

BOARD OF MAYOR AND ALDERMEN

January 9, 2017

The regular meeting of the Board of Mayor and Aldermen was held on Monday, January 9, 2017, 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, Mary Anne Gibson, Dean Massey, Forrest Owens and Rocky Janda. Staff present: Pam Beasley, Michele Betty, Paul Chandler, Reynold Douglas, Butch Eder, Tony Fischer, Richard Hall, David Harris, Patrick Lawton, Bo Mills, Joe Nunes, Lisa Piefer, Phil Rogers, Cameron Ross, John Selberg, Paul Turner and Steve Wilensky.

Call To Order

The Mayor called the meeting to order.

Invocation

Reynold Douglas gave the invocation.

Pledge of Allegiance

Vice Mayor Gibson led the Pledge of Allegiance.

Approval of Agenda

During the executive session, the Board unanimously agreed to omit: #7 Alderman Liaison Reports for inclusion with the January 23 reports; to defer #12 Ordinance 2016-11 – General Amendments to Zoning Code –Third and Final Reading and Public Hearing; and to move to the Consent Agenda #13 Resolution 17R02 - 2011 Disaster Recovery Grant Application and #14 Resolution 17R01 – Banking and Signature Cards.

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

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

Approval of Minutes

There were no corrections to the minutes.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the minutes of the Board of Mayor and Aldermen regular meeting held December 12, 2016.

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

Approval of Minutes

There were no corrections to the minutes.

Motion by Mr. Owens, seconded by Mr. Barzizza, to approve the minutes of the Board of Mayor and Aldermen special called meeting held December 20, 2016.

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

Special Recognition

Dogwood Elementary School Cross Country

Mayor Palazzolo asked the teams to come forward and presented a proclamation to the Dogwood Elementary School Cross Country team which competed at the 2016 State and National Championship meets. Coaches Stacey Schwarzmann and Linda Fredrick led the team. Both girls and boys teams qualified at the Regional level in order to compete in the State Championship meet this season. The girl's team placed 4th and the boy's team placed 1st at Regionals. At the State meet in Knoxville, the boy's team came

in 4th place and members from both teams were able to compete at Nationals with their individual times.

Kiwanis Municipal Employee of the Year

Public Works Director Bo Mills asked Assistant Public Works Director Bruce Tillman to come forward to be recognized as the Kiwanis 2016 Municipal Employee of the Year. Bruce has worked for the City of Germantown for 38 years. Mr. Mills nominated Bruce due to the fact he is a hard worker in service to his fellow Public Works department members and the residents of Germantown.

Kiwanis Firefighter of the Year

Chief John Selberg asked Gino Del-Oso to come forward to be recognized as the Kiwanis 2016 Firefighter of the Year. Gino has served the Germantown Fire Department for 18 years. He is also an Advanced Emergency Medical Technician (AEMT). He is a very caring person when it comes to his department and the residents of this community. Gino served as the lead in the design and construction of a miniature wooden fire truck for the Germantown Community Library. Gino is a member of the Learning about Fire Safety Clown Troupe.

Kiwanis Lawman of the Year

Chief Richard Hall asked Lieutenant Kevin Simpson to come forward to be recognized as the Kiwanis 2016 Lawman of the Year. Lt. Simpson has served the Germantown Police Department for 15 years. Lt. Simpson is known as a supervisor who leads from the front and is also known to make good decisions in the field to protect and serve his community. In addition, Kevin is a member of the SWAT Team, Crisis Intervention Team and is a trained Hostage Negotiator. As a patrolman, Lt. Simpson was presented with a Medal of Valor for pulling an injured juvenile from a motor vehicle accident, in which the vehicle caught on fire.

Alderman Liaison Reports

The majority of boards and commissions did not meet the first week of the new year. Those that have met will be reported on at the next Board of Mayor and Aldermen meeting.

Citizens to be Heard

No citizens came forward.

CONSENT

Contract Germantown Local Magazine

The contract with Contemporary Media, Inc. is to design and produce a local Germantown magazine. The resulting contract will produce a magazine that will include all events and programs offered by the City, allow for feature articles telling the City's story and highlighting local restaurants, retailers and even neighbors while providing a vehicle for advertisers to reach Germantown consumers. Contemporary Media, Inc. will be responsible for advertising sales, design, layout, writing, editing and photography. A total of 18,000 magazines will be printed with one mailed to every residential address in Germantown.

MOTION: To authorize the Mayor to enter into a contract agreement with Contemporary Media, Inc. to produce a local Germantown magazine, at no cost to the City.

Purchase – Annual Computer Upgrades

The implementation of new desktop computers will provide City staff with computers capable of functioning with today's newer software technology and cloud-based applications. Older computers are not capable of efficiently processing newer applications and are effectively obsolete. This project will empower staff with the computer equipment necessary to quickly access software programs whether desktop or cloud-based.

MOTION: To approve the purchase of replacement computers in the amount of \$76,720.00 from CDW Government and declare the replaced computers as surplus.

Purchase – Email System Annual Maintenance and Licensing

Google has consolidated products and rebranded them to G Suite and G Suite Business. All customers who have the Government product will transition to one of the two new products. The new packages provide additional features and functionality that were previously unavailable to Government customers and allow Google to maintain two product lines. The Google G Suite products continue to be a robust, secure “Cloud” based product and provides secure access from anywhere without the requirement of a mobile device.

MOTION: To authorize the migration and renewal of annual maintenance and licensing for G Suite for Business and Google Chrome Device Management in the amount of \$55,452.90 from Onix Networking.

Purchase – GPAC Theater Curtains

As part of the 2017 IRP Budget Process, funding was approved to replace the outdated theater curtains. This is the second purchase of a four year purchasing program that will eventually replace all of the theater curtains at the venue. Theater curtains should be replaced every ten to fifteen years. The curtains currently in GPAC were installed 22 years ago and show multiple signs of disrepair. The total award amount includes: ten (10) black leg curtain panels and twenty-four (24) border panels.

MOTION: To approve the purchase of theater curtains from Georgia Stage, LLC in the amount of \$12,887.80 for GPAC.

Germantown Athletic Club – Club Management Software Contract Extension

The Club serves over 12,000 members from the Germantown and surrounding areas for their health and wellness needs. Club management software is vitally important to the day to day operations of the facility, including check-ins, billing, collections, program registration, reporting, etc.

MOTION: To authorize the contract extension and recurring monthly fees of \$1,321.00 to Jonas Fitness Incorporated for web-based software used at the Germantown Athletic Club for a period of one year. This is an annual cost of \$15,852.00, with only \$6,605.00 being spent in FY17 and the remaining \$9,247.00 being allocated to FY18.

Living Legacy Tree Fund - Budget Adjustment No. 17-39

Expenditures from this deferred revenue account are specifically designated for tree replacement, removal and/or restoration. There are five (5) tulip magnolia trees located at Depot Park that have suffered from scale disease and are in poor health. Several have lost major leader trunks and limbs and are no longer aesthetically pleasing. Per the purpose of the Living Legacy Tree Fund, staff is requesting this budget adjustment in order to remove and replace these trees at Depot Park with sweetbay magnolia trees.

MOTION: To authorize the expenditure of Living Legacy Tree Fund dollars to replace trees at Depot Park in the amount of \$2,075.00 and to approve Budget Adjustment No. 17-39.

Donation – Police

The Germantown Police Department received a donation of 100 winter hi-visibility jackets from Habitat for Humanity-Memphis. The Police Department is required by law to have a hi-visibility jacket or vest whenever an officer is out directing traffic. This law has made it safer for the officers and easier for the general driving public to see the officers.

MOTION: To recognize a donation received from Habitat for Humanity-Memphis of 100 hi-visibility jackets.

Donation – Fire Department

In 2005, Firehouse Subs created the Firehouse Subs Public Safety Foundation with the mission of providing funding, life-saving equipment and educational opportunities to first-responders and public

safety organizations. The Foundation has donated 2 Zoll AED Plus external defibrillators that will be placed on fire department staff response vehicles.

MOTION: To accept donation of 2 Zoll AED Plus external defibrillators from the Firehouse Subs Public Safety Foundation.

Amendment to Cash Balance Pension Plan

These amendments are requested by the IRS based on the IRS review of our application for a favorable determination letter of the Cash Balance Pension plan. These amendments are made under the Heroes Earnings Assistance and Relief Act and the Pension Protection Act: Amendment adding to the definition of Compensation "differential wages" as defined in Section 3401(h) (2) of the Internal Revenue Code paid by the City; amendment clarifying that a beneficiary of a participant who dies in the course of qualified military service receives a benefit as if the participant had become re-employed as of the date immediately before the participant's death; amendment revising the definition of "Leased Employees"; amendment clarifying the required beginning date for required minimum distributions; and amendment under Internal Revenue Code of a non-spouse beneficiary rollover right.

MOTION: To approve the amendments to the Cash Balance Pension Plan to comply with changes required by the IRS in order to receive a favorable determination letter for the plan.

Amendment to Defined Benefit Pension Plan

These amendments are requested by the IRS based on the IRS review of our application for a favorable determination letter of the Defined Pension plan. These amendments are made under the Heroes Earnings Assistance and Relief Act and the Pension Protection Act: Amendment adding to the definition of Compensation "differential wages" as defined in Section 3401(h) (2) of the Internal Revenue Code paid by the City; amendment clarifying that a beneficiary of a participant who dies in the course of qualified military service receives a benefit as if the participant had become re-employed as of the date immediately before the participant's death; amendment revising the definition of "Leased Employees"; amendment clarifying the required beginning date for required minimum distributions; and amendment under Internal Revenue Code of a non-spouse beneficiary rollover right.

MOTION: To approve the amendments to the Defined Benefit Pension Plan to comply with changes required by the IRS in order to receive a favorable determination letter for the plan.

Appointments to Historic Commission

There are currently four vacancies on the Historic Commission. Mrs. Jeanne Debo, Mr. William Strong and Mr. Shawn Lane have expressed a desire to serve on the commission.

MOTION: To approve the appointment of Mrs. Jeanne Debo, Mr. Shawn Lane and Mr. William Strong to serve on the Historic Commission.

Delta Regional Authority Grant - Budget Adjustment No. 17-43

This grant award reimbursement from the Delta Regional Authority is for entrepreneurship programs as part of the Germantown EPIcenter partnership with Memphis Bioworks totaling \$93,560.00. Economic and Community Development staff has been working with Memphis Bioworks as part of the Germantown EPIcenter mission to develop small businesses and entrepreneurship in Germantown. The grant award is applied towards the development of programming for the space including classes.

MOTION: To recognize the grant reimbursement award from the Delta Regional Authority to Economic and Community Development entrepreneurship programming facilitated by EPIcenter Germantown and Memphis Bioworks and to approve Budget Adjustment No. 17-43.

Resolution 17R02 – 2011 Disaster Recovery Grant Application

Shelby County has received \$7.464 million in federal grant money to cover expenses incurred after the flooding of spring 2011. The money comes to the county through the Disaster Relief Appropriations Act of 2013, which included \$16 billion in recovery funding. To receive the funds, communities were required to explain in detail how the grant will be used.

MOTION: To adopt Resolution 17R02 authorizing the Mayor, Aldermen and City Administrator to apply for grant funds as part of the 2011 Disaster Recovery Grant for Shelby County.

Resolution 17R01 – Banking and Signature Cards

The City has several bank accounts that the Mayor, Aldermen and City Administrator are required to sign for the transfer of funds, payment of vendors and employee payroll checks. This requires that the Mayor, Aldermen and City Administrator by resolution be listed on the bank cards as signers on the accounts.

MOTION: To adopt Resolution 17R01 establishing for bank and signature cards with SunTrust Bank which will authorize the Mayor, Aldermen and City Administrator as signers on the City of Germantown Concentration account, accounts payable and payroll checks accounts.

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

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

Proposed Settlement Agreement – Inland Waste

City Attorney Davis Harris stated the purpose of this agenda item is for the Board to consider a proposed settlement between Inland Waste Solutions, LLC and the City. Inland was previously the waste service provider for the City and during that time the residents experienced service failures, causing the City to withhold \$1,312,417.00 in payments to Inland. Inland in turn filed suit against the City.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the settlement of litigation with Inland Waste Solutions, LLC pursuant to court-mandated mediation whereby funds in dispute shall be allocated as follows.

Expenses incurred by the City	\$536,647.00
Liquidated damages sustained by the City	\$500,770.00
Funds released to Inland	\$275,000.00

All claims in the pending lawsuit will be dismissed with prejudice.

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

Contract – Sewer Manhole

Mr. Mills stated the City of Germantown Sewer Division performs preventive maintenance and repairs on over 220 miles of sewer mains annually. Each year funding is allocated in the Sewer Infrastructure Replacement Program for the rehabilitation of older or inferior infrastructure within the system to address infiltration or any other damage that may prevent maximum flow and functioning capabilities.

Motion by Mr. Barzizza, seconded by Mr. Janda, to authorize the Mayor to approve a rehabilitation service contract with CTR Utility Rehab, LLC in an amount not-to-exceed \$175,000.00 for the FY17 Sewer Manhole Rehabilitation Contract.

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

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Ordinance 2016-11 – General Amendments to Zoning Code – Third and Final Reading and Public Hearing - DEFERRED

Mayor Palazzolo stated this agenda item has been deferred to allow for further discussion at the Board of Mayor and Aldermen Retreat scheduled for February 10, 2017.

Meeting Adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder