

BOARD OF MAYOR AND ALDERMEN

August 13, 2018

The regular meeting of the Board of Mayor and Aldermen was held on Monday, August 13, 2018 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, Tony Fischer, Ralph Gabb, Tim Gwaltney, Richard Hall, Jason Huisman, Patrick Lawton, Mac McCarroll, Bo Mills, Daniel Page, Lisa Piefer, Cameron Ross, Emily Rozar, Keith Saunders 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 the Agenda

The Board unanimously agreed to move to the consent agenda #11 Contract – GPAC Grove Fire Truck Turnaround and the following five items to the regular agenda: #9a Agreement – Center for Applied Earth Science and Engineering Research (CAESER), 9g Cooperative Performing Arts Agreement - Amendment No. 3, #9j Professional Services Agreement - FY19 On-call Engineering Services, #9o Right-of-Entry - Tract 15 – Forest Hill-Irene Road Improvements and #9p Right-of-Entry - Tract 31 - Forest Hill-Irene Road Improvements.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to approve the August 13, 2018 agenda as amended.

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

Approval of Minutes

There were no corrections made to the July 23, 2018 minutes.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve the minutes of the Board of Mayor and Aldermen Meeting held July 23, 2018, as written.

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

Special Recognition

Beautification Business Award

Farmington Center, located on the corner of Exeter Road and Farmington, was the recipient of the July Beautification Business Award.

McVay Gardens Cemetery Restoration

On behalf of The Germantown Museum and the Germantown Historic Commission, City Historian Andy Pouncey made a presentation regarding restoration efforts at the McVay Gardens Cemetery.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

The following citizens came forward to state they do not believe the public was given opportunity to review the Forest Hill-Irene Road improvement project:

Ted Pepin, 3569 Crestwyn Drive
Brandon Wellford, 3366 Hollow Creek Road

Mindy Fischer, 8221 Beaufort Cove, came forward to ask citizens and elected officials to find ways to communicate with each other in ways that are respectful and productive.

CONSENT

Certificate of Compliance – Trader Joe’s #738

Mr. Danny T. Bane, Chief Executive Officer with Trader Joe’s East, Inc., has requested a Certificate of Compliance from the City to sell wine for off premises consumption. Trader Joe’s #738 is in compliance with the provisions of Tennessee Code Annotated §57-3-806. The applicant’s background check found he has not been convicted of a felony and the location complies with all applicable zoning laws adopted by the City. The Beer Board granted Trader Joe’s #738 a beer permit on October 26, 2015.

MOTION: To approve a Certificate of Compliance - Retail Food Store for Mr. Danny T. Bane, Chief Executive Officer of Trader Joe’s East, Inc., for Trader Joe’s #738 located at 2130 Exeter Road, Unit 1.

Contract - Defibrillator Maintenance

Zoll Medical Corporation has been the primary provider of cardiac monitors and defibrillators for the fire department for the past several years. These monitors have been purchased over the last five years and several have reached the end of the warranty period. The monitors are used on a daily basis by personnel for evaluation and treatment of patients and this equipment must be maintained in a constant state of readiness and reliability. This contract will extend the warranty of the defibrillators and continue the preventative maintenance program that assures all monitors will continue to operate with minimal down time.

MOTION: To enter into an extended warranty and preventative maintenance contract with Zoll Medical Corporation in the amount of \$13,235.75.

Contract Extension – Bulk Asphalt Mix

Hot asphalt mix is used primarily for street maintenance repairs, temporary pothole repairs, utility cuts, parks and grounds trail repairs and storm water maintenance projects. Public Works crews pick up the amount required for the job each day at the closest distribution plant location to the construction site. This procedure allows for application while the product is still hot and pliable. Lehman Roberts will be used as a secondary source when production plants are out of operation for seasonal maintenance. This is the first of two additional twelve (12) month extension periods, at the City’s option, that will extend from July 1 to June 30 of FY19-20.

MOTION: To authorize the Mayor to enter into the first year extension, at the City’s option, with Standard Construction Company, Inc. for the purchase of 3,000 tons of 411D hot asphalt mix in the amount of \$141,900.00.

Contract Extension - Youth Basketball Uniforms

Each year, the Parks and Recreation Department operates a youth basketball league for grades 1 to 12. Games and practices are held in Germantown Municipal School gymnasiums. The agreement was awarded in FY17 for a period of one year with two one-year extension periods at the City’s option. BSN Sports met all of the requirements last year and the department is satisfied with the quality and performance of their products.

MOTION: To authorize the Mayor to exercise the City's second and final option to extend the agreement with BSN Sports for one additional year for the purchase of youth basketball uniforms per the approved unit prices for an amount not to exceed \$19,000.00.

Contract Extensions and Amendments - Water Plant Chemicals

The chemicals are purchased as needed from local vendors for the purpose of providing quality potable water to city customers, per State of Tennessee requirements. Due to limited storage options, the chemicals required by each plant must be delivered 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 authorize the Mayor to extend the contract with Shannon Chemical Corporation in the amount of \$20,664.00; approve the first amendment to the Contract to adjust pricing and extend the contract with Harcros Chemicals, Inc. in the amount of \$25,312.00; and approve the first amendment to the contract to adjust pricing and extend the contract with Ideal Chemical and Supply Company in the amount of \$23,445.00 for a total of \$69,421.00.

Grant – Germantown Area Chamber of Commerce

The purpose of this agenda item is to award a grant to the Germantown Area Chamber of Commerce for daily operational expenses. Established in 1973, the Chamber is an active partner with the City in promoting business growth and development. Key partnership initiatives include retail recruitment revitalization strategies and marketing and development of the Economic Development Partnership website which serves as the online presence for the City's economic development information. Funding for the grant is included in the approved FY19 budget.

MOTION: To authorize payment in the form of a grant to the Germantown Area Chamber of Commerce in the amount of \$20,000.00.

Payment - TDEC Water System Maintenance Fee

This fee provides funding for a technical staff, which consults with local utility officials on water system issues, and is collected from all public water systems in the state of Tennessee. The fee is based upon the type of facility and the number of water service connections. The City qualifies as a community water system with the maintenance fee based upon the number of service connections (14,258 units @ \$1.30 each).

MOTION: To authorize payment to TDEC in the amount of \$18,535.40 for the state facility maintenance fee as established by the Water Quality Control Board.

Purchase – Dual Swift Water Boat Trailer

The fire department has been involved with technical rescue and participated with other Shelby County departments in various technical rescues. The department has 15 swift water technicians and six boat operators. The department currently utilizes a flat-bottom boat and a rigid inflatable swift water boat. Currently, these are carried on separate trailers, requiring the use of two pickups when being deployed. The double transport trailer will allow both boats to be transported by one vehicle and allow for a faster deployment. Swift water conditions are ever changing and operators do not know which type of boat will perform in certain conditions. The double trailer will allow crews to deploy rapidly and have both boats available for use at the scene.

MOTION: To approve the purchase of a dual swift water rescue boat transport trailer from One Boat Rescue Boats in the amount of \$10,800.00.

Purchase – Police Office and Corridor Floor Replacement

The existing flooring in the investigation office area and the training room is carpet which has become badly worn. The replacement flooring will be laminated vinyl tile, which is more durable, environmentally sustainable and easier to maintain.

MOTION: To approve the purchase of services with BG Carpets dba Carpet Contractors in the amount of \$23,037.28 for flooring and covebase replacements in the police department.

Purchase – Rubber Tire Excavator

The excavator is used in the day-to-day operations for street maintenance, street failures, maintaining water and sewer lines and drainage ditches, and the removal of damaged curbs, gutters and water tables. The new excavator comes with 1,500 hours or one (1) year of warranty, whichever comes first, and will be serviced by CMI Equipment Inc. during this warranty period. This new excavator will replace Unit 947, a 2000 Gradall XL4100 Rubber Tire Excavator with 4,420 hours. The replacement of this excavator is based on current operating hours, age, condition and dependability.

MOTION: To approve the purchase of a 2018 Gradall 4100 Rubber Tire Excavator equipped with (1) 66-inch ditching bucket, (1) 60-inch ditching bucket, and (1) 24-inch excavating bucket from CMI Equipment Sales Incorporated in the amount of \$403,999.31; and to declare Unit 947, a 2000 Gradall XL4100 Rubber Tire Excavator, as surplus property.

Purchase – Well Revitalization #S-3 Southern Avenue Water Treatment Plant

Last fiscal year, the City's Annual Well Maintenance Report indicated that Well # 3 was in need of pulling for assessment and repairs. This unit was pulled and transported to NWS. Mechanical repairs were authorized by the BMA and have been completed. NWS inspected the well and found it to be clogged with iron deposits, which caused sand pumping to occur. In order to clean the screen so that water can travel unrestricted, NWS has proposed their patented Deep Well Revitalization High Velocity Injection process. This process pushes chemicals in sequential treatments under high flow and pressure out into the aquifer, past the screen and past the gravel pack clearing the iron deposits. The cost for these revitalization services is \$45,900.00. NWS has performed maintenance on pumps and wells in the City utility system over the past seven years and results have been positive.

MOTION: To authorize National Water Services to complete revitalization services for Well # 3 at the Southern Avenue well field in the amount of \$45,900.00.

Right-of-Way Acquisition – Tract 17 - Forest Hill-Irene Road Improvements

The purpose of this agenda item is to request approval of a contract for sale and purchase with Mrs. Paula M. and Mr. William F. Monsarrat in an amount not to exceed \$24,500.00 for the purchase of real estate and/or easements related to improvements to Forest Hill-Irene Road. Staff extended an offer of \$24,500.00, subject to Board approval. The Monsarrats accepted the offer.

MOTION: To approve the acquisition of real estate and/or easements from Mrs. Paula M. and Mr. William F. Monsarrat for the total lump sum amount of \$24,500.00 for Tract 17 in accordance with the terms of the purchase agreement and authorize the disbursement of the purchase price to the seller and of other sums required of the City under the purchase agreement or otherwise to effectuate the purposes of the purchase agreement.

Right-of-Way Acquisition – Tract 18 - Forest Hill-Irene Road Improvements

The purpose of this agenda item is to request Board of Mayor and Aldermen approval of a contract for sale and purchase with CGIANT, LLC in an amount not to exceed \$2,700.00 for the purchase of real estate and/or easements related to improvements to Forest Hill-Irene Road. Staff extended an offer of \$2,700.00, subject to

Board approval. CGIENT, LLC accepted the offer.

MOTION: To approve the acquisition of real estate and/or easements from CGIENT, LLC for the total lump sum amount of \$2,700.00 for Tract 18 in accordance with the terms of the purchase agreement and authorize the disbursement of the purchase price to the seller and of other sums required of the City under the purchase agreement or otherwise to effectuate the purposes of the purchase agreement.

Supplement No. 2 – City Wide Master Drainage and Infrastructure Inventory Plan

This agenda item is to consider approval of Supplement No. 2 to the professional services agreement with Barge Design Solutions, in an amount not to exceed \$150,000.00, for the third year of engineering and surveying services related to the citywide master drainage plan and infrastructure inventory. The City has a permit with the TN Department of Environment and Conservation to discharge its stormwater runoff into waters of the state. In order to be in compliance with the permit, the City must have an accurate and complete inventory and condition of its stormwater infrastructure and a searchable database for tracking complaints, notices of violations, illicit discharges, actions taken and closeout. Creating a geographic information system database to efficiently monitor the stormwater infrastructure is a very labor intensive, time consuming task.

MOTION: To approve Supplement No. 2 to the professional services agreement with Barge Design Solutions in an amount not to exceed \$150,000.00 for Phase 3 of the citywide master drainage plan and infrastructure inventory.

Contract - GPAC Grove Fire Truck Turnaround

Germantown Performing Arts Center (GPAC) and the City agreed to equally share the construction expense of The Grove. The Grove will be an outdoor performance venue at GPAC. The construction of The Grove stage, lawn, plaza and restrooms are planned to begin in the middle of September 2018. The Grove will alter the paved access to the rear of GPAC, the Germantown Athletic Club and The Great Hall & Conference Center. After several reviews and discussions, it was determined that a fire truck turnaround is necessary to provide adequate fire protection and emergency services.

MOTION: To approve a construction contract with Barnes and Brower, Inc. in the amount of \$69,277.00 for installation of a fire truck turnaround area along the west side of the Germantown Performing Arts Center.

Motion by Mr. Barzizza, seconded by Mr. Owens, to approve the items on the consent agenda as amended.

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

REGULAR

Construction Contract - Forest Hill-Irene Road Improvements

Gresham Smith & Partners completed the construction plans for the Forest Hill-Irene Road improvements project in early July 2018. When completed, the project will consist of two northbound lanes, two southbound lanes, a center turn lane at major crossings, a raised, landscaped median with irrigation, a new 12” diameter waterline, fiber optics, street lighting, curb/gutter, sidewalk and bike lanes. The contractor, Acuff Enterprises dba Scott Contractors, has eighteen (18) months to complete the entire project.

Motion by Mr. Owens, seconded by Mr. Janda, to approve a construction contract with Acuff Enterprises dba Scott Contractors in the amount of \$6,113,785.55 for the construction of Forest Hill-Irene Roadway Improvements Project from Winchester to Poplar Pike.

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

Ordinance 2018-7 - Public Arts Commission – Second Reading and Public Hearing

This agenda item requests approval of Ordinance 2018-7 on second reading. This ordinance establishes a Public Arts Commission whose purpose is to enhance the city's environment and public spaces through the strategic placement and promotion of public art throughout the city.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to approve on second reading Ordinance 2018-7, establishing a Public Arts Commission.

Mayor Palazzolo opened the public hearing. Having no one come forward, Mayor Palazzolo closed the public hearing.

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

Ordinance 2018-8 - Bicycle and Pedestrian Commission – Second Reading and Public Hearing

This item requests approval of Ordinance 2018-8 on second reading. This ordinance establishes a Bicycle and Pedestrian Commission whose purpose is to promote bicycling and walking as a viable means of transportation, to provide input on public bicycle and pedestrian infrastructure projects, and to advance the city's overall commitment to greenways, trails and connectivity.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve on second reading Ordinance 2018-8, establishing a Bicycle and Pedestrian Commission.

Mayor Palazzolo opened the public hearing. Having no one come forward, Mayor Palazzolo closed the public hearing.

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

Ordinance 2018-9 - Technology Commission – Second Reading and Public Hearing

This agenda item requests approval of Ordinance 2018-9 on second reading. This ordinance establishes a Technology Commission whose purpose is to enable the city to meet the rapid pace of technological change in society by planning and investing in information and communication technologies. The proposed motion is an amendment replacing the Telecommunications Commission with the Technology Commission.

Motion by Mr. Barzizza, seconded by Mr. Owens, to approve on second reading Ordinance 2018-9, amending Sec. 2-276 through Sec. 2-278 and adding Sec. 2-279, thereby replacing the Telecommunications Commission with the Technology Commission.

Mayor Palazzolo opened the public hearing. Having no one come forward, Mayor Palazzolo closed the public hearing.

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

Resolution – 18R17 - Fair Housing Law

This item is to consider a resolution regarding the Fair Housing Law related to the Community Development Block Grant (CDBG) 2011 Disaster Recovery funds awarded to the City by the State of Tennessee Department of Economic and Community Development. In April 2011, historic flooding events occurred in and around Shelby County, TN. The area was declared a disaster area. Federal funds were made available to Shelby County and municipalities on a priority basis. The City submitted an application for funds to restore and stabilize the banks of Wolf River Lateral C, D and G, and the installation of grade control structures to prevent erosion during future storm/flooding events. The specific areas of bank failures were tied to the 2011 flooding

event. The City received a notice of award letter dated July 19, 2017, stating the City had been awarded \$1,064,990.00 to design and construct our proposed project. As part of the CDBG funding award, the Fair Housing Law must be recognized by resolution and entered into the public record.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve Resolution 18R17, reaffirming the City of Germantown's commitment to the Fair Housing Law.

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

Resolution – 18R18 - Awarding General Obligation Capital Outlay Note, Series 2018

This agenda item is to adopt a resolution awarding the sale of the General Obligation Capital Outlay Note, Series 2018 to the qualified winning bidder based on the results of the competitive bid process. The City utilizes proceeds from long-term bond debt to finance capital improvement projects that add to or replace the public infrastructure. Included in the City's Capital Improvements Program is an anticipated general obligation capital outlay note to support the financing of capital expenditure. This general obligation capital outlay note is to be used to construct the Germantown Municipal School District administrative building. The financing and project is included in the FY19 budget.

A Memorandum of Understanding between the City and the Germantown Municipal School District (GMSD), dated February 20, 2018, whereby the projected construction of the building is \$4,000,000.00. GMSD will contribute \$1,000,000.00 and the City will issue a capital note for the remainder of the project cost. GMSD will remit to the City amounts equal to the debt service payments of the note as the payments become due. The City will issue \$3,025,000.00 of the note to provide financing for the construction of the GMSD administrative building. The details of the note are contained in Resolution 18R16 which was presented to the Board of Mayor and Aldermen on July 9, 2018.

With the assistance of PFM Financial Advisors, LLC, the City will utilize an electronic competitive bidding process to facilitate the sale of the note issue and to obtain a favorable price and interest cost. Electronic bids will be accepted in a prescribed format at the specified website until 10:30 A.M. CST on Monday, August 13, 2018, for the purchase of the note. No other form of bid will be requested or submitted. As described in the Official Notice of Sales, it is intended that the Board will award the sale of the note to the bidder offering the lowest true interest cost and in all respect complies with the Notice of Sales.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to approve Resolution 18R18 that awards and sells the General Obligation Capital Outlay note, Series 2018 in the aggregate principal amount of \$3,025,000.00 and at the interest rates thereby reflected to Regions Bank at 3.25%.

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

Appointments – Public Safety Education Commission

The purpose of this agenda item is to appoint Mr. John Peyton and Mr. Jonathan Riley to the Public Safety Education Commission. There are currently two vacancies on the Public Safety Education Commission. Mr. John Peyton and Mr. Jonathan Riley have expressed their desire to serve on this commission.

Motion by Mr. Massey, seconded by Mr. Barzizza, to approve the appointment of Mr. John Peyton to serve on the Public Safety Education Commission with a term ending December 31, 2018.

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

Motion by Mr. Massey, seconded by Mr. Barzizza, to approve the appointment of Mr. Jonathan Riley to serve on

the Public Safety Education Commission with a term ending December 31, 2018.

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

Agreement – Center for Applied Earth Science and Engineering Research (CAESER)

This fee agreement provides funding for a technical staff that consults with local utility officials on water system issues. CAESER, formerly the University of Memphis - Ground Water Institute, has a comprehensive well head protection well field report, per State of Tennessee guidelines, and an expanded well field data base and geologic mapping of the regional aquifer system.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to execute an agreement with the University of Memphis Center for Applied Earth Science and Engineering Research (CAESER) in the amount of \$45,000.00.

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

Cooperative Performing Arts Agreement - Amendment No. 3

This item is to consider approval of Amendment No. 3 to the Cooperative Performing Arts Agreement between Germantown Performing Arts Center (GPAC) and the City. This action creates two primary changes. First, it directs the rental revenue to GPAC rather than to the General Fund of the City. Second, it directs all expenses of third-party technical production contract labor to GPAC rather than to the general fund of the City. GPAC manages all portions of the rental activity from sales to execution. City administration and GPAC agree it will be best for GPAC to continue to manage all aspects of rental activity and keep the rental revenue. Additionally, GPAC will pay for all technical labor and technical equipment rental previously covered by the City. This includes technical labor and equipment rental expenses related to all GPAC and IRIS Orchestra activity.

Motion by Mr. Janda, seconded by Mr. Owens, to approve Amendment No. 3 to the Cooperative Performing Arts Agreement between GPAC and the City of Germantown, directing all rental revenue, technical labor expenses and technical equipment rental expenses to the responsibility of GPAC.

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

Professional Services Agreement – FY19 On-call Engineering Services

The City initially entered into an on-call agreement with KHA in 2006. KHA is recognized nationally as an industry leader in the field of transportation. Locally, KHA has provided their transportation expertise to all municipalities within Shelby County, the Memphis-Metropolitan Planning Organization, the Tennessee Department of Transportation, Memphis Area Transit Authority and the Memphis-Shelby County Airport Authority. Their local knowledge of the regional transportation network has been a tremendous asset to the City through the years. Typical services under the agreement have included traffic/transportation studies, traffic impact analyses, striping plans, signal timing assistance and assistance in various MPO matters.

Motion by Mr. Barzizza, seconded by Mr. Janda, to authorize the Mayor to enter into a professional services agreement for on-call engineering services with Kimley-Horn & Associates, Inc. in an amount not to exceed \$50,000.00 for FY19.

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

Right-of-Entry – Tract 15 – Forest Hill-Irene Road Improvements

The purpose of this agenda item is to request approval of a right-of-entry agreement with Mrs. Miriam H. Fearnley, Trustee for the Miriam Fearnley Revocable Living Trust, to allow access for the purpose of construction. Staff's initial meeting with Mr. Michael and Mrs. Miriam Fearnley took place on March 6, 2018 to

discuss roadway improvements and its impacts to Tract 15 (9110 Forest Downs). Tract 15 is located at the northeast corner of Forest Downs and Forest Hill-Irene Road. The city attorney contacted the Fearnleys' to discuss their interest in a right-of-entry (ROE) Agreement. The ROE agreement allows the City's contractor to enter upon the subject property to construct the roadway project while purchase price negotiations continue between the Fearnleys' and the City. The Fearnleys' are aware of the City's short timeline to construct the roadway and agreed to this intermediate step. The City will continue to negotiate with the Fearnleys' in good faith. Staff will return to the BMA at a later date either with a settlement agreement or recommending condemnation proceedings.

Motion by Mr. Owens, seconded by Mr. Janda, to request Board of Mayor and Aldermen approval of a Right-of-Entry Agreement with Miriam H. Fearnley, Trustee for the Miriam Fearnley Revocable Living Trust to allow access for the purpose of construction.

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

Right-of-Entry – Tract 31 – Forest Hill-Irene Road Improvements

The purpose of this agenda item is to request approval of a right-of-entry agreement with Mrs. Margaret Gore and Mr. Peter Baskind to allow access for the purpose of construction. Staff's initial meeting with Mr. Baskind took place on March 9, 2018 to discuss roadway improvements and its impacts to Tract 31 (3225 Forest Hill-Irene Road). Tract 31 is located on the west side of Forest Hill-Irene Road. The city attorney contacted Mr. Baskind to discuss their interest in a Right-Of-Entry (ROE) Agreement. The ROE agreement allows the City's contractor to enter upon the subject property to construct the roadway project while purchase price negotiations continue between the property owners and the City. The Baskinds are aware of the City's short timeline to construct the roadway and agreed to this intermediate step. The City will continue to negotiate with Mr. Baskind in good faith. Staff will return to the BMA at a later date either with a settlement agreement or recommending condemnation proceedings.

Motion by Mr. Janda, seconded by Mr. Owens, to request Board of Mayor and Aldermen approval of a Right-of-Entry Agreement with Margaret Gore and Peter Baskind to allow access for the purpose of construction.

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

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder