

BOARD OF MAYOR AND ALDERMEN

July 10, 2017

The regular meeting of the Board of Mayor and Aldermen was held on Monday, July 10, 2017, at 6 p.m. in the Council Chambers of City Hall.

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, Tim Gwaltney, Richard Hall, David Harris, Patrick Lawton, Lisa Piefer, 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

Alderman Owens led the Pledge of Allegiance.

Approval of Agenda

The Board is asked to approve the agenda as written.

Motion by Mr. Massey, seconded by Mr. Barzizza, to amend the agenda to delete Item #9 ROW Acquisition – Tract 21- Wolf River Boulevard/Germantown Road Intersection Improvements Project and Resolution 17R1 from the agenda.

ROLL CALL: Barzizza-yes, Gibson-no, Massey-yes, Owens-no, Janda-no. Motion failed.

Motion by Mr. Massey, seconded by Mr. Barzizza, to amend the agenda to move Item #10d - ROW Acquisition -Tract 17- Wolf River Boulevard/Germantown Road Intersection Improvements Project, Item #10e - ROW Acquisition -Tract 19 - Wolf River Boulevard/Germantown Road Intersection Improvements Project, and Item #10f - ROW Acquisition -Tract 25 - Wolf River Boulevard/Germantown Road Intersection Improvements Project from the Consent Agenda to the Regular Agenda.

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-yes, Owens-yes, Janda-no. Motion approved.

Motion by Mr. Barzizza, seconded by Ms. Gibson, 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, seconded by, to approve the minutes of the Board of Mayor and Aldermen meeting held June 26, 2017.

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

Special Recognition

Proclamation – Smokey Bear National Winner

National Garden Clubs, Inc. and the USDA Forest Service annually sponsor a Smokey Bear/Woodsy Owl Poster Contest to promote wildfire prevention education and conservation. The 2017 national poster contest winner is Khushi Patel of Farmington Elementary.

Certificate of Achievement for Excellence in Financial Reporting

The City has received the Certificate of Achievement for Excellence in Financial Reporting award from the Government Finance Officers Association for the City's fiscal year 2016 Comprehensive Annual Financial Report. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental accounting. The CAFR must include all funds, account groups and component units of the City in accordance with Generally Accepted Accounting Principles as established by the Government Accounting Standards Board. This is the 35th consecutive year for this award. Richard Campbell, budget manager for the City of Memphis and first vice president of the Tennessee Government Finance Officers Association presented the award.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

No citizens came forward.

ROW Acquisition -Tract 21 - Wolf River Boulevard/Germantown Road Intersection Improvements Project and Resolution 17R14

The purpose of this agenda item is to authorize the City of Germantown and the State of Tennessee to acquire from Wolf Trail Cove, LLC the property and interests described in Exhibit A by exercise of the right of eminent domain vested in the City and State for the purchase price of \$74,020.00 or such other amount as may be found to be due by the Courts to the owner for the acquisition of real estate and/or easements related to improvements to the intersection of Germantown Road and Wolf River Boulevard and to approve Resolution No. 17-R14.

Mr. Gwaltney, City Engineer, stated that the intersection of Wolf River Boulevard and Germantown Road (S.R. 177) is one of the most heavily congested intersections within the entire Memphis-MPO area. The latest available volume counts indicate an Annual Average Daily Traffic (AADT) of over 75,000 vehicles per day. Excessive delays at all times of the day prompted the City of Germantown to request federal and state funding for improvements to add capacity and increase efficiency of the intersection.

In order to meet the City and the State's goals of a safer, more efficient intersection, widening to accommodate additional laneage is required. In order to widen the roadway, acquisition of right-of-way (ROW) from private property owners is required. ROW appraisals and offers to property owners are currently taking place. We anticipate acquiring the necessary ROW in FY18. Construction is expected to begin in FY19.

The City requested funding for the project utilizing Surface Transportation Program (STP) funds through the Memphis-MPO. The project ranked sufficiently high to be funded in the previous (2014-2017) and current (2017-2020) Transportation Improvement Program (TIP). Typically, STP projects are 80% federal/20% local responsibility. However, since the bulk of the project is on a state route, TDOT has agreed to cover the 20% local match requirement. Therefore, the City has been and will continue to be reimbursed 100% of all project expenditures.

The City received a notice to proceed to the PE-NEPA (environmental) phase in March 2014. That phase was completed in late calendar year 2014. The City then received a notice to proceed to the PE-DES (design) phase in December of 2014. That phase was completed in early calendar year 2016. The city was then issued a notice to proceed to the right-of-way (ROW) phase of the project in June 2016.

At that point, the City entered into professional services agreements (PSA's) with a property appraiser (Bouldin and Associates), an appraiser reviewer (Doug Hall & Associates) and a negotiator (Stanfield Consultants). A total of twenty-seven (27) properties are involved on this project. To date, appraisals and reviews have been completed on twenty-four (24) of the properties. Offers have been extended to owners of twenty (20) of the properties.

Consistent with TDOT requirements, an appraisal of all rights-of-way and easements was performed by Bouldin and Associates (Mr. Earl Randle Bouldin, Jr., MAI, SRA, AI-GRS, CCIM). A review of the appraisals was conducted by Douglas B. Hall. The offer to property owner was made by third party negotiator Mr. Andrew F. Miller of Stanfield Consultants.

As indicated in the titled Appraisal for Tract 21, the area and improvements to be acquired on a portion of Tract 21 were valued at a total of \$74,020.00. The owner of Tract 21, Wolf Trail Cove, LLC, was offered this amount. The owner has declined the offer.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve Resolution 17-R14 authorizing the City of Germantown and State of Tennessee to acquire by eminent domain from Wolf Trail Cove, LLC the property described in Exhibit A for the total lump sum amount of \$74,020.00 or such other amounts as found to be due by the Court to the owner for Germantown Road/Wolf River intersection and improvements; authorizing the City Attorney and Attorney General to proceed with condemnation and authorizing the City to pay said sums to the Court as may be required.

Motion by Mr. Massey, seconded by Mr. Barzizza, to suspend the rules to allow property owner to be heard during the meeting

ROLL CALL: Barzizza-yes, Gibson-no, Massey-yes, Owens-abstain, Janda-no. Motion fails.

Motion by Mr. Barzizza, seconded by Mr. Massey, to defer the item to the August 14, 2017 Board meeting.

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-yes, Owens-yes, Janda-no. Motion to defer to August 14, 2017 approved.

CONSENT

Appointment to Beautification Commission

There is currently a vacancy on the Beautification Commission. Mr. Brent Brockway has expressed a desire to serve on this commission for the remainder of the 2017 term.

MOTION: To approve the appointment of Mr. Brent Brockway to serve on the Beautification Commission for the remainder of the 2017 calendar year.

Purchase - Annual Fleet and Heavy Equipment Tires

This agenda item is to request the Board's authorization to purchase new tires from Steepleton Tire Company in an estimated amount of \$60,000.00 and from Goodyear Wholesale Tire Center in an estimated amount of \$6,000.00. The City has approximately 1250 tires on the ground and is the most expensive maintenance item required in a fleet operation.

MOTION: To approve the purchase of new tires from Steepleton Tire Company in an estimated amount of \$60,000.00 and from Goodyear Wholesale Tire Center in an estimated amount of \$6,000.00.

Contract - GPS Contract One Year Extension

This agenda item is to request authorization to approve a one year extension for the Global Position System (GPS) annual service fee with LB Telematics in the amount of \$45,015.75. This system provides the ability to identify unnecessary idle time, unauthorized vehicle use, real time location of vehicles, identify underutilized vehicles, assist drivers in emergency situations, and possibly reduce insurance cost and other liability situations.

MOTION: To approve a one (1) year extension for the GPS annual service fee with LB Telematics utilizing the Tennessee SWC 199 in the amount of \$45,015.75.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to approve the consent agenda as amended.

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-yes, Owens-yes, Janda-no. Motion approved.

REGULAR

ROW Acquisition -Tract 17- Wolf River Boulevard/Germantown Road Intersection Improvements Project

This agenda item is to request approval to enter into an agreement with AmSouth Bank in the amount of \$28,150.00 for the purchase of real estate and/or easements related to improvements to the intersection of Germantown Road and Wolf River Boulevard. An appraisal of all rights-of-way and easements on Tract 17 was performed. The fair market value of the property to be acquired was determined to be \$28,150.00 and AmSouth Bank accepted the offer.

Motion by Mr. Barzizza, seconded by Mr. Owens, to approve the purchase of real estate from AmSouth Bank for the total lump sum amount of \$28,150.00 for Tract 17 and authorize the mayor to enter into an agreement therefore.

Motion by Mr. Massey, seconded by Mr. Barzizza, to defer this item to the August 14, 2017 Board meeting.

ROLL CALL: Barzizza-yes, Gibson-no, Massey-yes, Owens-no, Janda-no. Motion failed.

ROLL CALL: On original Motion made by Mr. Barzizza, seconded by Mr. Owens, to approve the purchase of real estate from AmSouth Bank for the total lump sum amount of \$28,150.00 for Tract 17 and authorize the mayor to enter into an agreement therefore.

Barzizza-yes, Gibson-yes, Massey-no, Owens-yes, Janda-yes. Motion approved.

ROW Acquisition -Tract 19 - Wolf River Boulevard/Germantown Road Intersection Improvements Project

This agenda item is to request approval to enter into an agreement with Stonewall Investment Partners in the amount of \$21,925.00 for the purchase of real estate and/or easements related to improvements to the intersection of Germantown Road and Wolf River Boulevard. An appraisal of all rights-of-way and easements on Tract 19 was performed. The fair market value of the property to be acquired was determined to be \$21,925.00 and Stonewall Investment Partners accepted the offer.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve the purchase of real estate from Stonewall Investment Partners for the total lump sum amount of \$21,925.00 for Tract 19.

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-no, Owens-yes, Janda-yes. Motion approved.

ROW Acquisition -Tract 25 - Wolf River Boulevard/Germantown Road Intersection Improvements Project

This agenda item is to request approval to enter into an agreement with 64 LTD, LLC in the amount of \$26,026.00 for the purchase of real estate and/or easements related to improvements to the intersection of Germantown Road and Wolf River Boulevard. An appraisal of all rights-of-way and easements on Tract 25 was performed. The fair market value of the property to be acquired was determined to be \$26,026.00 and 64 LTD, LLC accepted the offer.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve the purchase of real estate from 64 LTD, LLC for the total lump sum amount of \$26,026.00 for Tract 25 and authorize the mayor to enter into an agreement therefore.

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-no, Owens-yes, Janda-yes. Motion approved.

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder