

BOARD OF MAYOR AND ALDERMEN

September 11, 2017

The regular meeting of the Board of Mayor and Aldermen was held on Monday, September 11, 2017, at 6 p.m. in the Council Chambers at 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, Jason Huisman, Patrick Lawton, Bo Mills, 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 Massey led the Pledge of Allegiance.

Approval of Agenda

During the executive session, the Board unanimously agreed to move to Special Recognition, from the consent agenda, #10k Donation – Parks and Recreation.

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 August 28, 2017 minutes as written.

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

Special Recognition

Tennessee Task Force One

On August 24, City staff, serving on Tennessee Task Force One, received activation notice from FEMA due to Hurricane Harvey hitting the Houston, Texas area. Fire Chief John Selberg, Fire Captain Howard Thompson and Information Technology Director Tony Fischer completed their mission and returned home on September 4. Mr. Fischer was reactivated on September 6 due to Hurricane Irma moving into the Florida area.

Donation – Parks and Recreation

The Germantown Historic Commission is partnering with the Germantown Museum Board to develop an interactive website focusing on Germantown's rich history. The Procurement Department has secured a competitive bid to hire a firm to design and build this new website for the groups. Much like a museum, this site will be a central go-to place to inquire about historical events in Germantown's past and to serve as an educational tool for schools. The Germantown Museum Board received funding for this project through a grant from Shelby County Commissioner Mark Billingsley. These funds, coupled with money

identified in the City's FY18 Civic Support budget, will be used to hire a web design firm.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to recognize a donation from the Germantown Museum Board to the Parks and Recreation Department – Civic Support Budget for website development totaling \$4,950.00 and to approve Budget Adjustment No. 18-11.

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

Alderman Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

No citizens came forward.

BEER BOARD

Public Hearing – Temporary Beer Permit On-Premise – Germantown Charity Horse Show Association – Horse Fair/Food Truck Round Up

The Germantown Charity Horse Show Association is seeking a temporary beer permit to serve beer at their event on the Germantown Charity Horse Show grounds. The beneficiaries of the proceeds are the Exchange Club of Memphis and the Germantown Charity Horse Show. Mayor Palazzolo asked citizens to come forward to address the Board during the public hearing.

Ms. Mary Livesay, representing the Germantown Charity Horse Show Association, came forward to provide to the Beer Board details regarding the event.

Mayor Palazzolo closed the public hearing.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to approve a temporary beer permit allowing the sale of beer on publicly owned property at the Germantown Charity Horse Show Association's event to be held on Saturday, September 23, 2017 between the hours of 4 p.m. and 8 p.m.

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

CONSENT

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. 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 material safety data sheets. This purchase will meet the department's needs for approximately one year.

MOTION: To approve the purchase of water treatment chemicals in the amount of \$16,040.00 from Harcross Chemicals, \$9,840.00 from Shannon Chemical and \$15,357.00 from Ideal Chemical for a total expenditure is \$41,237.00.

Purchase – Bulk Concrete

Concrete mix is used primarily for street maintenance repairs, utility cuts, curb, gutter and water table repairs and storm water maintenance projects. Public Works will make the request to the vendor to be delivered to the job site as needed for immediate application. This purchase will meet Public Works' concrete needs for approximately one year.

MOTION: To “piggyback” with the Town of Collierville's current contract for the purchase of 500 cubic

yards of concrete mix in the amount of \$51,045.00 from Tri-State Ready Mix.

Purchase – Cement Treated Base Mix

Cement treated base mix is used primarily for street maintenance repairs, utility cuts and storm water maintenance projects. Public Works crews pick up the amount required each day as needed at the vendor's distribution plant for immediate application.

MOTION: To approve the purchase of 2,500 tons of cement treated base mix in the amount of \$67,500.00 from Lehman Roberts and 1,000 tons from APAC-TN in the amount of \$28,500.00 for a total amount of \$96,000.00.

Purchase – Knuckleboom Truck

This vehicle can be used in the day-to-day operations by the Public Works, Grounds and Utility Departments. The vehicle will be equipped with the necessary attachments required to assist in heavy debris removal and can be operated by one person which eliminates the use of multiple vehicles and equipment.

MOTION: To approve purchase one new 2018 Kenworth T370 cab and chassis in the amount of \$85,477.00 from National Auto Fleet Group and a new Peterson TL3 Loader including a HDX-2030 Hardox Body in the amount of \$69,266.42 from Petersen Industries resulting in a total expenditure amount of \$154,743.42. In addition, authorization is requested to declare units 596 and 859 as surplus property.

Purchase – Air Compressors

The air compressors will be used in day-to-day operations by the Public Works, Water and Sewer Departments and provide dual pressure and dual flow. It can operate at either 250 cfm at 100 psi or 185 cfm at 150 psi providing an efficient amount of air required to run multiple air tools.

MOTION: To approve the purchase of two new 2017 Doosan portable air compressors model P250/HP185WDZ-T4F in the amount of \$47,971.00 from Williams Equipment and Supply and to declare units 629 and 721 as surplus property.

Purchase – Trailer Mounted Generator

This generator will allow for additional supplemental power to the 25 sewer lift stations in the event of a major power failure or catastrophic event. The Sewer Department has one mobile generator designated for the Johnson Road Triplex and an additional generator is required for the remaining 22 lift stations. All of the existing stations are designed and set up with electrical quick couple attachments and, therefore, no additional electrical modifications are required. This generator can also be used for special events or backup power for City buildings or park structures during power failures. Normal life cycle on this type of equipment is 20 years.

MOTION: To approve the purchase of a new 2017 Caterpillar Trailer Mounted Generator Set Model XQ125 from Thompson Power in the amount of \$62,994.01 and approve Budget Adjustment No.18-10.

Purchase – Ammunition

Members of the Police Department are required by the POST Commission to qualify with their duty weapon, off duty weapon, shotgun and patrol rifles each year. Currently the Police Department qualifies three times each year with their duty weapon and patrol rifle and once a year with the shotgun and off duty weapon.

MOTION: To approve the purchase of ammunition from Craig's Firearm Supply, Precision Delta Corp. and Gulf States Distributors Inc. in the amount of \$36,713.26.

Purchase - Performance Management Software Renewal

In September 2016, the Board of Mayor and Aldermen approved a contract with Ascendant Strategy Management Group for a performance management software package to allow the City to track, monitor and display our progress toward implementation of the Germantown Forward 2030 strategic plan. The strategic plan consists of 9 key performance areas, 26 strategic objectives and 64 key performance areas. Tracking and measuring our success in these areas will build a sustainable Germantown and fulfill the vision outlined in the strategic plan.

MOTION: To authorize the Mayor to renew a maintenance agreement with Ascendant Strategy Management Group, LLC in the amount of \$15,532.74.

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. The term of the contract ended in FY17. The 2017 show was canceled due to unsafe weather conditions. Per the original agreement, Pyro Shows extended the City a credit of \$8,000.00 in recoverable unused pyrotechnic devices and other materials to be applied towards next year's show. Therefore, staff is requesting to extend the contract for one additional year to utilize the credit provided.

MOTION: To authorize the Mayor to exercise the City's option to extend the contract with Pyro Shows, Inc for the July 4, 2018 fireworks display in the amount of \$8,500.00 and a Change Order No. 2 in the amount of \$1,650.00 for a total amount not to exceed \$10,150.00.

Construction Contract – Allenby Road Sidewalk Installation

Many of the residents, including school children, use Allenby Road for access to schools, parks and other neighborhoods. Since the sidewalk ends approximately 780 feet from Farmington Boulevard, a request was made by the neighborhood residents to the City administration to improve neighborhood safety by completing the sidewalk to Farmington Boulevard. The project was submitted for review during the FY18 CIP evaluation process and was included in the approved FY18 CIP Program.

MOTION: To approve a construction contract with Mark Weeks Consulting and Construction in the amount of \$15,900.00 for the installation of sidewalks along the east side of Allenby Road.

Donation – Police Department

The Germantown Women's Club made a cash donation in the amount of \$300.00 for the Police Department to purchase stuffed animals to be given away by officers on the scene of traumatic events that children are involved in or witnessed.

MOTION: To recognize a donation received from the Germantown Women's Club in the amount of \$300.00.

Partnership Agreement – Lateral D Farmington Blvd. Culvert Protection Project Final Accounting

This item brings to a close the City's partnership agreement with the Corps of Engineers to fund the construction of improvements on Lateral D at the box culvert under Farmington Boulevard. The project was conducted under the Corps of Engineers Section 14 Emergency Stream Bank Protection Program that is funded 65% federal and 35% local. The final accounting of the project costs disclosed that the City owed \$6,108.56 to bring its share up to the 35% required local match of the total project costs. This agenda sheet approves the payment of the \$6,108.56 and closes the project.

MOTION: To approve a \$6,108.56 payment to the Department of the Army in accordance with the final accounting of the Project Partnership Agreement between the Department of the Army and the City of Germantown for the Lateral D Farmington Boulevard Culvert Project and to approve Budget Adjustment No. 18-9.

Grant – GPAC Arts Education

For over a decade, the City provided \$40,000.00 to the Germantown Arts Alliance with the understanding those funds would be distributed as grants to performing arts groups and school based arts programs. In January of 2016, the Germantown Arts Alliance ceased operations and transferred the grant making efforts to GPAC. In 2015, GPAC created the GPAC Arts Education Fund which supports a variety of arts education programs and grants. Through a variety of fundraisers and contributions the GPAC Arts Education Fund has grown to over \$35,000.00. The grant amounts to be awarded in FY18 will total \$43,367.00. The balance after the City's \$40,000.00 transfer will be \$3,367.00. GPAC will cover the balance amount from the GPAC Arts Education Fund.

MOTION: To approve the transfer funds to the Germantown Performing Arts Center in the amount of \$40,000.00 for the purpose of issuing grants to school art programs and community arts groups.

Grant - Germantown Education Foundation Oktoberfest

As part of the FY18 Budget, a \$25,000.00 grant was included in the Civic Support budget to provide start-up funds to the Germantown Education Foundation (GEF) for the first Germantown Oktoberfest. The City's investment in the event will be retained from the earnings each year and used as start-up money for the following year's event. Through grants, projects and initiatives, the foundation helps advance the academic achievement of students by improving the quality of teaching and learning.

On November 4, the foundation will host the Germantown Oktoberfest. Expected to draw up to 20,000 visitors, the festival is likely to become GEF's largest fundraiser. The day-long event will take place at the Germantown Civic Club Complex and will feature fun for the entire family. Event highlights include: German food and beer, live music, a chicken-dance off, Mr. and Mrs. Oktoberfest, a corn hole tournament, musical chairs, races, special VIP experiences and more.

MOTION: To authorize payment in the form of a grant to the Germantown Education Foundation in the amount of \$25,000.00.

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-yes. Motion approved.

REGULAR

Resolution 17R17 Bond Awarding Resolution Series 2017

Resolution 17R17 is the culmination of months of work by the Board of Mayor and Aldermen, Germantown Board of Education, respective City and Germantown Municipal School District staff, the Financial Advisory Commission and the Germantown community. This resolution awards \$29,275,000.00 in general obligation bonds backed by the full faith and credit of the City of Germantown to Fifth Third Securities, Inc. The proceeds will be used to construct a new K-5 elementary school on Forest Hill-Irene Road between Poplar Pike and Winchester Road.

This bond sale marks the largest issuance in the City's history. After an extensive review by Standard & Poor's and Moody's Investor Services, it also carries the coveted AAA rating. The City received 10 competitive bids from the financial institutions as noted on the resolution. After careful review of the submissions, and approval of the apparent low bidder by PFM, the City's financial advisors, it was

determined that Fifth Third Securities submitted the award winning bid.

The City's use of debt as a method to finance large capital projects is identified in the financial policies adopted by the Board with the annual budget. Generally, debt will be issued for capital projects with a useful life of over 10 years. The financial policies also provide guidance on debt limits and affordability by recognizing the changing dynamics of the population, tax base and economic environment.

The consideration of Resolution 17R17 is consistent with these financial policies, the approved budget for FY18 and the City's five-year financial plan.

Motion by Mr. Janda, seconded by Mr. Owens, to approve Resolution No. 17R17 awarding \$29,275,000.00 General Obligation Bonds, Series 2017, at the interest rates thereby reflected to Fifth Third Securities Inc.

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

BEER BOARD HEARINGS - SUSPENSION/REVOCAION OF BEER LICENSE

Circle K Store – 9113 Winchester Rd.

The underlying basis for the suspension or revocation being the violation of Section 3-81 of the Germantown City Ordinance and Section 57-5-301 of the Tennessee Code Annotated pertaining to the sale of beer to persons designated by the State to be a minor. The Germantown Police Department (GPD) served notice of this hearing to Circle K Store on July 31, 2017. Mr. Mark McDaniel, Assistant City Prosecutor, represented the City at this hearing.

On November 24, 2015, the GPD conducted an undercover sting investigation of beer permit holders. On that date, a Cooperating Individual (CI) working with the GPD, who was 19 years of age, purchased beer from the cashier. The cashier's employment was terminated. A fine of \$500.00 was paid. On December 16, 2016, the GPD conducted an undercover sting investigation. On that date a CI, who was 19 years of age, purchased beer. Officer Seboldt witnessed the transaction. The cashier's employment was terminated.

Representing Circle K Store was Katherine A. James, Market Manager, residing at 6095 Bartlett View Lane, #3, Bartlett, TN 38134. Ms. James stated she was the market manager at the time of the violation and admitted the violation took place at the store.

Motion by Mr. Janda, seconded by Ms. Gibson, to find Circle K Store located at 9113 Winchester Rd., guilty of a violation of the Germantown Beer Ordinance regarding selling beer to a minor.

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

Circle K Store is a Responsible Vendor Certificate holder and it has been more than 12 months since the first violation. Mr. McDaniel stated the City can assess a civil penalty of up to \$1,000.00. For a vendor that has gone through the time, effort and expense of obtaining a Responsible Vendor Certificate, the City's position is to recommend a \$250 for a first violation. Due to this being the vendor's second violation, Mr. McDaniel recommends a fine of \$500.00.

Motion by Mr. Janda, seconded by Mr. Owens, to fine Circle K Store a civil penalty of \$500.00.

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

Whole Foods Market – 7825 US Highway 72

The underlying basis for the suspension or revocation being the violation of Section 3-81 of the

Germantown City Ordinance and Section 57-5-301 of the Tennessee Code Annotated pertaining to the sale of beer to persons designated by the State to be a minor. The Germantown Police Department served notice of this hearing to Whole Foods Market on July 31, 2017. Mr. Mark McDaniel, Assistant City Prosecutor, represented the City at this hearing.

On December 16, 2016, the Germantown Police Department (GPD) conducted an undercover sting investigation of beer permit holders. On that date, a Cooperating Individual (CI) working with the GPD, who was 19 years of age, purchased beer. Officer Seboldt witnessed the transaction and the cashier was issued a misdemeanor citation for selling beer to a minor. The cashier's employment was terminated. Representing Whole Foods Market was Rachele Beauvais, Manager and Teresa Bourst, Assistant Manager. Ms. Beauvais and Ms. Bourst were managers at the time of the violation.

Motion by Mr. Barzizza, seconded by Mr. Janda, to find Whole Foods Market located at 7825 US Hwy. 72., guilty of a violation of the Germantown Beer Ordinance regarding selling beer to a minor.

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

This is the first ordinance violation at this Whole Foods Market location. Whole Foods Market is a Responsible Vendor Certificate holder. The City's position is to recommend a \$250.00 for a first violation.

Motion by Mr. Barzizza, seconded by Mr. Owens, to fine Whole Foods Market a civil penalty of \$250.00.

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

Meeting Adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder