

## **BOARD OF MAYOR AND ALDERMEN**

January 23, 2017 – Amended Minutes

The regular meeting of the Board of Mayor and Aldermen was held on Monday, January 23, 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 and Rocky Janda. Staff present: Pam Beasley, Jeff Beaman, Michele Betty, Tim Bierdz, Rodney Bright, Reynold Douglas, Butch Eder, Tony Fischer, David Harris, Patrick Lawton, Bo Mills, Joe Nunes, Lisa Piefer, Phil Rogers, Cameron Ross, Paul Turner and Steve Wilensky.

### **Call To Order**

The Mayor called the meeting to order.

### **Invocation**

Bo Mills gave the invocation.

### **Pledge of Allegiance**

Alderman Massey led the Pledge of Allegiance.

### **Approval of Agenda**

During the executive session, the Board unanimously agreed to move to the Consent Agenda: #11 – Fiscal Year 2018 Budget Calendar and #14 – Agreement – TDOT Highway Rail Grade Crossing Improvements; and move to Regular Agenda: #9a – Appointment – Industrial Development Board.

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

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-yes, Owens-absent, 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 meeting held January 9, 2017.

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

### **Special Recognition**

#### **Germantown Education Commission Teacher of the Month, January 2017**

Ms. Mary Loyd, fifth grade math teacher at Riverdale, was recognized as the Teacher of the Month.

#### **Germantown Education Commission Youth Excellence Award, January 2017**

Ms. Marianne Agee, a senior at Briarcrest Christian School, was recognized as the recipient of the Youth Excellence Award.

### **Alderman Liaison Reports**

The Aldermen reported on their commission activities.

### **Citizens to be Heard**

Mindy Fischer, 8221 Beaufort Cove, 38138, came forward to express her appreciation for the quick response regarding an armed robbery near her home.

Sarah Wilkerson Freeman, 7684 Apahon Lane, 38138, came forward to express her concern about the process of filling a vacancy on the Industrial Development Board.

**Guest Speaker**

Senator Brian Kelsey shared with the Board that the financial situation of the State is the best in the country. For several years it has had the lowest per capita debt. This year the State has the lowest tax rate per person. The State has a one billion dollar recurring surplus and one billion dollar non-recurring surplus. Senator Kelsey plans to put forth in legislature this year taking one-half cent off the sales tax revenue and shifting it to the State for local governments. Governor Haslam plans to increase the gas tax and speed up the cut of the Hall tax.

**CONSENT**

**Fiscal Year 2018 Budget Calendar**

Each year, a budget calendar is developed for the timely completion of the City's annual operating and capital budgets for the forthcoming fiscal year. The calendar identifies the major reviews in preparing the annual budget, the meetings scheduled for the Financial Advisory Commission and the three readings on the budget adoption by the Board.

MOTION: To approve the Fiscal Year 2018 Budget Calendar.

**Purchase – Dump Truck**

The replacement vehicle purchased under this authorization is used in the day-to-day operations by the Public Works Department. The replacement of this vehicle is based on current mileage, age, condition, utilization and maintenance costs. The additional vehicle being deemed as surplus was identified as an underutilized vehicle during the budget process and is no longer required in the fleet.

MOTION: To approve the purchase of one new 2017 Ford F450 chassis equipped with a TruckCraft TC300 Service/Dump body at a cost of \$59,787.00 from National Fleet Auto Group. In addition, authorization is requested to declare replaced vehicle as surplus property.

**Purchase – CLEAR for Law Enforcement License Renewal**

The Police Department utilized outside agencies and the Regional Organized Crime Information Center prior to 2015 as an investigative tool. The research process was time consuming and information available was very limited. In 2015, after an extensive trial of CLEAR, the Police Department entered into a 2-year access agreement for four investigators utilizing a State of Tennessee contract.

MOTION: To authorize a 3-year access agreement to renew licensing and migrate to CLEAR for Law Enforcement in the amount of \$17,358.49 from West Publishing Corporation.

**Purchase – Decorative Street Signposts**

The City bid the fabrication of the signposts/brackets and the Board approved a contract with Special Lite Products on June 23, 2014. The pricing in that contract is for \$434.00 for the decorative signposts and \$108.00.00 for the decorative sign brackets.

MOTION: To approve the purchase of fifty-six (56) decorative street signs and fifty (50) brackets in the amount of \$29,704.00 under existing contract pricing with Special Lite Products Company and approve Budget Adjustment 17-48.

**Purchase – DVD Burner System**

The Germantown Police Department has in-car-cameras installed in each uniform patrol vehicle and each vehicle's camera recordings are uploaded to a server in the Police Department. The server stores the recordings for a specific time for review and evidence uses. The in-car-camera systems have been vital in the review of Police traffic stops, citizen encounters and evidence in criminal prosecutions. The system that is utilized to view and burn recordings is over five years old and will no longer be supported by the manufacturer after March 2017.

MOTION: To approve the purchase of Rimage 6000N DVD Burner System from L3 Mobile-Vision Inc. for the amount of \$15,670.50.

**Overtime Reimbursement – Fire Department**

As a participating member of Tennessee Task Force One (TN-TF1), the Germantown Fire Department is eligible to receive reimbursement for costs associated with the backfill of personnel that have been deployed on a Disaster through the Federal Emergency Management Agency (FEMA). As the sponsoring agency for TN-TF1, the City of Memphis provides the backfill overtime reimbursement to the participating agencies and submits for reimbursement through FEMA. On October 6, 2015, members of the Fire Department were deployed to Hurricane Matthew.

MOTION: To recognize overtime reimbursement from the City of Memphis in the amount of \$6,663.21 and approve Budget Adjustment #17-47.

**Contract Extension – Fireworks**

Each year, the City contracts with a fireworks company to provide an electronically fired aerial fireworks display for the July Family Fourth event held at Municipal Park. The contract was awarded in FY15 in the amount of \$16,500.00 for the 2015 show, with an option to extend the contract for two (2) additional years at the same price. Staff is recommending exercising the City's option to extend the contract one additional year for the fireworks display. The City has used the contractor with successful results through 2015. The amount of \$16,500.00 is included in the FY17 budget.

MOTION: To authorize the Mayor to exercise the City's option to extend the contract with Pyro Shows, Inc for the July 4, 2017 fireworks display in the amount of \$16,500.00.

**Donation – Germantown Education Foundation Fill the Fountain**

The Germantown Education Foundation was established in 2006 and is an independent, 501(c)3, not-for-profit corporation that raises funds to directly support the public education of children in Germantown. The mission of the Germantown Education Foundation is to mobilize community resources to support and benefit schools and educational programs in the City of Germantown. The purpose of this agenda item is to authorize the remittance of money collected from citizens and others in the amount of \$4,247.00 to the Germantown Education Foundation.

MOTION: To approve the transfer of funds collected by the City from residents and others to the Germantown Education Foundation in the amount of \$4,247.00

**Agreement – TDOT Highway Rail Grade Crossing Improvements**

Large vehicles have a history of becoming stuck on the railroad tracks at this location. The improvements proposed for the Oak Manor Drive grade crossing include installation of five advance railroad warning signs and advanced pavement markings with some refreshing of existing pavement markings. The City agrees that it will perform the railroad crossing approaches work provided for in the Agreement. Germantown Public Works crews will install the signs. The retro-reflective pavement markings will be contracted out. Upon completion of the project, TDOT will reimburse the City for 100% of the construction costs.

MOTION: To authorize the Mayor to enter into an agreement with the Tennessee Department of Transportation (TDOT) for the preparation and installation of improvements to the railroad approach at Oak Manor Drive Grade Crossing, DOT Project No. 732-145H.

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

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

**REGULAR**

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**Resolution 16R32 – Americans with Disabilities Act Transition Plan**

Ms. Piefer stated this agenda item is to adopt, by resolution, the creation and implementation of the Americans with Disabilities Act Transition Plan, a significant wide-reaching civil rights law that was passed to prevent discrimination against individuals with disabilities. ADA applies to public and private businesses, state and local government agencies, and organizations offering public services, transportation and utilities.

Motion by Mr. Janda, seconded by Ms. Gibson, to adopt Resolution 16R32 authorizing the creation and implementation of the Americans with Disability Act Transition Plan for the City of Germantown.

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

**Appointment – Industrial Development Board**

The purpose of this agenda item was to appoint Mr. Dave Klevan to the Industrial Development Board due to one vacancy. Mayor Palazzolo nominated Dave Klevan to fill the vacancy. Alderman Massey and Alderman Barzizza objected to both the nominee and to the nomination process.

The Board of Mayor and Aldermen will elect a successor at their next regular meeting.

**Ordinance 2017-5: Amending Chapter 9, Article II (Air Pollution Control Code) of Germantown Code of Ordinances**

Mr. Lawton stated the proposed revisions to the City’s Air Pollution Control Code are being presented in order to have our Code conform to the changes made by Shelby County. The Shelby County Health Department’s Pollution Control Section administers a uniform pollution control program for the County and all municipalities within Shelby County. Shelby County has revised their fee schedule; these changes are to make our fees match the changes made by the County. Shelby County has further amended local open burning regulations to comply with recent state legislation providing for an expedited process to grant waivers from such regulations in the event of an emergency.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve Ordinance 2017-5, amending the City of Germantown Air Pollution Control Code on first reading and to set February 27 as the public hearing date to consider this ordinance amendment.

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

**Professional Service Agreement Supplement No. 2 – Lateral G**

Mr. Ross stated this agenda item is to consider approval of Supplement 2 in the amount of \$93,750.00 to an existing Professional Services Agreement (PSA) with ETI Corporation related to the Lateral G Drainage

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Improvements Project, increasing the contract from \$293,812.00 to \$387,562.00. The cost proposal in the amount of \$93,750.00 includes all items necessary to complete the Lateral G project as well as the proposed Allenby Lakes stream restoration project.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve Supplement No. 2 in the amount of \$93,750.00, increasing the originally approved Professional Services Agreement amount of \$293,812.00 to \$387,562.00 with ETI Corporation for design services related to the Wolf River Lateral G Drainage Improvements Project and to approve Budget Adjustment No. 17-46.

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

Meeting Adjourned.

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Mike Palazzolo, Mayor

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Michele Betty, City Clerk/Recorder