

## **BOARD OF MAYOR AND ALDERMEN**

June 27, 2016

The regular meeting of the Board of Mayor and Aldermen was held on Monday, June 27, 2016, 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: Pam Beasley, Michele Betty, Paul Chandler, Reynold Douglas, Butch Eder, Tony Fischer, De'Kisha Fondon, Chief Richard Hall, David Harris, Patrick Lawton, Bo Mills, Daniel Page, Lisa Piefer, Cameron Ross, Sherry Rowell, Adrienne Royals, Chief John Selberg and Steve Wilensky.

### **Call to Order**

The Mayor called the meeting to order.

### **Invocation**

Tony Fischer gave the invocation.

### **Pledge of Allegiance**

Mr. Barzizza led the Pledge of Allegiance.

### **Approval of Agenda**

During the executive session, the Board unanimously agreed to move to the Consent Agenda: #24 - Development Contract No.1210 Pinnacle Starbucks, and move to immediately following the Consent Agenda: #25 - Retention PILOT Application – ThyssenKrupp Elevator Manufacturing, Inc.

Motion by Mr. Barzizza, seconded by Mr. Janda, 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 corrections to the minutes.

Motion by Ms. Gibson, seconded by Mr. Klevan, to approve the minutes of the Board of Mayor and Aldermen meeting held June 13, 2016.

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

### **Resolution 16R26 – Red Devil One Restoration**

Chief John Selberg stated Red Devil One is a 1942 fire engine purchased by the City in 1945. It was the City's first fire engine. On May 9, 1983, the Board of Mayor and Aldermen passed a resolution for the purposes of preserving its historical value and moving it to the Cloyes property where it has remained basically untouched for 33 years. The purpose of this restoration is to retain the history and pride of Germantown, provide a showpiece for community events and enhance fire prevention education.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve Resolution 16R26 for the restoration of the City's first fire engine known as Red Devil One, declaring Red Devil One as a historical

artifact of the City of Germantown, allowing it to be moved to a more secure location where it can be renovated and forming a committee to evaluate and oversee the restoration.

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

### **Special Recognition**

#### **Friends of the Library**

Mr. Daniel Page stated the Friends of the Germantown Community Library support the programs and educational enrichment opportunities of the library through fundraising and volunteer service. The group's membership has grown to 533 members including over 40 volunteers which serve more than 400 hours a month in the Friends Bookstore and through outreach to the community.

Since being organized, the Friends group has donated more than \$160,000 to support summer reading programs, special events, exhibits and improvements. These funds are earned cents at a time by selling books donated by the community or deselected from the library collection. Books, audio books, DVDs and music are available for purchase ranging from 50 cents to \$5. On average, over 4,000 items are sold monthly.

An annual book drive, organized through our schools, resulted in 19,000 books collected and \$1,500 donated to schools. In the last year, Friends donated over 50,000 books to area nonprofits including hospitals, prisons, correctional centers, adult development centers and ministries.

#### **Donations to the Germantown Animal Shelter**

Mr. Bo Mills introduced Eagle Scout Carter Williams of Troop 368 and his family who raised funds for the construction of an outdoor cat enclosure in the front of the Animal Shelter for his scout project. The enclosure allows the shelter cats to have a safe, cat friendly habitat on the front porch and out of the weather. In addition to the construction costs raised, the family donated the balance of \$750.00 to the shelter. Doug and Amanda McMinn donated an additional \$100.00 for the project.

Motion by Mr. Janda, seconded by Ms. Gibson, to recognize the donations to the Germantown Animal Shelter from Carter Williams and his family with a supplemental donation from Doug and Amanda McMinn, totaling \$850.00.

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

### **Life and Stories**

In response to increasing competition among communities in the Memphis Metro area, the City of Germantown Marketing and Communications team, led by Stacey Ewell and Kristi Ransom, began the development of a new communication strategy. With the help of the creative agency Counterpart Creative Design, they geared the strategy toward potential residents, new residents and business recruitment. The most visible example of this new strategy is the "Life and Stories" book. "Life and Stories" tells the Germantown story and reflects the City's rich history and exciting future. In the short time this piece has been available, "Life and Stories" has won several National and International Marketing awards including the Platinum Hermes Creative Award, the Platinum 2015 MarCom Award and the Gold Award of Excellence in the 2016 Communicator Awards.

Mr. Lawton asked the team from Counterpart Creative Design to share with the Board the work and attention to detail that went into the City's "Life and Stories" book.

### **Play like a Champion - Graduation Class of 2016**

Mr. Lawton stated City Administration developed an employee engagement program five years ago entitled "Play like a Champion." This very successful program came about as a request by City employees to learn more about all aspects of the City organization, from Animal Control to Zoning.

The results have produced greater awareness as well as a strong sense of team work and cooperation with these participants as they gain greater respect and awareness of our individual roles and responsibilities and what it takes to make the team function as a whole. This agenda item is to recognize the 14 graduates of the Class of 2016:

Chad Byno	Lisa Collins	Maria Comas	Hannah Griffiths	Sharon Hailey
Loretta Hebert	Zack Oelsen	Andrew Pitts	Sheila Pounder	Kristi Ransom
Andria Robbins	Alexa Robinson	Michael Rogers	Marcus Rosser	

Michael Rogers was recognized as the PLAC Leadership Award winner.

### **Education Commission Appointments**

Mayor Palazzolo stepped down from the dais. He has a family member on the Education Commission.

Mr. Lawton stated, the Education Commission appointments are made each year in June and conclude in June of the next calendar year. The commission consists of 12 members. Alderman Gibson, as alderman liaison to the commission, recommended the commission appointments and recommended Ms. Mindy Fischer as chairman.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve the appointments of Barbara Boyer, Stephanie Brockway, Steven Chandler, Mindy Fischer, Julia Ganey, Audrey Grossman, Terri Harris, Rodolfo Palazzolo, Brett Perry, Stephanie VanArsdale, Richard Vosburg and Laurie Whitney to the Education Commission. Mindy Fischer was appointed as chairman.

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

Mayor Palazzolo returned to the dais.

### **Library Board Appointments**

Mr. Lawton stated, the Library Board consists of 7 members with staggered terms. There are three positions open for appointment. The appointments are made this time of year to coincide with the establishment of the Library Board.

Motion by Mr. Klevan, seconded by Mr. Janda, to approve the appointments of Peter Abell, Tom Cates and Sue Gail Tackett. Mr. Cates was appointed as chairman.

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

### **Aldermen Liaison Reports**

The Aldermen reported on their commission activities.

**Citizens to be Heard**

No citizens came forward to be heard.

**CONSENT**

**Dumpster Enclosures Installation**

The existing dumpster enclosure is not large enough to accommodate the cardboard recycling dumpster and the building's daily trash dumpster. For the last three years, the cardboard dumpster has been occupying two to three parking spaces because no other location was available. With the new contractor bringing in new dumpsters and collection methods, staff identified an opportunity to improve efficiency of space and pickup methods by building a new dumpster enclosure that will accommodate both the community cardboard recycling and building trash dumpsters.

MOTION: To authorize the Mayor to enter into a contract with SMS Construction, Inc. in the amount of \$21,121.00 for the installation of two new dumpster enclosures by the Economic and Community Development Building and to approve Budget Adjustment No. 16-99.

**GPAC Interior Security Cameras**

The purpose of this agenda item is to request approval for the purchase of four interior security cameras. Staff recommends the purchase and installation of the additional security cameras that will monitor inside GPAC for improved facility security. The cameras will be monitored through the existing system with additional space for expansion, if needed.

MOTION: To approve the purchase of four interior security cameras with the annual monitoring charge in the amount of \$13,988.18 from Tyco Integrated Security under the NJPA Contract 031913-TIS and approve Budget Adjustment No. 16-100.

**Development Contract No.1210 Pinnacle Starbucks**

The purpose of this agenda item is to approve Project Development Contract Number 1210, renovation of the existing 5,027 square foot bank building with canopy to allow multiple uses in the building, banking and a coffee café.

MOTION: To approve Project Development Contract 1210 for the Pinnacle Financial Partners.

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

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

**REGULAR**

**Retention PILOT Application – ThyssenKrupp Elevator Manufacturing, Inc.**

Mr. Ross stated, ThyssenKrupp Elevator Manufacturing, Inc., ("TKEM") is requesting a retention Payment-in-lieu-of-Tax ("PILOT") of seven years, with 75% of existing and new real and tangible personal property taxes abated. The Germantown Industrial Development Board approved the request at the June 20, 2016 meeting. TKEM's global activities in the area of passenger transportation systems are currently operated from their North American headquarters in Germantown. TKEM produces passenger and freight elevators, escalators and moving walks, chair and platform lifts, passenger boarding bridges and quality service for the entire product range.

Motion by Mr. Klevan, seconded by Ms. Gibson, to approve a retention PILOT of seven years with 75% abatement of existing and new real and tangible personal property taxes for ThyssenKrupp Elevator Manufacturing, Inc. as set forth in the provided resolution.

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

**Resolution 16R27 – Approve the Salary for City Administrator**

Mayor Palazzolo stated, in the spirit of transparent and open governing, City administration is bringing forth this item, which is similar to other actions brought before the Board in recent meetings, such as the Nepotism Policy, to be memorialized by a resolution. It has been the practice of the City to approve salaries of City staff and the City Administrator with the adoption of the annual budget. Resolution 16R27 takes separate action per the requirements of Article 5, Section 5.01 of the City Charter and establishes the City Administrator's salary at \$215,050 through December 31, 2016.

In response to a question from Mr. Janda, Mayor stated it has been tradition for the City Administrator's review to take place in the fall of the year and is the Mayor's sole responsibility. Resolution 16R27 sets the City Administrator's salary for the balance of this calendar year.

Mr. Barzizza stated the following and requested that it be included in the minutes for public record:

I understand this proposed resolution would have the effect of increasing the City Administrator's salary by approximately 20% over a two-year period (FY 2016 to FY 2016). During the same period, other City employees received only 2-4% annual increases. Further, the City Administrator's salary is much more than comparable cities in the state. For these reasons, I am opposed to this resolution.

As I mentioned during our previous meeting, the City's charter provides for the Board of Alderman to fix the salary of the City Administrator. The past two increases in the City Administrator's salary have not been approved in accordance with the City's Charter. Rather, the increases in compensation were merely included within larger line items in the City's annual budget ordinance making it impossible for a person to know the amount of the increase – and certainly not providing sufficient information for fixing or approving the City Administrator's salary as provided by the City's Charter.

The explanation that this approval process is customary and what has been done for the past 20+ years is not an excuse. I understand other municipalities in the state have similar provisions in their charters and that these municipalities require separate approvals of salary increases before the approval of their annual budget. Despite my objections, I am pleased to see this resolution being presented as a separate item.

My hope and expectation is that the Charter be adhered to on all matters of "recommended" salary increases in the future and that such proposed increases be vetted, studied and voted on by the Board of Aldermen. I recognize the importance of compensation in attracting and retaining talented employees, and my objection to this resolution is not intended to be a criticism of Patrick Lawton or the work he has done for the City.

We as elected officials and those appointed by the Mayor and confirmed by the Board of Aldermen should view the Charter as our most valuable treasure in our city just as the Constitution is to our country. Our citizens and voters certainly do, and they expect us to be prudent with their money.

I will also add that transparency of all facets of City government is very important to and expected all of the citizens of Germantown.

Motion by Mr. Janda, seconded by Mr. Klevan, to adopt Resolution No. 16R27 – a resolution to approve the salary for the City Administrator.

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

**Ordinance 2016-2 – Budget Ordinance – Third and Final Reading**

Mr. Lawton stated, this agenda item is the third and final reading of the FY17 annual Operating Budget and Capital Improvements Plan for the City of Germantown. These spending plans reflect a commitment to provide quality services and amenities to our residents, while preserving our organization's long term financial viability and our AAA bond rating.

The proposed budget continues to provide basic services and maintains the quality standards our residents have come to expect. This balanced and strategic approach results in a spending plan that adapts to the changing needs of our community without compromising our financial future.

Setting long-term priorities for the City is one of the most important responsibilities for Germantown elected officials. Earlier this year, you reaffirmed that commitment by adopting the Germantown Forward 2030 Plan. This policy document sets the direction for the organization, creates alignment between policy and implementation, and acts as a touchstone for making financial and operational decisions to achieve community expectations.

Over the past several months, staff has worked closely and extensively with the City's Financial Advisory Commission (FAC) based upon the budget calendar established by the BMA in January 2016. After each meeting with the FAC, the Board was provided with information regarding the FAC and review and recommendation regarding each of the governmental funds.

In addition to the work of the FAC, staff has provided the BMA with information briefings and work sessions regarding significant policy issues regarding CIP and the Sanitation Fund. The recommended budget includes appropriate funding to address these demands and service areas in a thoughtful and deliberate manner, without disrupting existing services or placing additional strain on the General Fund.

From a financial reporting standpoint, the City is in excellent shape having achieved the Distinguished Budget Award from the Government Finance Officers Association (GFOA) for over 30 years. Most recently, the City received the Certificate of Achievement from the GFOA for the City's annual financial report or our annual audit for the year ending June 30, 2015. This annual audit report formed the foundation upon which the FY17 budget was built. Its achievement represents the highest form of governmental accounting and financial reporting and its attainment represents a significant accomplishment by a local government and its management.

In addition, in February of this year, the City issued close to \$19 million in General Obligation bonds and a refunding of older debt. This was the largest bond issue in the City's history. After a

rigorous analysis by two independent rating agencies, S & P and Moody's, the City had its AAA rating with both agencies reaffirmed. This represents the highest credit quality available and is based upon:

1. Debt management and financial indicators such as debt per capita,
2. Financial performance analyzing revenue and expenditure trends, and
3. The overall economic outlook based on tax base, income and population.

The attainment of the rating has saved the City millions of dollars over the past 30 years when compared to lesser rated municipalities.

The proposed FY17 budget assumes no increase to the property tax rate for the upcoming year. Also, the FY17 budget does not recommend any adjustments to water, wastewater, stormwater, GAC or other significant user-based fees with one notable exception, sanitation. With the increase in the per unit cost for collection and disposal of solid waste, recyclables and yard debris, the FY17 proposed budget does include an increase to the user fee associated with this fund, based on service type, effective July 1, 2016. The new rate would not change during the initial five years of the contract with Waste Pro and breaks down as follows: backdoor \$36.50, curbside \$29.50 and high density \$19.00.

This recommendation is coming to the Board after being thoroughly vetted with City staff and the FAC. In addition, the City regularly evaluates its other user charges to ensure that appropriate fees are assessed for the services we provide.

The proposed budget for FY17 totals \$136,938,888. The General Fund operating budget totals \$50,210,824. The Enterprise Funds, including utilities, GAC, stormwater, The Great Hall and sanitation, total \$18,166,743. The Special Revenue Funds total \$56,428,143 of which GMSD is the largest component at \$55,392,000. The City's Capital Improvement Programs total for FY17 is \$12,080,178.

The City charter requires the preparation and adoption of the budget on an annual basis. The charter sets forth the process by which the City Administrator shall submit in a timely fashion the budget for the Board's consideration including financial policies, significant changes in the budget from the current fiscal year to the next, revenue and expenditure changes and a summary of the City's debt position. The budget accomplishes this. It is our financial plan for the upcoming fiscal year and also includes a five-year financial projection.

Also included in the document is the Capital Improvement Plan (CIP). The Board, when considering the CIP, will appropriate funds for the upcoming fiscal year, but will also consider, under a separate resolution, adopting a five-year CIP as a planning tool.

This third and final reading is a requirement of the budget process because the budget is adopted by ordinance. The Board is asked to adopt the budget as the City's spending and policy document for the new fiscal year with any changes and amendments the Board sees fit to add to the ordinance between first, second and third reading. Failure to do so would mean the old appropriations from the current fiscal year would be the appropriations for next year until the new budget is adopted.

The budget is consistent with the requirements of our charter and also the TCA that requires:

1. The budget is balanced as required by state law,

2. The City has stated and demonstrated its intent and ability to pay all of its outstanding debt obligations, and
3. The annual budget is prepared in a form consistent with accepted governmental standards as approved by the Director of State and Local Finance.

The City complies with all of these state and local requirements. Changes in the budget between second and third reading include additional revenues and expenditures for the GMSD as well as a corrected salary amount for our Police legal advisor. These changes are incorporated in the ordinance.

There is one additional change not included in the ordinance and that is the addition of \$100,000 in the CIP to cost share with the Germantown Municipal School District preliminary design work including cost estimates for the proposed new K-5 or K-8 school. Mayor Palazzolo made an offer to Shelby County Schools to purchase Germantown Elementary School and Germantown Middle School for \$5 million dollars. If this purchase does not occur in FY17, the City needs to be in a position to design a new K-5 or K-8 school. Administration recommends an additional \$100,000 to be matched by the Germantown Municipal School District. If the City issues debt in the spring of 2017, the City can look back by resolution and have these funds allocated for that purpose.

**EXHIBIT A**  
**Second Reading to Third Reading**

<u>CHANGE</u>	<u>DEPARTMENT</u>	<u>JUSTIFICATION</u>
<b>REVENUES:</b>		
\$ 40,000.00	GMSD	Increase in GMSD Revenues*
 <b>DECREASE (INCREASE) IN FUND BALANCES:</b>		
\$ 13,361	General Fund	Decrease in fund balance due to increase in General Fund expenses
2,715,000	SR: GMSD	Decrease in fund balance due to offset of increase in GMSD revenues & expenses
<u>\$ 2,768,361</u>		
 <b>EXPENSES:</b>		
\$ 13,361	General Fund	Increase in Attorney salaries in January, 2016 not reflected in FY17 (Court \$9,409; Police \$3,952)
2,755,000	SR: GMSD	Increase in GMSD Expenses**
<u>\$ 2,768,361</u>		

\*Federal Grants \$40,0000

\*\*Professional Fees (\$213,000); Supplies \$36,000; Capital Outlay \$2,932,000

Motion by Mr. Janda, seconded by Mr. Klevan, to approve on third and final reading Ordinance No. 2016-2, as amended by Exhibit A attached and made part of this motion, establishing the FY17 Proposed Budget, subject to \$100,000 for preliminary design work as brought forth in comments by staff.

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



**Ordinance 2016-3 – Year-End Budget Adjustments – Third and Final Reading**

Mr. Lawton stated, typically at year-end, a number of budget adjustments are made to the various City funds, which realign operating expenses/expenditure accounts with actual activity. They recognize various overruns, underruns, project acceleration and deferrals that have already received Board of Mayor and Aldermen approval.

Motion by Mr. Janda, seconded by Mr. Barzizza, to approve Ordinance No. 2016-3 for year-end budget adjustments on third and final reading.

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

**Ordinance 2016-4 – Real & Personalty Property Tax – Third and Final Reading**

Mr. Lawton stated, Article II sections 28 and 29 of the Tennessee Constitution and our own local charter give local government the authority to tax real and personal property. Property tax is the mainstay of our City's operating budget, comprising 58% of General Fund revenues. Setting the tax rate, in Tennessee, is left to discretion of the governing body.

The tax itself is an ad valorem tax. In other words, the rate is based on the value of the property. The current rate of 1.93 per \$100.00 of assessed valuation has been in place since FY14 and there is no recommended increase in FY17. Based upon Germantown's total assessed value as provided by the county assessor's office, our tax rate will generate \$29.4 million in revenue in FY17.

Motion by Mr. Janda, seconded by Mr. Owens, to approve Ordinance No. 2016-4 on third and final reading.

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

**Ordinance 2016-5 – GMSD Year-End Budget Adjustments – Third and Final Reading**

Mr. Lawton stated, the purpose of this agenda item is to approve Ordinance No. 2016-5 on third reading. At the end of the fiscal year, a number of year-end budget adjustments are required to be made in order to avoid budget and fund overruns in the various funds for the Germantown Municipal School District.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to approve Ordinance No. 2016-5 for Germantown Municipal School District year-end budget adjustments on third and final reading.

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

**Resolution 16R19 - Resolution on Revenues**

Mr. Lawton stated, since the codification of the City's Code of Ordinances several years ago, ordinances have been drafted to exclude dollar amounts of fees and rates. Rather, ordinances indicate amounts will be set by resolution of the Board of Mayor and Aldermen. Some of these amounts are set by Policy Letters; others are authorized by various Board of Mayor and Aldermen resolutions. The purpose of this action is to consolidate all revenue authorizations into a single document. This resolution is expected to be revised and adopted each year concurrent with the adoption of the annual budget.

A comprehensive review of fees, rates and revenue structures was made during the past year and throughout the budget process. In many business areas, market comparisons were performed to make sure the fees and rates are comparable for the area. Minor changes in fees and charges have

been incorporated in most areas for the City in the attempt to keep pace with the cost of services being provided.

Other changes in fees and fines occur mainly as a result of review, research and comparison to existing costs of providing services, comparable fees charges by other cities in Tennessee and to ensure compliance with laws and regulations of the state and federal governments.

While every effort has been made to include all amounts charged by the City, the exclusion of any amounts is not intended to cause such amounts to be unlawful. Any oversights subsequently discovered will be included in future revisions and updates of this resolution.

Motion by Mr. Barzizza, seconded by Mr. Janda, to adopt Resolution on Revenues 16R19 and related schedules establishing the rates, fines and fees in the various funds of the City of Germantown for the FY17 operating budget.

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

#### **Resolution 16R20 – Resolution of Five-Year Capital Improvement Plan**

Mr. Lawton stated, the FY17 portion of this Capital Improvements Program will be adopted within the FY17 Budget Ordinance. The Capital Improvements Program for the five-year planning period is reviewed each year during the budget planning process and revised according to current needs and projections. The development of the Capital Improvements Program follows the guidelines for the CIP Policy adopted by the Board, which allows the City to identify long-term needs and to plan for the necessary financing.

Motion by Ms. Gibson, seconded by Mr. Klevan, to adopt Resolution 16R20 establishing a Capital Improvements Program for fiscal years ending June 30, 2017 to 2022.

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

#### **Resolution 16R25 – Internal Control Manual**

Mr. Lawton stated, the Tennessee General Assembly passed and the Governor signed in 2015 Public Chapter No. 112 regarding internal controls for local governments. The Act required that by June 30, 2016, state agencies, higher education and local and county governments have in place an internal control policy manual.

With the passage of this legislation, the State Comptroller's office has issued an Internal Control Manual establishing federal internal control standards and those used by the Government Accountability Office (GAO). The Municipal Technical Advisory Service (MTAS) has also issued a guidebook to help cities to come into compliance with the act. The Internal Control Manual addresses the five mandatory systems of internal control as established by the Comptroller's office.

1. Control Environment
2. Risk Assessment
3. Control Activities
4. Information and Communication
5. Monitoring

Motion by Ms. Gibson, seconded by Mr. Klevan, to adopt Resolution No. 16R25 – an Internal Control Manual for the City of Germantown.

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

**Ordinance 2016-7 – Wireless Transmission Facility - First Reading and Set Public Hearing Date**

Mr. Ross stated, Germantown’s current regulations limit the height of Wireless Transmission Facilities to 100 feet and require a “fall zone” of 10 feet higher than the antennae. Working with Germantown residents and stakeholders as part of the Germantown Forward 2030 Strategic Plan process and discussions with Germantown Police and Fire, it became apparent that there are many areas of the City that are underserved in coverage and capacity by wireless transmission facilities.

Staff researched other communities’ regulations on wireless transmission facilities for comparison purposes and found that there are a variety of height requirements and engineering analyses to manage this use. The City is proposing facilities’ maximum height to be raised to 140 feet from the existing 100 feet and for flexibility in fall zone requirements. The flexibility for these requirements would be predicated on the applicant demonstrating that the engineering and construction technology of a proposed wireless transmission facility is built in such a way that if it were to fall it could be contained within smaller area than is required by the current Code.

Motion by Mr. Barzizza, seconded by Mr. Owens, to approve on first reading Ordinance 2016-07, amendments to the Germantown Ordinance related to Wireless Transmission Facilities and set July 25, 2016 as the public hearing date.

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

**Ordinance 2016-8 – Transient Dwelling - First Reading and Set Public Hearing Date**

Mr. Ross stated, Germantown’s current regulations do not address concerns that have been raised regarding short term transient housing in Germantown. The amendment to the Germantown Zoning Ordinance is proposed to preserve the existing character of Germantown’s neighborhoods and manage any transient dwellings that may be operating within the City’s neighborhoods.

Staff researched other communities’ regulations on transient dwelling, short-term rental and short-term residential operations for comparison purposes and found that there are a variety of ways to manage this use. Staff looked at the operations of the Economic and Community Development Neighborhood Services Division, which manages Code Compliance. It was then determined that establishing that transient dwelling may not be occupied for a period of less than 30 days and adding definitions for transient dwellings and transient guests would address concerns and facilitate this use within the City.

Motion by Mr. Owens, seconded by Mr. Klevan, to approve on first reading Ordinance 2016-08, amendments to the Germantown Zoning Ordinance regarding Transient Dwellings and Transient Guests and set July 25, 2016, as the public hearing date.

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

**Ordinance 2016-9 – Forest Hill Heights Smart Code Overlay - First Reading and Set Public Hearing Date**

Mr. Ross stated, the Board of Mayor and Alderman unanimously approved on April 11, 2016, the Forest Hill Heights Small Area Plan. With the adoption of the plan, a holistic and cohesive vision has been put into motion for future development in this area which will contribute to the financial, environmental and economic sustainability of the City. The application of the Smart Code will facilitate future mixed-use development as the enabling legislation to implement the vision of the Forest Hill Heights Small Area plan.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve on first reading Ordinance 2016-09, the rezoning of the properties within the Forest Hill Heights Small Area Plan and set July 25, 2016, as the public hearing date.

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

Meeting adjourned.

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Mike Palazzolo, Mayor

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Michele Betty, City Clerk/Recorder