

## **BOARD OF MAYOR AND ALDERMEN**

**October 26, 2020**

The regular meeting of the Board of Mayor and Aldermen was held on Monday, October 26, 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, Jeff Beaman, Michele Betty, Reynold Douglas, Tony Fischer, Tim Gwaltney, Richard Hall, Jason Huisman, Patrick Lawton, Mac McCarroll, Lisa Piefer, Cameron Ross, Adrienne Royals, Andy Sanders 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](http://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.

### **Establishment of Necessity to Conduct the October 26, 2020 Board of Mayor and Aldermen Meeting Electronically**

The new provisions of Executive Order No. 16 require that the members of the governing body must make a determination at the outset of the meeting, by vote or otherwise, that conducting the meeting by electronic means is necessary to protect the public health, safety, and welfare of Tennesseans in light of the COVID-19 outbreak.

The new provisions of Executive Order No. 16 require that the members of the governing body must make a determination at the outset of the meeting, by vote or otherwise, that conducting the meeting by electronic means is necessary to protect the public health, safety, and welfare of Tennesseans in light of the COVID-19 outbreak.

Motion by Mr. Owens, seconded by Mr. Janda, to conduct the meeting by electronic means to protect the public health, safety, and welfare of Tennesseans in light of the COVID-19 outbreak.

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

**Set Agenda**

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

Motion by Mr. Sanders, seconded by Mr. Janda, to approve the October 26, 2020 agenda.

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

**Approval of Minutes**

**Board of Mayor and Aldermen Regular Meeting - September 28, 2020**

Approval is requested of the minutes of the regular meeting held September 28, 2020.

Motion by Mr. Sanders, seconded by Mr. Janda, to approve the minutes of the Board of Mayor and Aldermen regular meeting held September 28, 2020.

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

The Mayor recessed the Board of Mayor and Aldermen and reconvened as the Beer Board.

**Beer Board Public Hearing - October 19, 2020**

Approval is requested of the minutes of the Beer Board Public Hearing held October 19, 2020

Motion by Mr. Sanders, seconded by Mr. Janda, to approve the minutes of the Beer Board public hearing held October 19, 2020.

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

The Mayor recessed the Beer Board and reconvened as the Board of Mayor and Aldermen.

**Citizens to be Heard**

No citizens came forward.

**Special Recognition**

**Beautification Commission Business Award**

The Bridges at Germantown apartment property, located at 7491 Wyndhurst Place, is the recipient of the October 2020 Beautification Commission Business Award.

**Proclamation - Code Compliance Month**

Mayor Palazzolo proclaimed October 2020 as Code Compliance Month.

**Proclamation - Pulmonary Hypertension Awareness Month**

Mayor Palazzolo proclaimed November 2020 as Pulmonary Hypertension Awareness Month.

**PRELIMINARY AGENDA**

**Amendment No. 1 - Contract Street Sweeping**

The City has utilized contract sweeping services with great success for over 30 years. Sweeping Corporation has been the contractor for the last nine years, purchasing the contract from Simmons Sweeping Company in June of

2011. The City implemented a five-year service agreement (three years with two additional option years) and the process has been efficient and economically beneficial. The City is in the final extension year of the contract expiring November 8, 2020.

MOTION: To request authorization to amend the current contract with Sweeping Corporation of America, Inc., the City's street sweeping provider, extending the terms of the contract through June 30, 2022 in an amount of \$138,294.02 in FY21 and \$246,732.44 in FY22, which will not exceed the contracted price of \$385,026.46.

**Appointment - Public Art Commission**

Due to a resignation, there is one vacancy on the commission. Ms. Patty Cooper has applied to serve.

MOTION: To approve the appointment of Ms. Patty Cooper to the Public Art Commission with a term ending December 31, 2021.

**Contract - Package Unit Replacement – ECD**

As part of the renovation design and construction in 2000, one package unit replacement (PKU) was installed to service the Economic Community Development building. This cooling only PKU is the original from the year 2000. The current unit has become deficient due to normal use and not reliable for providing desired space temperatures. As part of the infrastructure replacement program, various pieces of HVAC equipment have been installed for City buildings to replace deficient equipment in order to provide better operational reliability and reduce energy usage.

MOTION: To contract with Damon Marcus Company for the base bid of \$98,576.00, which includes a \$3,000.00 allowance for tree removal and Alternate No.1 for \$1,568.00 for a total amount of \$100,144.00 for the replacement of PKU that serves the ECD building.

**Purchase - Asphalt Paving Rejuvenation**

Public Works utilizes this technology on an annual basis to extend surface pavement life cycles. The process is a maintenance function used to restore the natural pavement oils that erode due to traffic volume, direct sunlight, extreme temperatures and moisture. Restoration keeps the surface pliable and seals cracks that prevent water intrusion, thus extending the life of the street approximately 5-7 years.

MOTION: To approve a contract with Pavement Technology, Inc. for the annual pavement rejuvenation program services in an amount not-to-exceed \$140,000.00.

**Sport Provider Agreements - Germantown Baseball League, Germantown Legends, Houston Lacrosse and Germantown Rugby Club**

The City implements contracts with local youth sport provider organizations to provide certain athletic programs for children on athletic fields located in the City in which Parks and Recreation Department make available. These programs are organized, scheduled and operated by designated Sport Providers in conjunction and cooperation with the City. The management and operation of all youth sports are guided by the Sports Operating Policies which provide standard operating policies and procedures that are fair, consistent and align with the City's mission and values. Designated city youth sport providers currently include baseball, cheer, football, lacrosse, rugby, soccer and softball.

MOTION: To approve the provider agreements with the Germantown Legends to be the Youth Soccer Provider; with the Houston Lacrosse Club to be the Youth Lacrosse Provider; with the Germantown Baseball League to be the Youth Baseball and Softball Provider for the period of January 1, 2021 through December 30, 2021; and to approve the final extension of the provider agreement and amendment with the Germantown Rugby Club to be the Youth Rugby Provider for the City of Germantown for the period of January 1, 2021 through December 30, 2021.

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

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

**REGULAR**

**Change Orders No. 1 &2 - Wolf River Greenway Trail Extensions**

On October 28, 2019, the City entered into a Construction Contract with Rose Construction, Inc. in the amount of \$2,409,166.93 to construct two (2) segments of the Wolf River Greenway Trail. The City has been reimbursed 80% of all project expenditures.

Pursuant to the City's Procurement Administrative Policies and Procedures; the BMA received a memo notification with accompanying documentation on October 6, 2020, and October 15, 2020, that Change Orders No. 1 and 2 for the Greenway were authorized and completed prior to approval by the BMA. Furthermore, the ordinance requires that the items be presented and formally ratified at the next available BMA meeting.

Motion by Ms. Gibson, seconded by Mr. Owens, to formally ratify Change Orders No. 1 & 2 in the amount of \$218,398.05 for the Wolf River Greenway Trail Extensions, increasing the construction contract with Rose Construction, Inc. from \$2,409,166.93 to \$2,627,564.98, extending the time to completion by 68 days and to approve Budget Adjustment No. 21-16.

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

**Contract - Asphalt Milling and Paving**

The Public Works Department implemented a proactive preventive street maintenance analysis program that was established over 30 years ago to annually evaluate and schedule the candidate streets throughout the city for milling/pavement resurfacing. The Public Works business plan objective is to prepare and resurface approximately ten miles of residential and primary roadways annually. In FY20, only 3.1 miles of primary roadway were milled and resurfaced under a contract with Standard Construction Company due to a reduced budget because of the pandemic-induced economic downturn.

Motion by Mr. Janda, seconded by Mr. Sanders, to approve a contract with Standard Construction Co., Inc. for the Annual FY21 Asphalt Milling and Paving Program per the unit prices provided in an amount not to exceed \$687,661.70.

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

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Mike Palazzolo, Mayor

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Michele Betty, City Clerk/Recorder