

## **BOARD OF MAYOR AND ALDERMEN**

June 8, 2015

The regular meeting of the Board of Mayor and Aldermen was held on Monday, June 8, 2015 at 6:00 p.m. in the Council Chambers of the Municipal Center.

Mayor Mike Palazzolo was present and presiding.

The following aldermen were present: John Barzizza, Mary Anne Gibson, Dave Klevan, Forrest Owens and Rocky Janda. Staff present: Patrick Lawton, Debra Wiles, Chief Richard Hall, Chief John Selberg, Reynold Douglas, Cameron Ross, Pam Beasley, Butch Eder, Ralph Gabb, Paul Chandler, Tony Fischer, Phil Rogers, Bo Mills, Sherry Rowell, Adrienne Royals, Jessica Brown, Steve Wilensky, Lisa Piefer and Dotty Johnson.

### **Invocation**

Public Works Director Bo Mills gave the invocation.

### **Pledge of Allegiance**

Alderman Rocky Janda led the Pledge of Allegiance.

### **Approval of Agenda**

The Board unanimously agreed to add #15 – Sports Provider Agreement and #16 – Methodist Hospital Parking Lot Expansion Development Agreement, to the Consent Agenda to move item #7k- Germantown Municipal Center Renovations on the Consent Agenda to the Regular Agenda and add to the Regular Agenda, Apple Master Lease Agreement – GMSD.

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

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

### **Approval of Minutes**

There were no changes to the minutes as printed.

Motion by Mr. Klevan, seconded by Mr. Owens, to approve the minutes of the May 11, 2015 meeting.

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

### **Citizens to be Heard**

No citizens came forward to be heard.

### **CONSENT**

#### **Recognition of Grant – Germantown Animal Shelter**

The Shelter Manager and Grants Manager applied for a grant from the Petco Foundation and were awarded the donation of \$14,000.00 to continue the lifesaving work for the animals in our community. The funds will be utilized to promote animal adoptions through marketing and sponsorship of additional adoption events. Funding will also be used for medical fees associated with a feral cat trap-neuter-release program.

MOTION: To recognize a donation to the Germantown Animal Shelter from the Petco Foundation for adoption promotion expenses and supplemental funding for medical fees totaling \$14,000.00.

#### **Annual Agreement – Ground Water Institute**

This is an agreement with the University of Memphis Ground Water Institute (GWI) in the amount of \$16,100.00. The fee provides funding for a technical staff that consults with local utility officials on water system issues. The GWI has offered to continue services with the City by acting as an independent expert in the ground water area.

MOTION: To execute a Contract Renewal Agreement with the University of Memphis Ground Water Institute in the amount of \$16,100.00.

**Purchases – Maintenance Equipment**

This purchase is for three additional transportation trailers and one replacement trailer ranging from 14' to 30' for hauling miscellaneous equipment, tools and materials during daily operations for the Public Works Department. The Bobcat attachments include a concrete/asphalt planer, bush hog grass cutting feature and an industrial bucket grapple. The cost for all equipment is \$72,823.80.

MOTION: To approve the purchase of transportation trailers from Century Equipment Rental in the amount of \$49,446.40 and service attachments for the Bobcat compact track loader from Bobcat Company in the amount of \$13,377.40 resulting in a net expenditure of \$72,823.80 and approve Budget Adjustment #15-88. In addition, authorization is requested to declare unit 917, a 1986 Cronkite heavy equipment trailer, as surplus property.

**Overtime Reimbursement – Police Department**

The Germantown Police Department has an officer assigned to the Federal Bureau of Investigation Joint Safe Streets Task Force, the Drug Enforcement Administration Task Force, the Terrorism Task Force and the Secret Service Task Force. The Task Forces reimburse any overtime that the officer receives while carrying out his/her duties. The total reimbursement is \$15,166.69.

MOTION: To recognize overtime reimbursement from the Federal Department of Justice and the Department of Homeland Security in the amount of \$15,166.69 and to approve Budget Adjustment #15-91.

**Vehicle Equipment – GPD**

This will provide police vehicle equipment for eight new replacement vehicles. Comserv Inc. had the low bid of \$45,967.00.

MOTION: To approve the purchase of police vehicle equipment from Comserv Inc. in the amount of \$45,967.00.

**New World Systems SSMA Annual Maintenance**

New World Systems Microsoft Product is the integrated software suite that is used by the Fire and Police personnel to manage their departmental operations. The City has a Standard Software Maintenance Agreement in place that allows for periodic software updates and system support 24 hours a day seven days a week. The cost associated with this year three of the 5-year software maintenance agreement is \$140,677.00.

MOTION: To grant authorization to fund year three of the 5-year software maintenance agreement with New World Systems, Inc. in the amount of \$140,677.00.

**Network Annual Maintenance**

This is the annual maintenance contracts that provide security through firewall filtering, coverage for the entire City network and licensing required for equipment associated with the City phone system.

MOTION: To authorize the Mayor to renew the maintenance contract with Presidio Network Solutions in the amount of \$23,218.45 for the City's internet firewalls, network hardware and phone system licensing.

**Proximity Card Access – Fire Marshal's Office & Fire Administration**

Fire Stations 1 and 2 have administrative offices in addition to regular Fire Station activities. Administrative staff is often left in the building during fire calls. The addition of proximity card access to

the doors into office areas of the stations will provide security for individuals working alone in these facilities.

MOTION: To approve the purchase and installation of proximity card system from Tyco Integrated Security in the amount of \$13,875.70 for the Fire Marshal's Office and Fire Administration.

**Fire Hose**

The Germantown Fire Department fire apparatus carries several attack hose lines pre-connected to the fire pumper to permit rapid deployment and fire attack. This hose will replace older hose that has failed or is reaching the 10-year life expectancy.

MOTION: To purchase sixty-two section of 1 ¾ inch fire attach hose in the amount of \$18,086.00 and six sections of 2" fire attach hose in the amount of \$1,449.00 from Emergency Equipment Professionals, for a grand total of \$19,535.00.

**Copy Machine Rental Extension**

This is the second year of a three-year agreement for the lease of twenty-three copy machines from NovaCopy, Inc. Through this lease, new machines are provided to each department on their required speed, features and average monthly copies required.

MOTION: To authorize the monies for the second year of a three-year agreement for the lease of twenty-three copy machines from NovaCopy, Inc. for an estimated annual cost of \$66,100.00.

**Methodist Hospital Parking Lot Expansion Development Agreement**

Mr. Ross stated Project Development Contract No. 1203 is for the construction of 103 additional parking spaces for Methodist Hospital Germantown. The plan consists of 77 surface parking spaces in the vicinity of the existing chapel building and 44 parking spaces to the east of the recently-completed parking garage on Germantown Rd. All spaces will be accessed via the existing drives within the hospital campus.

MOTION: To approve Project Development Contract No. 1204 for the Methodist LeBonheur Hospital Parking Lot Expansion.

**Sports Provider Agreement – Germantown Football League**

The Germantown Football League submitted a proposal and staff concluded that the proposal would provide our community with high-quality athletic programs and a high level of professional standards. The Parks and Recreation Commission reviewed the applications and concurred with staff.

MOTION: To approve a provider agreement with the Germantown Football League to become the Youth Cheer and Football Provider. This agreement is for a period of one year with an option for two additional one-year extensions.

Motion by Mr. Janda, seconded by Ms. Gibson, to accept the consent agenda as presented.

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

**Certificate of Compliance – The Winery**

City Administrator Patrick Lawton explained that state law requires the holder of retail liquor store licenses to procure a Certificate of Compliance Retail Package Store as to its location within a municipality approximately every two years. Ms. Lacey Dougher, owner of The Winery of Germantown at 7841 Farmington, has presented a Certificate of Compliance from the State of Tennessee Alcohol and Beverage Commission to the City for approval.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to approve the Certificate of Compliance Retail Package Store from Ms. Lacey Dougher, owner of The Winery of Germantown located at 7841 Farmington.

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

**Public Hearing – Ordinance 2015-1 – Year-end Budget Adjustments – Second Reading**

Finance Director Ralph Gabb explained a number of budget adjustments are made, at year end, to the various City funds which realign operating expenses/expenditure accounts with actual activity. These budget adjustments recognize various overruns, underruns, project acceleration and deferrals that have already been brought to the Board's attention and gained their approval.

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

Motion by Mr. Klevan, seconded by Mr. Janda, to approve Ordinance No. 2015-1 for year-end budget adjustments on second reading.

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

**Public Hearing - Ordinance 2015-2 – FY16 Budget – Second Reading**

City Administrator Patrick Lawton explained that this was the second reading for the FY16 proposed budget. The following are highlights of the presentation Mr. Lawton gave:

Mr. Lawton stated the proposed FY16 budget is balanced and totals \$123,672,500 million dollars for all funds. The general fund, which is the largest City fund, totals \$47,323,800 million dollars. The special revenue funds total \$49,072,300 and include the budget for the GMSD. The CIP for FY16 is \$10,538,000. The balanced budget is the result of ongoing departmental cost controls and efficiency measures implemented before the start of the recession and a fundamental shift in cost control measures. There is no property tax increase in the proposed FY16 budget or during the five-year planning period.

The budget represents hundreds of hours of review and analysis by City departments, the Financial Advisory Commission and the Budget team. Mr. Julius Moody, FAC Chairman, has presented to the Board the FAC's recommendation regarding the FY16 budget.

Mr. Lawton stated the Board had several work sessions regarding the budget to consider the major governmental funds and key policy areas. On Wednesday, May 6, the Board conducted an extensive work session on the entire budget document. An informational brochure entitled "The Budget in Brief" was mailed to every household in Germantown. The Budget in Brief highlights the major revenue and expenditure categories in the proposed budget and the Board of Mayor and Aldermen's funding priorities and is a public invitation to the second reading on the budget and public hearing.

The FY16 proposed budget supports the Vision 2020 plan adopted by Board of Mayor and Aldermen. In January 2015, the Board revisited and refined the strategic plan and vision for our community, including a stronger emphasis on economic development, the funding requirements for the municipal school system and our proactive approach to public safety. These programs and services included in this year's budget continue to support this policy direction given by the Board of Mayor and Aldermen.

Between the first and second reading on the budget there were a few changes to the budget ordinance proposed by the Administration. These changes are incorporated in the ordinance on second reading. These include funding for two interns this summer, support for the HHS baseball boosters, the addition of a position in Parks and Recreation Administration and the recognition of credit card fee expenses associated with the new Parks and Recreation program registration software.

The Board of Mayor and Aldermen also requested that all of the City costs associated with education be moved out of the various departments and into a separate cost center. Staff has accomplished this with the creation of the civic support cost center. This change did not impact the budget ordinance.

Mr. Lawton thanked the department heads for the work in their individual departmental budgets. The budget team consisted of Ralph Gabb, Adrienne Royals, Sherry Rowell, Jessica Brown, Stacey Ewell, Reynold Douglas, Lisa Piefer and Butch Eder, who at all times presented credible and logical arguments and ideas during our debate and deliberation in the development of the budget. The Mayor and Board, as financial stewards, would expect nothing less.

Mr. Julius Moody, Chairman of the Financial Advisory Commission, came forward and read a letter he had written to Mayor Palazzolo giving the report from the FAC Commission. He stated the FAC had approved the FY16 Proposed Budget. He thanked Alderman Janda for permitting the FAC to conduct the meetings in a very open and frank manner and the staff who participated in the budget process.

The Mayor and Board thanked Mr. Moody for all his years of service and the commission's report.

Mayor Palazzolo opened the public hearing.

Mr. David Nischewitz, 9581 Hedgeview Lane, came forward and asked for financial assistance for the Houston High School Athletics and Arts Foundation.

Mr. George Brogdon, 8653 Pepper Bush Lane, asked for a copy of all the Civic Support items and the amount each is to receive.

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

Motion by Mr. Janda, seconded by Ms. Gibson, to approve on second reading Ordinance No. 2015-2, as amended, establishing the FY16 Proposed Budget.

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

**Public Hearing - Ordinance 2015-3 – Real & Personalty Property Tax – Second Reading**

Mr. Gabb stated the tax rate recommended for the FY16 Budget is \$1.93 per \$100.00 of assessed valuation. A tax increase is not recommended in the FY16 Budget.

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

Motion by Mr. Barzizza, seconded by Mr. Klevan, to approve Ordinance 2015-3 on second reading.

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

**Public Hearing - Ordinance 2015-7 – GMSD Year-end Budget Adjustments – Second Reading**

Mr. Lawton stated this is the first full year of operations for the GMSD and will require a number of yearly budget adjustments. These adjustments will recognize various overruns, underruns, project accelerations and deferrals that have been approved by the GMSD Board. The GMSD is a Special Revenue Fund of the City of Germantown and will appear in the Comprehensive Annual Financial Report (CAFR) as of June 30, 2015. Therefore, the City BMA must approve any yearly budget adjustments.

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

Motion by Ms. Gibson, seconded by Mr. Janda, to approve Ordinance 2015-7 for Germantown Municipal School District year-end budget adjustments on second reading.

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

**Public Hearing – Ordinance 2015-6 – Amendment to Zoning Ordinance – Enclave 6 Subdivision – Second Reading**

Economic and Development Director Cameron Ross stated that several lots within Phase 6 extend beyond the boundary of the R-3 zoning district, and into the Agricultural zoning district. All or parts of seventeen planned lots and a common open space area are within the AG district. The 2.79 acre, AG-zoned area is within the original area of the Enclave PUD master plan. Staff recommends rezoning the 2.79 acre area to the Two Family Residential (R-3) district, to match the zoning of the remainder of The Enclave.

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

Motion by Mr. Owens, seconded by Mr. Janda, to approve on second reading Ordinance 2015-6, the rezoning of 2.79 acres within Phase 6 of The Enclave PUD, from the Agricultural District to the R-3 Residential District.

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

**Ordinance 2015-8 – Amendments to the Animal Control Ordinance – First Reading**

Public Works Director Bo Mills stated the Germantown Animal Shelter staff recommends two additions to the animal ordinance. The first is the addition of a definition to define a proper shelter which will allow the Animal Shelter staff to address situations where outdoor pets are kept without proper shelter to protect them from the elements.

The second addition deals with repeat offenders where pets escape their impoundment structures. This will allow staff to spay or neuter unaltered animals at the owners' expense that are running loose and are impounded two times within any twelve month period or a total of five times over any time period.

Motion by Mr. Owens, seconded by Mr. Klevan, to approve Ordinance 2015-8 Germantown Code of Ordinances Additions – Animals on First Reading and to set July 13, 2015 as second reading and public hearing.

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

**Apple Master Lease Agreement – GMSD**

The State of Tennessee views the GMSD as a component of the City, much like the other departments of the City, with obvious major differences. As such, the GMSD is unable to enter into any long-term financial arrangements and must rely upon the City to execute such agreements. The proposed lease from Apple is for three years and the equipment cost for 350 computers is \$385,350.00 at \$115,566.47 per year.

Motion by Ms. Gibson, seconded by Mr. Janda, to authorize the Mayor to enter into a Master Lease Agreement with Apple, Inc. for the lease of 350 MacBooks with an annual cost of \$115,566.47 for a total lease cost of \$385,350.00 subject to approval of such agreement by the City Attorney.

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

**Germantown Municipal Center Renovations**

Ross Witt, PLLC was retained at a cost of \$3,220.00 for the architectural design services including final design and preparations, specifications, and drawing details for bid. The lowest qualified bidder was Wagner General Contractors, Inc. in the amount of \$118,300.00 and includes the construction of interior walls, relocation of doors, ceiling repairs, flooring repairs, relocation of lighting, and relocation of HVAC duct as identified construction drawings. Staff recommends including improvements to the

Administrative office area in the amount of \$29,500.00 and labor for the removal and replacement of the existing furniture in the amount of \$6,800.00.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to authorize the Mayor to enter into a construction contract with Wagner General Contractors, Inc. in the amount of \$118,300.00 for Information Technology, Human Resources, and Administrative office space improvements.

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

**ADJOURNMENT**

There being no further business to be brought before the Board, Mayor Palazzolo adjourned the regular meeting.

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Mike Palazzolo, Mayor

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Dotty Johnson, City Clerk/Recorder