

BOARD OF MAYOR AND ALDERMEN
July 10, 2023

The regular meeting of the Board of Mayor and Aldermen was held on Monday, June 26, 2023 at 6 p.m. in the Council Chambers at City Hall.

Mayor Mike Palazzolo was present and presiding.

The following aldermen were present: Scott Sanders, Mary Anne Gibson, Sherrie Hicks and Jon McCreery. Staff present: Michele Betty, Stacey Crockett, Sarah Goralewski, Eric Grizzard, Richard Hall, Jason Huisman, Mac McCarroll, Bo Mills, Cathryn Perdue, Lisa Piefer, Cameron Ross, Andy Sanders and Ethan Skaggs.

Call to Order

The Mayor called the meeting to order.

Invocation

The invocation was led by Bo Mills.

Pledge of Allegiance

Vice Mayor Gibson led the Pledge of Allegiance.

July 2 – 4, 2023 Storm Update

Prior to setting the agenda, Administration and Engineering reviewed for community and Board what happened during the storms, the City's immediate response to the storms, what the City has done so far, and what the City has planned for the areas impacted by the storm. Also presented was the City's plan for debris removal and formation of private and public damage assessment teams.

Set Agenda

The Board is asked to set the agenda for the meeting. Any changes are to be made at this time.

Mayor Palazzolo, on behalf of Administration, requests Emergency Purchase – Maple Grove Cove Ditch Repair be added to the consent agenda as item 9m.

Motion by Ms. Gibson, seconded by Mr. Sanders, to approve the June 26, 2023, agenda as amended.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-absent, McCreery-yes. Motion approved.

Approval of Minutes

Approval is requested of the minutes of the regular meeting held June 26, 2023.

Motion by Mr. McCreery, seconded by Mr. Sanders, to approve the minutes of the Board of Mayor and Aldermen Regular Meeting held June 26, 2023.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-absent, McCreery-yes. Motion approved.

Citizens to be Heard

Frank McFadden, of 2095 Kimbrough Woods Place, and Jose Salazar, of 8724 Silkwood Drive, came forward regarding the flooding on July 4.

SPECIAL RECOGNITION – Proclamation – Parks and Recreation Professionals Day

Mayor Palazzolo proclaimed Friday, July 21, 2023 as Parks and Recreation Professionals Day.

BEER BOARD – Public Hearing – Temporary Beer Permit – On-premise Application – Germantown Christian 49ers, Inc.

The City has received a request from the Germantown Christian 49ers, Inc. for a temporary permit to sell beer for on-premise consumption at the Germantown Festival.

Mayor Palazzolo opened the floor for the public hearing.

Germantown Festival Association representatives Tom Wilson and Melba Fristick came forward to assure the Beer Board that no beer will be sold to minors and to share with the Board the projects and organizations the beer sales have supported.

Mayor Palazzolo closed the public hearing.

Motion by Mr. Sanders, seconded by Mr. McCreery, to approve the request of the Germantown Christian 49ers, Inc. for a temporary permit to sell beer for on-premise consumption on Saturday, September 9, from 9:30 am to 6 pm and Sunday, September 10, from 12 noon to 6 pm at the Germantown Festival, located at the Germantown Civic Center Complex.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-absent, McCreery-yes. Motion approved.

CONSENT AGENDA

Agreement Amendment No. 1 – Library Services

On April 12, 2021, the BMA approved Avenu Insights & Analytics, LLC. as the new provider of library services for the City. The term of the agreement is July 1, 2021, through June 30, 2024, with three 12-month extensions at the City's option. After a thorough review of the Germantown Community Library's physical and digital collection, there is a need to increase the allowance on an annual basis to ensure that the library is able to provide a dynamic and relevant community collection as well as ongoing maintenance of existing books. The increase would be subject to approval during the annual budget process.

MOTION: To approve Amendment No.1 of the Library Services Agreement with Avenu Insights & Analytics, LLC. increasing the acquisitions amount by \$12,000.00 for the Germantown Community Library for period of July 1, 2023, through June 30, 2024; and by three percent for extension years if the City exercises its option to extend.

Appointments – Fire Code Board of Appeals

The Fire Code Board of Appeals is established for the purpose of hearing application for modification of the requirements of the Fire Prevention Ordinance, Chapter 10 of the Municipal Code and to advance the City's overall commitment to public safety and the strategic objectives of Germantown Forward 2035.

MOTION: To approve the following appointments to the Fire Code Board of Appeals: Planning Commission Members: General Contractor David Clark and Fire Protection Professional Keith Saunders with terms ending December 31, 2023; Design Professional Dike Bacon, General Industry or Business Representative Tony Salvaggio and Industrial Safety Professional Jennifer Sisson with terms ending December 31, 2024.

Change Order No. 3 – Elevated Water Tank Off-Site Utilities

(1) In order to avoid a large muddy area that was retaining stormwater and preventing good access to the project area, Ferrell Paving recently installed a gravel, temporary access road at a cost of \$6,180.00. This access road was not in the original scope of work. (2) A change in the scope of the project is needed that requires an additional 110-feet of 12-inch water line installation connecting the tank base to the water line along with the appropriate valves and hydrants. Ferrell Paving has provided a quote in the amount of \$37,851.20 for this work to be completed. (3) Additional gravel, spreading and compaction within the project limits along the main access road of Wilder Run Drive North was required. During the many months of construction of the elevated tank and the Wilder Subdivision, excessive rains have required our contractor and City forces to use almost all of the gravel allocated in the original project scope in order sustain the structural integrity of the main roadway for construction ingress and egress. \$82,920.00 is included for the additional 1,500 tons of gravel material and the labor required for spreading and compaction. The combination of these three items totals \$126,951.20. \$37,873.59 remains on the original purchase order for the project; therefore, the net request for Change Order No. 3 is \$89,077.61.

MOTION: To approve Change Order No. 3 to the off-site utilities contract for the elevated water tank project in the amount of \$89,077.61 for the constructed temporary access road, extending the 12-inch water line and installing approximately 1,500 tons of gravel base material, increasing the contract amount with Ferrell Paving, Inc. from \$258,035.50 to \$347,113.11.

Contract Amendment No. 1 – Senior Adult Recreation/Education Programs and Service Needs Assessment

This amendment is to complete Phase II of the overall needs assessment which includes an evaluation of senior programs and facilities and providing an implementation and development plan. Ultimately, this assessment will provide the City with reliable and valid data for making programmatic changes and allocating limited resources. PROS Consulting, Inc. is recommended to continue their work that was started in the first phase of this project.

MOTION: To authorize Contract Amendment No. 1 of the contract for the Senior Adult Recreation/Education Programs and Services Needs Assessment with PROS Consulting, Inc. to complete Phase II of the project in the amount of \$40,031.00.

Contract Extension No. 1 – Water Treatment Plant Chemicals

Current contracts for water plant chemicals expire on June 30, 2023. Carus, LLC and Harcros Chemicals, Inc. have agreed to the first of two possible extensions. Due to supply chain issues, our current provider of hydrofluosilicic acid has not been able to deliver within the delivery timeframe specified in the contract. The City desires to move to its second lowest bidder, Ideal Chemical and Supply Co. to fulfill this chemical supply need. Ideal has agreed to hold the original bid price for these chemicals as proposed on April 22, 2022. The contract term with all three vendors will be for one year beginning July 1, 2023 and expiring June 30, 2024.

MOTION: To approve the first extension of contract COG 2022-16 Potable Water Treatment Plant Chemicals with Carus, LLC in the amount of \$46,150.00, Harcros Chemicals, Inc. in the amount of \$76,750.00 and to accept the bid from Ideal Chemical and Supply Co. in the amount of \$37,170.00, for a total amount of \$160,070.00.

Contract Extension No. 3 – Well and Pump Maintenance

As with any mechanical device, wells and pumps break down over time and require maintenance and repair. Some of the services needed to properly maintain wells and pumps include annual preventative maintenance and inspection, pulling and breaking down and repairs. The City relies on contractors to provide these specialized services.

MOTION: To approve Contract Extension No. 3 with National Water Services to provide repair and maintenance services for all of the City's wells and pumps in an amount not-to-exceed \$350,000.00.

Contract Extension No. 1 – Well and Pump Rehabilitation

Many of the key components of these wells and pumps are subjected to the elements of this region's harsh climatic conditions. It is essential that a protective barrier to prevent rust and corrosion be applied and maintained. Due to the highly technical specifications for proper application requires a knowledgeable, experienced contractor to provide this service.

MOTION: To approve Contract Extension No.1 with National Water Services for the purpose of Well and Pump Rehabilitation in an amount not-to-exceed \$129,320.00.

Development Contract No. 1248 – Crestwyn Behavioral Health Expansion

The expansion of the hospital includes a 20,655 sq.ft. addition for another 48 beds. The BMA approved the revised final site plan for the expansion on May 22, 2023. Approval of the Contract will permit the developer to complete construction plans for the actual development of the project.

MOTION: To approve Development Contract No. 1248 for the infrastructure improvements and building expansion of Crestwyn Behavioral Health.

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. 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 in the amount of \$55,680.20 and \$27,527.75 for a combined total of \$83,207.95.

Purchase – Handguns

The current duty handgun issued to Germantown Police Officers is the .40 caliber Heckler & Koch P30 LEM. These weapons were purchased in 2015 and have reached the end of their service life. This new handgun will be accurate, simple to use, reliable, effective in its intended purpose and easily maintained.

MOTION: To approve the purchase of 153 Glock handguns and accessories for the Germantown Police Department in the amount of \$172,147.32 from GT Distributors, Inc.

Resolution 23R09 – Public Entity Partners Safety Grants Program Participation

Each year, the City’s Risk staff sends out requests to all departments for grant submissions. Once items are submitted, the members of the City’s Central Safety Committee review all submissions and provide a recommendation for which items can be funded based on available dollars and level of need. The City has been able to use these grant funds to purchase protective equipment and offer employee driver’s safety training classes.

MOTION: To approve Resolution 23R09, authorizing the City to participate in the Public Entity Partners Matching Grant Programs for Safety Partners Loss Control, Driver Safety, Property Conservation and Cyber Security for 2023-24.

Tennessee Open Meetings Act – Public Comments

This past spring, legislation was passed to amend the Tennessee Open Meetings Act requiring a governing body to reserve a period for public comment, at each public meeting, where the public has the opportunity to comment on matters that are germane to the items on the agenda for the meeting.

MOTION: To formally adopt a period and procedures for public comment at each public meeting of the Board of Mayor and Aldermen.

Emergency Purchase – Maple Grove Cove Ditch Repair

Following the intense, short-duration July 4th storm event, Public Works received a call from the residents living at 2626 Maple Grove Cove regarding a failed section of the concrete vertical ditch wall located along the side of their residence. Upon inspection, it was determined that an approximately 60-ft portion of the vertical ditch wall had collapsed and fallen into the bottom of the ditch. This small, concrete-lined channel conveys stormwater collected from the property to the west and the western portion of the Shady Creek subdivision to the main channel which ties into drainage Lateral E, the Duntreath Ditch. The concrete sections that line the side of the ditch allow for the flow of stormwater to remain within the channel. Without these properly aligned, structurally stable side walls, the earthen portion behind the ditch will erode and cause sediment and other items to enter and possibly clog the ditch. This particular sidewall is in close proximity to the resident’s retaining wall that undergirds their driveway. For these reasons, an immediate repair of the vertical ditch side wall is needed.

MOTION: To authorize repairs to an approximately 60-ft section of collapsed vertical ditch wall located at 2626 Maple Grove Cove by Nabholz Construction Services LLC, (Nabholz) in the total amount of \$172,195.00.

Motion by Ms. Hicks, seconded by Mr. Sanders, to approve the Consent Agenda as amended.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-absent, McCreery-yes. Motion approved.

Alderman McCreery recused himself from the next item and left the dais.

Vice Mayor Gibson, as a matter of disclosure, stated she represented the purchaser of the property in January and has not been a part of the project since that time.

REGULAR

Ordinance 2023-11 – Rezoning of 9224 Poplar Pike (“R” Low-Density Single-Family Residential to “O” Office) – Third and Final Reading

The applicant wishes to rezone the 0.31-acre parcel from “R” Low-Density Single-Family Residential district to “O” Office district in order to construct a small office building. This use is consistent with the surrounding uses. The conceptual site plan submitted with the application demonstrates that this property would comply with the “O” Office zoning regulations.

Motion by Ms. Hicks, seconded by Mr. Sanders, to approve Ordinance 2023 -11 on third and final reading, the rezoning of 9224 Poplar Pike from “R” Low-Density Single-Family Residential to “O” Office zoning.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-absent, McCreery-Abstain. Motion approved.

Alderman McCreery returned to the dais.

Final Site Plan Approval – 7254 Neshoba Rd. (New Cell Tower)

The applicant is requesting approval of a new wireless transmission facility (cell tower), in accordance with Sec. 23-86. The site of the proposed cell tower is within an existing MLGW electrical power line tower, located on the north side of Neshoba Rd., east of New Riverdale Rd. The applicant previously received approval for the same proposed cell tower on the subject site; however, the approvals expired before construction commenced.

Motion by Mr. McCreery, seconded by Ms. Hicks, to approve the final site plan for a new cell tower within an existing MLGW transmission tower at 7254 Neshoba Rd.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-absent, McCreery-yes. Motion approved.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder