five public schools in the Germantown Municipal School District. The fiscal year 2017 budget includes \$100,000.00 intended to support the activities of the Germantown Education Foundation. Action by the Board of Mayor and Aldermen is necessary to transfer these funds to the Foundation.

MOTION: To approve payment of a grant to the Germantown Education Foundation in the amount of \$100,000.00 to be used to fund grants to Germantown Municipal Schools.

**New Antenna and Equipment Addition on an Existing Wireless Transmission Facility – 7624 Poplar Pike**

The purpose of this agenda item is to approve the co-location of a new antenna for Ingenu, Inc.- On Ramp Wireless to be installed on an existing Crown Castle wireless transmission facility, located at 7624 Poplar Pike. The proposed equipment addition will be located on the same tower currently under lease to Crown Castle.

MOTION: To approve the request allowing the addition of a new antenna and equipment for Ingenu, Inc.- On Ramp Wireless to co-locate on an existing Crown Castle tower, located at 7624 Poplar Pike.

**New Antenna and Equipment Addition on an Existing Wireless Transmission Facility – 3160 Forest Hill-Irene**

The purpose of this agenda item is to approve the addition of a new antenna and equipment for Cingular Wireless to be installed on an existing Crown Castle wireless transmission facility, located at 3160 Forest Hill-Irene. The proposed equipment addition will be located on the same tower currently owned and operated by Crown Castle.

MOTION: To approve the request allowing the new antenna and equipment addition for Cingular Wireless on an existing Crown Castle tower, located at 3160 Forest Hill Irene.

**New Equipment Addition on an Existing Wireless Transmission Facility – 8151 Poplar Avenue**

The purpose of this agenda item is to approve the addition of a new antenna and equipment for Cingular Wireless to be installed on an existing Crown Castle wireless transmission facility, located at 8151 Poplar Avenue. The proposed equipment addition will be located on the same tower currently owned and operated by Crown Castle.

MOTION: To approve the request allowing the new antenna and equipment addition for Cingular Wireless on an existing Crown Castle tower, located at 8151 Poplar Avenue.

**Recognition of Grant Award – Tennessee Valley Authority**

Economic and Community Development staff has been working with Administration on modifications to the Economic Development section of the City's website. The grant award is applied towards the development of new content including pictures and the organization of this particular section of the website as part of the larger City website update.

MOTION: To recognize the grant award from the Tennessee Valley Authority to Economic and Community Development for improvements to the City website as detailed above and in the amount of \$2,500.00 and to approve Budget Adjustment No. 17-22.

**Recognition of Donation – Real Property at 0 Farmington Boulevard**

The purpose of this agenda item is to recognize a donation made to the City of Germantown in the form of real property at 0 Farmington Road. The property is located on the north side of Farmington Boulevard between Autobahn Drive and Cordes Circle. The property is currently owned by Deborah Alexander, Carol Graw and Sharon Counce. All taxes are paid on this property with Germantown and Shelby County. This property, if accepted by the BMA, will provide better access for future service and maintenance of Lateral D.

MOTION: To request recognition of real property donation at 0 Farmington Boulevard.

**IBM Server Maintenance Renewal**

The City's current maintenance contract covers the IBM iSeries server and an IBM message switch that connects Mobile Data Terminals (MDT) to the servers for Police Department and Court Clerk areas. Dynamix Group, Inc. was the original vendor for the IBM iSeries hardware systems and message switch currently being used by the City. The IBM vendor of record is Dynamix Group, Inc. and is the single source able to provide maintenance coverage.

MOTION: To authorize the Mayor to enter into a contract with Dynamix Group, Inc. in the amount of \$21,440.00 for a 24-month maintenance contract.

**Contract - Bobby Lanier Farm Park Pavilion Event Planner**

The successful business model for the Farm Park relies on incorporating community and private rental services to create a sustainable revenue source for the park. The Farm Park rental policies were approved by the Mayor and Board of Aldermen last fall with the rental fee structure adopted during the FY17 budget process. As recommended by staff and the Parks and Recreation Commission, the rental operation will be market driven and compares with like facilities in the area and across the country. All factors considered at the current time, the most efficient method of operating rental services is through a professional service contract with a qualified vendor.

MOTION: To authorize the Mayor to enter into a contract agreement with Southern Avenue Company, LLC as the City's Event Planning Services Provider for the Bobby Lanier Farm Park Hay Barn Pavilion.

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

ROLL CALL: Barzizza-yes, Gibson-absent, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

**REGULAR**

Alderman Owens recused himself from the dais due to his mother being resident of The Village at Germantown.

**Contract Development Agreement No. 1192. Amendment No.1 – Village at Germantown**

Mr. Ross stated approval of the Contract Development Agreement No. 1192 Amendment No. 1 will allow the project to complete the following work as part of the original approved contract: New Memory Care and Assisted Living, Rehabilitation Facility, Kitchen Facility Expansion and Parking Area Expansion.

Motion by Mr. Klevan, seconded by Mr. Janda, to approve Contract Development Agreement No. 1192 Amendment No. 1 – Village at Germantown for the extension of the contract for an additional 12 months.

ROLL CALL: Barzizza-yes, Gibson-absent, Klevan-yes, Owens-abstain, Janda-yes. Motion approved.

Alderman Owens returned to the dais.

**Contract Development Agreement No. 1196 Amendment No. 1 – Thornwood Phase 1**

Mr. Ross stated approval of the Contract Development Agreement No. 1196 Amendment No. 1 will allow the reduction in security amount to reflect the completed portions of the development and the extension of the contract for an additional 12 months.

Motion by Mr. Klevan, seconded by Mr. Janda, to approve Contract Development Agreement No. 1196 Amendment No. 1 – Thornwood Phase 1, for the reduction in security from \$1,115,178.00 to \$625,325.00 and the extension of the contract for an additional 12 months.

ROLL CALL: Barzizza-yes, Gibson-absent, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

**Lateral G Change Order No. 1-7**

Mr. Gwaltney stated the Board of Mayor and Aldermen (BMA) approved at the May 9, 2016 meeting a construction contract in the amount of \$2,290,036.50 with Acuff Enterprises d.b.a. Scott Contractors for drainage improvements along Wolf River Lateral G. The purpose of the project is to improve the stormwater flow characteristics of Lateral G such that the flood plain can be reduced. The Federal Emergency Management Agency (FEMA) has indicated that once the drainage improvements are completed, FEMA will revise the flood plain boundaries along Lateral G which will remove approximately thirty homes from the flood plain. As with all large construction projects along major drainage channels, change orders and contract quantity overruns and under runs are to be expected. To date, the project is \$79,242.66 over budget. Approval of this agenda item will increase the construction contract from \$2,290,036.50 to \$2,369,279.16. The project is on schedule to be completed by November 2017.

Motion by Mr. Barzizza, seconded by Mr. Klevan, to approve change orders 1 - 7 in the amount of \$79,242.66, increasing the limit of an existing construction contract with Acuff Enterprises, Inc D/B/A Scott Contractors for the Wolf River Lateral G Drainage Improvements to an amount of \$2,369,279.16 and approve Budget Adjustment No. 17-20.

ROLL CALL: Barzizza-yes, Gibson-absent, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

**Ordinance 2016-10 – Amendment to Beer Ordinance – First Reading, Set Public Hearing**

Mr. Lawton stated recent state legislative changes to the regulation of alcoholic beverages have an impact on the City's existing ordinance dealing with these substances. The ordinance change brings the City into compliance with these changes and also adds a new permit requirement for both on-premise and off-premise consumption. Currently, the City will consider applications granting a beer permit for on- or off-premise consumption only. The ordinance amendment allows the dual permit with the condition that the on-premise must be in the form of a tasting (a sample) from a growler. The individual sample cannot exceed one ounce per sample nor shall an individual be offered or consume more than five one-ounce samples per business day. The other significant change to the ordinance and currently enforced by the

City is that the applicant for the beer permit or those with 5% ownership interest must be lawful residents of the United States for not less than one year prior to completing the application. The amendments to the ordinance include several other changes to make the ordinance consistent with state law.

Motion by Mr. Janda, seconded by Mr. Barzizza, to approve on first reading Ordinance No. 2016-10, an amendment to the Beer Ordinance on first reading and to set November 14, 2016 as the public hearing date for this proposed ordinance amendment.

ROLL CALL: Barzizza-yes, Gibson-absent, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

Meeting adjourned.

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Mike Palazzolo, Mayor

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Michele Betty, City Clerk/Recorder