

BOARD OF MAYOR AND ALDERMEN

August 28, 2017

The regular meeting of the Board of Mayor and Aldermen was held on Monday, August 28, 2017, at 6 p.m. at the Great Hall & Conference Center due to repairs and improvements being made in the Council Chambers.

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, Phil Rogers, 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

Vice Mayor Gibson led the Pledge of Allegiance.

Approval of Agenda

During the executive session, the Board unanimously agreed to move to the Consent Agenda #10 Professional Services Agreement – CDBG 2011 Disaster Recovery Grant and to move to the Regular Agenda #6b Resolution 17R16 A Resolution of the City of Germantown to Combat Hate, Extremism and Bigotry.

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

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-abstain, 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 August 14, 2017 minutes as written.

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

Special Recognition

Beautification Commission Business Award

The historic Baptist church site located on the Methodist Le Bonheur Germantown Hospital campus is the recipient of the August Beautification Commission Business Award.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

Audrey Grossman, 8530 Windy Oaks Cove, stated Resolution 17R16 is a statement from the City leadership against bigotry and hate. It is not a law or ordinance, but a statement of values.

Harold Steinberg, 8377 Willow Oaks Road, stated he fully supports Resolution 17R16. His family suffered persecution. He urged the Board to fully support it.

Kristy Sneed, 2102 E. Glenalden Drive, stated she supports the Mayor's motivation to speak for the community by affirming the community resists hate, extremism and bigotry. Her concern is how Resolution 17R16 is written. She believes it should be simplified and the beginning of the resolution is adequate because laws are already in place.

Peggy Duhamel, 2104 Duntreath Meadows, stated she supports Resolution 17R16. She is the author of a petition signed by 350 residents. The resolution supports laws already in place. She is the parent of a teenager who is an immigrant and a person of color who has become fearful following the recent events in Charlottesville.

Mary Green, 1765 Dickens Cove, stated that Germantown has an opportunity to take a stand against racism, extremism and bigotry in the city by adopting Resolution 17R16. Her neighbors are from several different backgrounds and cultures. A resolution is not a law, it shows support. Germantown should stand with other cities across the nation in support of diversity and tolerance.

Bill Ray, 2795 Burrows Farm Cove, stated he is in opposition to Resolution 17R16. We do not need a resolution in Germantown to combat an imaginary problem. To the best of his knowledge, the City has never had a rally supporting hate, extremism or bigotry. This resolution serves no purpose except to make a few people feel good.

Joanne Rhodes, 7904 Ashbrook Cove, stated she is glad that Germantown was going to embrace a statement supporting diversity. It will make her proud if Germantown stands against hate, blame and scapegoating.

CONSENT

Donation – Fire Department LAFS Program

The Fire Department has received donations from Schuyler W. Smith, Richard Jordan and Teresa Sweeney, Joseph and Carole Gray, Susan Kingston and the Germantown Woman's Club. These funds will be used to provide equipment and supplies for the LAFS program in preparation for Fire Prevention Month.

MOTION: To accept donations in the total amount of \$488.00 to support the Fire Department LAFS program and to approve Budget Adjustment No.18-6.

Donation – Small Fry Triathlon

The 9th Annual Small Fry Triathlon takes place in September at Farmington Park. In 2016, there were 161 preschoolers who competed in the running, biking and swimming portions of the event. Since 2012, the event has been sponsored by Campbell Clinic. The donation is applied towards the marketing expense, purchase of t-shirts, rental of inflatable moon bounces, participation medals, bib numbers and refreshments.

MOTION: To recognize the donation made to the Parks and Recreation Department for the Small Fry Triathlon totaling \$3,500.00 and to approve Budget Adjustment No. 18-7.

Grant - Germantown Community Theatre

As part of the FY18 Budget, a \$45,000.00 grant was included in the Civic Support budget for the Germantown Community Theatre to provide youth theater programming to the Germantown community. This is the eleventh year the Germantown Community Theatre has offered programming

to Germantown youth through funding from the City of Germantown.

MOTION: To authorize the Mayor to execute an agreement for the FY18 budget year between the City of Germantown and the Germantown Community Theatre and to authorize the budgeted payment of \$45,000.00.

Right-of-Way Acquisition – Tract 10–Germantown Road/Wolf River Boulevard Intersection Improvement Project

The intersection of Wolf River Boulevard and Germantown Road is one of the most heavily congested intersections within the entire Memphis-MPO area. The latest available volume counts indicate annual average daily traffic of over 75,000 vehicles per day. Excessive delays at all times of the day prompted the City to request federal and state funding for improvements to add capacity and increase efficiency of the intersection. Improvements to these roadways will be in the public interest. In order to widen the roadway, acquisition of right-of-way from private property owners is required. The fair market value of the property to be acquired was determined to be \$56,415.00. The property owner accepted the offer.

MOTION: To approve the right-of-way acquisition of real estate from Hunter’s Run Office Park Association for the total lump sum amount of \$56,415.00 for a portion of Tract 10 and authorize the disbursement of the purchase price to the seller.

Right-of-Way Acquisition – Tract 11 – Germantown Road/Wolf River Boulevard Intersection Improvement Project

The fair market value of the property to be acquired was determined to be \$158,100.00. The property owner accepted the offer.

MOTION: To approve the right-of-way acquisition of real estate from Rolando and Melissa Toyos for the total lump sum amount of \$158,100.00 for a portion of Tract 11 and authorize the disbursement of the purchase price to the seller.

Right-of-Way Acquisition – Tract 22 – Germantown Road/Wolf River Boulevard Intersection Improvement Project

The fair market value of the property to be acquired was determined to be \$158,100.00. The property owner accepted the offer.

MOTION: To approve the right-of-way acquisition of real estate from Baptist Memorial Health Care Corporation for the total lump sum amount of \$65,600.00 for a portion of Tract 22 and authorize the disbursement of the purchase price to the seller.

Agreement – ReGIS Funding Participation

This contract agreement with Shelby County Regional Geographic Information Systems Office (ReGIS) is for joint funding of ReGIS projects for FY18-FY21 in the amount of \$3,693.07 each fiscal year. This fee provides funding for Pictometry software and aerial viewing that offers georeferenced imagery captured at an angle of 40 to 45 degrees, designed to provide a more natural perspective and make objects easier to recognize and interpret. Oblique images are captured from the north, south, east, and west directions offering a 360-degree view of every property and parcel in high-resolution. Staff of multiple departments uses this data and software to analyze conditions prior to going out in the field.

MOTION: To enter into an agreement with Shelby County Regional Geographic Information Systems Office (ReGIS) for joint funding of ReGIS projects for FY18-FY21 in the amount of \$3,693.07 each fiscal year.

Purchase – Mowers

This agenda item is to purchase two new Exmark Lazer Z mowers models LZx921GKA72600 equipped with seventy-two inch mower decks in the amount of \$21,712.46. In addition, authorization is requested to declare units 867 and 868, both 2009 Grasshopper mowers model 335-D, as surplus property. These two units have exceeded their dependable life cycle. All drive train and mower decks have excessive wear. The new commercial mowers will be used for athletic field maintenance.

MOTION: To approve the purchase of two new Exmark Lazer Z mowers, models LZx921GKA72600, equipped with seventy-two inch mower decks from 4 Seasons Equipment Company in the amount of \$21,712.46 and to declare units 867 and 868 as surplus property.

Purchase – Dump Truck

This agenda item is to purchase one new 2018 Kenworth T370 chassis equipped with a Rogers dump body model 100RM3N5 in the amount of \$97,258.00 from National Auto Fleet Group. The vehicles being declared surplus are a 2002 Ford F450 service truck with crane and a 2003 Chevrolet 3500 service truck.

MOTION: To approve the purchase of one new 2018 Kenworth T370 chassis equipped with a Rogers dump body model 100RM3N5 in the amount of \$97,258.00 from National Auto Fleet Group and to declare units 607 and 647 as surplus property.

Change Order No. 2 – Germantown Athletic Club Renovation Phase II Project Closeout

Change Order No. 2 for Phase II of the Club’s renovation project with A and B Construction increases the contract amount by \$110,955.45. Unforeseen conditions have resulted in additional work being required that could not be anticipated until after construction began. In addition, minor changes were made in the plans during construction that will enhance or eliminate an element that was not apparent in the design plans.

MOTION: To approve Change Order No. 2 for Phase II of the Germantown Athletic Club’s Renovation Project with A and B Construction increasing the contract amount by \$110,955.45 from \$2,379,384.04 to \$2,490,339.49 and to close out the project.

Shelby County Property Reappraisal Payment

Shelby County has provided to all municipalities a summary report of Continuous Cycle Reappraisal Program fiscal year expenses for the completed 2017 reappraisal. Germantown’s portion of the sharable cost for the period is \$142,799.00. The cost is allocated based upon the number of parcels within the municipality. Although no annual bills have been received from the Shelby County Government, an accrual was established to pay for the City’s share of the reappraisal.

MOTION: To approve payment to Shelby County Government for property reappraisal for fiscal years 2014 through 2017 in the amount of \$142,799.00.

Professional Services Agreement – CDBG 2011 Disaster Recovery Grant

This agenda item is to approve a professional services agreement with Barge Waggoner Sumner & Cannon, Inc. in the amount of \$215,500.00 related to the Community Development Block Grant 2011 Disaster Recovery funds awarded to the City by the State. In April 2011, historic flooding events occurred in and around Shelby County. The area was declared a disaster area. The City submitted an application for funds to restore and stabilize the banks of Wolf River Laterals C, D and G and the installation of grade control structures to prevent erosion during future floods. The City was notified by the State of Tennessee Economic and Community Development Department that the City has been awarded \$1,064,990.00 for design and construction.

MOTION: To approve a professional services agreement with Barge Waggoner Sumner & Cannon, Inc. in the amount of \$215,500.00 for services related to the Community Development Block Grant 2011 Disaster Recovery Grant awarded to the City and to authorize the Mayor to execute the governmental contract with the State of Tennessee in the amount of \$1,064,990.00, subject to approval by the City Attorney.

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

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

REGULAR

Resolution 17R16 – A Resolution of the City of Germantown to Combat Hate, Extremism and Bigotry

Resolution 17R16 states the City of Germantown supports the US Conference of Mayors' Compact to Combat Hate, Extremism and Bigotry and supports the Mayor's effort to work with executive and legislative partners at federal and state levels to ensure that civil rights laws are aggressively enforced, existing hate crime laws are strengthened as needed and new laws are enacted to ensure that all hate crimes are prosecutable in their jurisdictions to the greatest extent possible.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve Resolution 17R16, a resolution of the City of Germantown to combat hate, extremism and bigotry.

Motion by John Barzizza, seconded by Dean Massey, to defer voting on the resolution and hold a public hearing.

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

Motion by Mr. Owens, seconded by Mr. Janda, to call the question.

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

ORIGINAL MOTION

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

Meeting Adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder