

BOARD OF MAYOR AND ALDERMEN

September 28, 2020

The regular meeting of the Board of Mayor and Aldermen was held on Monday, September 28, 2020, at 6 p.m. via live streaming. Meeting electronically was necessary to protect public health, safety and welfare in light of the COVID-19 pandemic.

Mayor Mike Palazzolo was present and presiding.

The following aldermen were present: Scott Sanders, Mary Anne Gibson, Dean Massey, Forrest Owens and Rocky Janda. Staff present: Pam Beasley, Michele Betty, Reynold Douglas, Tony Fischer, Richard Hall, Jason Huisman, Patrick Lawton, Mac McCarroll, Bo Mills, Lisa Piefer, Cameron Ross, Adrienne Royals and John Selberg.

Call To Order

The Mayor called the meeting to order.

Invocation

The invocation was led by Patrick Lawton.

Statement from Mayor Palazzolo

All local governing bodies in the State of Tennessee have been impacted by the COVID-19 pandemic. Germantown is no exception. In an effort to carry out its governance and operational responsibilities lawfully, and effectively, while also considering the protection of public health, safety and welfare, the Germantown City Administration has taken steps to conduct Board of Mayor and Aldermen and other public meetings electronically. These actions were taken in response to Governor Bill Lee's Executive Order No. 60, an order extending Executive Order No. 16, previously extended by Executive Order No. 34, previously extended by Executive Order No. 51, which suspended the requirements of the Tennessee Open Meetings Act to the extent necessary to allow governing bodies subject to the act to meet and conduct essential business by electronic means.

The Germantown Board of Mayor and Aldermen has determined that meeting electronically is necessary to protect the health, safety and welfare of its citizens in light of the COVID-19 pandemic. Further, notice of such electronic meetings has been, and will continue to be, published in the same manner as is currently used for regular meetings. The public is also, and will continue to be, able to view the agenda and have live access to the actual meetings by electronic means, by logging in to Germantown's web site, and by clicking the appropriate link. Video recordings of the meetings will be made available as soon as practicable after each meeting on the City's website at www.germantown-tn.gov.

These measures are temporary, and are due to expire on October 28, 2020, unless further action is taken by Governor Lee.

Set Agenda

The Board was asked to set the agenda for the meeting.

Motion by Mr. Janda, seconded by Mr. Owens to approve the September 28, 2020 agenda.

Motion by Mr. Sanders, seconded by Mr. Massey, to move to the regular agenda item #8d - Contract Amendment – Public Safety Uniforms.

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

Motion by Mr. Owens, seconded by Mr. Janda, to move to the preliminary agenda item #10 - Amendment to Interlocal Agreement – Shelby County Government.

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

Motion by Mr. Massey, seconded by Mr. Sanders, to move to the regular agenda item #8m - Subdivision Contract No. 514 - Olde Field Green Subdivision.

ROLL CALL: Sanders-yes, Gibson-abstain, Massey-yes, Owens-no, Janda-no. Motion failed without majority.

Point of Inquiry by Mr. Massey: Is the Mayor required to vote? Mayor Palazzolo stated the mayor is not required to vote.

ROLL CALL: On original Motion by Mr. Janda, seconded by Mr. Owens to approve the September 28, 2020 agenda as amended.

Sanders-no, Gibson-yes, Massey-abstain, Owens-yes, Janda-yes. Motion approved.

Approval of Minutes

Approval was requested of the minutes of the regular meeting held September 14, 2020.

Motion by Mr. Janda, seconded by Mr. Sanders, to approve the minutes of the Board of Mayor and Aldermen regular meeting held September 14, 2020.

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

Citizens to be Heard

No citizens came forward.

Beautification Commission Business Award

REI Nation, located at 1900 Exeter Rd., is the recipient of the September Beautification Commission Business Award.

PRELIMINARY AGENDA

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

This fee provides funding for 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 guidelines and an expanded well field data base and geologic mapping of the regional aquifer system.

MOTION: To authorize an agreement with the University of Memphis Center for Applied Earth Science and Engineering Research (CAESER) in the amount of \$45,000.00.

Change Order No. 4 - Cleaning of Well No. 8 and Repairs to Wells No. 8 & 9 and HSP No.2 at the Southern Ave. WTP; Repairs to Well No. 2 at the Johnson Rd. WTP

The City utilizes wells to retrieve groundwater from the Memphis Sands Aquifer that is then piped to one of the City's two WTP's to be treated. The City utilizes high service pumps (HSP) to pump clean, treated water up into the main 500,000 gallon elevated tower across from the Southern Avenue Water Treatment Plant. These pumps are essential to the operation of the City's elevated tower which provides necessary storage and also keeps the required pressure on the City's water distribution system. Once completed, these repairs should allow for water production to return to optimal levels.

MOTION: To authorize Change Order No. 4 for NWS to clean Well No. 8 and repair Wells No.8 & 9 and HSP No. 2 at the Southern Avenue WTP and repair Well No. 2 at the Johnson Rd WTP in accordance with the Well and Pump Maintenance and Repair Agreement in the total amount of \$116,971.94.

Competitive Sealed Proposal Authorization - Outdoor Pools Resurfacing (GAC)

The outdoor pool and splash pad were constructed in the Germantown Centre expansion project completed in 2001. These pools have not been re-plastered since the original construction. The original plaster is at its end of life. This project will be completed before the start of the summer season in 2022. During the indoor pool resurfacing projects, there was a lack of qualified re-plastering contractors who submitted bids for the projects. To ensure that the City receives qualified contractors for these specialized services, the Procurement Department recommends the use of the competitive sealed request for the proposal process.

MOTION: To authorize the use of the competitive sealed proposal process for procuring services for outdoor recreation and splash pool resurfacing.

Amendment to Interlocal Agreement – Shelby County Government

The Coronavirus Aid, Relief and Economic Security Act (CARES), passed by Congress on March 27, 2020, appropriated \$150 billion to state and local governments to be used for COVID-19-related expenses. Memphis and Shelby County received a direct appropriation of these federal dollars based on their population. Because the County population includes the population of each local government (excluding Memphis), Shelby County will share their portion of CARES Act funds with each municipality on a per capita basis. On July 13, 2020, the BMA approved the Interlocal Agreement with Shelby County and the City received an initial allocation of \$1,272,000.00.

With this amendment, Germantown will receive an additional \$713,300.00. These funds may only be used to cover costs that: 1) are necessary expenditures incurred due to the Coronavirus public health emergency; 2) were not accounted for in the state or local government budget most recently approved as of March 27, 2020; and 3) were incurred during the period that begins on March 1, 2020, and ends on December 20, 2020. These funds will be appropriated in the FY21 budget based on the above criteria.

MOTION: To approve the amendment to the Interlocal Agreement between Shelby County and the City of Germantown regarding the acceptance and use of CARES Act funds and Budget Adjustment No. 21-11.

Donation - K-9 Armor

The donation of this vest means that all three K-9 officers are outfitted with the latest in ballistic protection. This armor cost \$1,600.00 and was donated James Carney.

MOTION: To approve the donation of \$1,600.00 for the acquisition of one (1) ballistic dog vest for the Police K-9 unit.

Donations - Parks and Recreation

The Parks and Recreation Department accepts donations to purchase furnishings such as picnic tables and park benches to be placed in city parks. Two families contacted the Parks and Recreation Department requesting memorial park benches and plaques be placed at McVay Park and Cameron Brown Park for their sons. These parks are especially meaningful to these families.

MOTION: To recognize two \$1,000.00 donations, totaling \$2,000.00, made to the Parks and Recreation Department for memorial park benches in memory of Chad Eatherly and Clint McCollum; and to approve Budget Adjustment No. 21-8.

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 two times each year with their duty weapon and patrol rifle, and once a year with the shotgun and off duty weapon. This ammunition will allow each officer the availability to be proficient with their weapon.

MOTION: To approve the purchase of ammunition from Precision Delta and Gulf States Distributors, Inc. in the amount of \$58,316.12 and \$2,899.68 respectively, for a combined total of \$61,215.80.

Purchase - Annual Cloud Storage

In September 2018, the City began using Amazon Web Services, Inc. for cloud storage services for the City's data backup and disaster recovery processes. Staff analysis included data backup procedures, off-site storage contract fees, disaster recovery services, and the replacement/maintenance fees for the two main data servers in use. Monthly expenses vary depending on the frequency of additions and size of data stored by the City. Storage fees increase as software systems are added/upgraded and as City staff continues to move toward a more electronic platform. Future monthly fees are expected to fluctuate and current trend projections bring annual estimates to \$36,000.00.

MOTION: To authorize annual cloud storage services in an amount not to exceed \$36,000.00 from CDW Government.

Purchase - Annual Fleet and Heavy Equipment Tires

As part of the Fleet Services maintenance program, tires are purchased as required to maintain a safe City fleet. The City has approximately 1,280 tires on the ground. In FY20, the City spent an estimated \$55,000.00 on new tires. Tire replacements fluctuate from year-to-year and these totals could be lower or slightly higher than the estimated amount.

MOTION: To approve the purchase of new tires from Steepleton Tire Company in the amount of \$ 55,000.00.

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. This purchase should meet street maintenance concrete needs for the rest of the fiscal year.

MOTION: To authorize the purchase of 400 cubic yards of 4000 PSI Standard Aggregate concrete mix with MMC Materials, Inc in the amount of \$47,900.00.

Purchase - Bulk Crushed Aggregates

Crushed aggregates are primarily used for utility cuts and storm water maintenance projects and repairs.

MOTION: To approve the purchase of 1,930 tons of crushed aggregates in the amount of \$40,530.00 from Fullen Dock & Warehouse.

Purchase - Fire Alarm System Replacements – GAC, GPAC and Great Hall & Conference Center

During improvements within Germantown Athletic Club (GAC), additional fire alarm components were necessary to provide adequate life safety codes. The existing fire alarm system could not be expanded any further. All control wiring and devices were strategically upgraded in order to keep the remaining devices within GAC, Germantown Performing Arts Center (GPAC), and Great Hall & Conference Center (GH&CC) in operation as long as possible.

MOTION: To purchase fire alarm systems from State Systems, Inc. for the GAC, GPAC, and GH&CC in the total amount of \$142,150.00.

Subdivision Development Contract No. 514 - Olde Field Green Subdivision

On September 11, 2000, the subject property at 3620 and 3624 Forest Hill-Irene Rd. was annexed from Shelby County into the City of Germantown. The two subject properties have remained individual single-family lots, with residences built in 1928 and 1969. The request is to approve the contract for a one-phase, 33-lot single-family residential subdivision. The two existing single-family houses will be demolished.

MOTION: To approve Subdivision Contract No. 514 for a 33-lot single-family residential subdivision, Olde Field Green.

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

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

REGULAR

Ordinance 2020-7 – Rezoning of a Single Parcel from “R-3” Two-Family Residential to “OG” Old Germantown – Third Reading

The applicant wishes to improve the property for an office use similar to what has occurred with the conversion of other residential structures in the immediate vicinity.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve Ordinance 2020-7 on third and final reading, the rezoning of a single parcel of property located at 7708 Poplar Pike from the “R-3” Two-Family Residential to the “OG” Old Germantown.

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

Contract Amendment - Public Safety Uniforms

Members of the Police and Fire Departments are required to wear uniforms in the performance of their duties. Prior to the contract with Mid-South Solutions, uniforms were being purchased from multiple vendors and at different costs. The uniform bid was received and approved by the Board of Mayor and Alderman in October of 2015 for a one year contract with four additional option years. The contract was extended with a final expiration of October 11, 2020.

Point of Order by Ms. Gibson. Mayor Palazzolo asked Mr. Massey to speak to the subject matter.

Motion by Ms. Gibson, seconded by Mr. Janda, to authorize the amendment to the current contract and to purchase uniforms for the Police and Fire Departments from Mid-South Solutions through June 30, 2021.

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

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder