

BOARD OF MAYOR AND ALDERMEN

June 11, 2018

The regular meeting of the Board of Mayor and Aldermen was held on Monday, June 11, 2018 at 6 p.m. in the Council Chambers at City Hall.

Mayor Mike Palazzolo was present and presiding.

The following aldermen were present: John Barzizza, Mary Anne Gibson, Dean Massey, Forrest Owens and Rocky Janda. Staff present: Pam Beasley, Michele Betty, Tim Bierdz, Paul Chandler, Reynold Douglas, Tony Fischer, De’Kisha Fondon, Ralph Gabb, Tim Gwaltney, Richard Hall, David Harris, Jason Huisman, Patrick Lawton, Bo Mills, Daniel Page, Lisa Piefer, Phil Rogers, Cameron Ross, Sherry Rowell, Adrienne Royals, Emily Rozar, John Selberg and Steve Wilensky.

Germantown Municipal School District Staff: Kevin Jones and Jason Manuel.

Call To Order

The Mayor called the meeting to order. Mayor Palazzolo stated that Alderman Janda would be late to the Board meeting due to a Chamber of Commerce event.

Invocation

Dr. Charles Fowler, City Chaplain, gave the invocation.

Pledge of Allegiance

Alderman Owens led the Pledge of Allegiance.

Approval of Agenda

During the executive session, the Board agreed to move #18 - Supplement No. 1 – Germantown Road/Wolf River Boulevard Intersection Improvement Project – Right-of-Way Appraisals and Closeout to the consent agenda.

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

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

Approval of Minutes

The minutes were approved as written.

Motion by Ms. Gibson, seconded by Mr. Owens, to approve the minutes of the Board of Mayor and Aldermen Meeting held May 14, 2018.

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

Special Recognition

The Fire Department presented its Citizens Lifesaving Award to Jack Lewis, a City employee in Fleet Maintenance. Mr. Lewis’ actions recently saved a person’s life.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

Mr. Harold Steinberg, 8377 Willow Oak Road, came forward to recognize and compliment his fellow Financial Advisory Commission members and City staff for their work on the FY19 Proposed Budget.

CONSENT

Agreement – Forest Hill-Irene Traffic Signal Cost Contribution

Based on current traffic volumes, the need for a traffic signal at the intersection of Forest Hill-Irene Road and Crestwyn Hills Drive is near the criteria used to justify signal warrants. As the area continues to develop, installation of a signal becomes more critical. In an effort to be proactive on this project, the City is proposing design services for the future signal in its FY20 CIP budget. Construction is proposed in FY21. Future developments in the area will be contributing to the cost of design and construction of the signal based on the amount of traffic those developments are anticipated to generate.

MOTION: To authorize the Mayor to enter into an agreement with Continental Properties for a Traffic Signal Cost Contribution for a future traffic signal at the northwest corner of Forest Hill-Irene and Crestwyn Hills Drive.

Agreement - Public Safety Software Annual Maintenance

The City has maintained a software maintenance agreement with Tyler Technologies, previously New World Systems, Inc., since implementing software in 1994. The agreement allows for periodic software updates and system support 24 hours a day, seven days a week. Coverage ensures constant support for Police and Fire staff that depends on the software to do their jobs every day.

MOTION: To authorize the execution of the annual software maintenance agreement with Tyler Technologies, Inc. in the amount of \$150,941.03.

Agreement - Sports Provider - Germantown Football League

Each year, 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 the Parks and Recreation Department make available. The agreement with Germantown Football Leagues was awarded in FY15, with the option for (2) two additional one year extensions.

MOTION: To approve the provider agreement with the Germantown Football League to be the Youth Cheer and Football Provider for the City of Germantown.

Annual Agreement – U.S. Geological Survey

The information derived from the U.S. Geological Survey (USGS) is beneficial in planning for the development of the well fields, as well as continued management and use of our existing system. Continual aquifer level and water quality monitoring provides the information to detect any changes in quality or volume. All of the reports are examined quarterly by the water treatment plant staff to analyze trends and monitor groundwater quality and quantity. The total cost for this agreement is \$21,100.00 with Germantown contributing \$11,200.00 and the USGS contributing \$9,900.00 in matching federal funds.

MOTION: To authorize the Mayor to execute a Renewal Agreement with the U.S. Geological Survey in the amount of \$11,200.00.

Bid Rejection – Lateral G Mitigation at Allenby Lakes Spillway

Funding for the Allenby Lakes Spillway project is included in the FY18 CIP Budget; however, the base bid is \$195,046.00 over budget. Due to cost overrun of this project, staff will resubmit for funding during the fiscal year budget process of FY20.

MOTION: To reject all bids for the Lateral G Mitigation at Allenby Lakes Spillway.

Change Order No. 1 – Club Management Software

Club management software is vitally important to the day-to-day operations of the facility, including check-ins, billing, collections, program registration, reporting, etc. New modules include a customer loyalty survey system and the ability to promote and drive engagement within particular Club offerings and activities based upon member attendance and usage within the facility. It will also allow staff to run promotions, generate referrals and target automated communication to the members.

MOTION: To authorize Change Order No. 1, amending the re-occurring monthly fees to Jonas Fitness Incorporated from \$1,321.00 to \$1,521.00 for the remaining contract length, and to pay a one-time fee of \$775.00 for set-up and training of new modules for club management software.

Contract Amendment No. 1 – Safe Routes to School Phase I

The Safe Routes to School (SRTS) Agreement with the TN Department of Transportation (TDOT) is for design and construction of sidewalks and bike lanes in the vicinity of Riverdale Elementary School. Phase I includes improvements along Miller Farms Rd. from the Greenway Trail crossing to Apple Valley Rd. and Poplar Estates from Brookside to Corsica. Due to the additional cost of constructing ADA-compliant driveway aprons, per TDOT requirements, the Phase I project has been placed on hold. The cost of Phase I has increased from \$132,608.00 to \$295,855.00. In the meantime, staff has requested that SRTS funding for construction be shifted to cover Phase II projects. TDOT has agreed to do so. This amendment also includes a funding source change for future Phase I project construction to Transportation Alternatives Program funds, which are 80% reimbursable.

MOTION: To approve Amendment No. 1 for an existing TDOT Safe Routes to School Contract Agreement Phase I, increasing the amount from \$132,608.00 to \$295,855.00 and changing the funding source from Safe Routes to Schools to Transportation Alternatives Program.

Contract Amendment No. 1 – Safe Routes to School Phase II

The Safe Routes to School (SRTS) Agreement with the TN Department of Transportation (TDOT) is for design and construction of sidewalks and bike lanes in the vicinity of Riverdale Elementary School. Phase II includes sidewalk improvements along Oak Run, Neshoba, and Great Oaks. Due to the additional cost of constructing 36 ADA-compliant driveway aprons, per TDOT requirements, Phase I SRTS construction funding is being shifted to Phase II to help cover the cost increase from \$190,811.00 to \$377,858.00. TDOT has agreed to cover the remaining funding gap with TDOT funds. Phase II is 100% reimbursable.

MOTION: To approve Amendment No. 1 for an existing TDOT Safe Routes to School Agreement Phase II), increasing the contract amount from \$190,811.00 to \$377,858.00.

Contract - Education and Outreach Marketing

This contract is to meet the requirements of the grant received from the Tennessee Department of Environment and Conservation for recycling education and outreach. In its application, the City outlined a marketing campaign to communicate the proper materials for recycling and to encourage residents to recycle. The components of the campaign include a direct mail post card to solid waste customers and an updated recycling brochure.

MOTION: To authorize the Mayor to enter into a contract with Kelley and Associates Advertising, Inc. in the amount of \$38,608.00 for marketing services to meet the requirements of the Tennessee Department of Environment and Conservation Education and Outreach grant for recycling education.

Contract - Emergency Wall Repair at 2031 Myrtle Bend Drive

This emergency project is necessary due to the unsafe conditions within the drainage channel of the

Duntreath ditch section of Wolf River Lateral "E", behind 2013 Myrtle Bend Drive. The scope of the project will include demolition, removal of trees and undergrowth, installation of gabion wall and installation of stone behind gabion wall to aid in drainage. The work will also include backfilling, compacting and dressing work area up to gabion wall, soil compaction testing and installation of sod in disturbed areas.

MOTION: To approve a contract with Delgado General Corporation for the emergency repair and bank stabilization behind 2031 Myrtle Bend Drive along the Wolf River Lateral E "Duntreath ditch" in the amount of \$59,784.00 and to approve Budget Adjustment No. 18-105.

Donations - Germantown Community Library

The Germantown Community Library works in partnership with many local organizations and individuals to provide top quality services to its patrons. Donations made by the Friends of the Germantown Community Library offer steady support to a variety of library needs. The donation of \$1,825.00 was designated by the Friends to provide a new Little Library for a local park and to enhance children's programming. The \$64.00 given by Mr. Robert Campbell was designated to purchase a book for the library.

MOTION: To approve donations of \$1,889.00 to the Germantown Community Library and to approve Budget Adjustment No. 18-91.

Donation and Reimbursement – Parks and Recreation

The Germantown Woman's Club is a long-time partner and supporter of the Germantown Parks and Recreation Department. Each year this local service club volunteers at a number of special events, assists with the Special Needs Recreation program and provides funding support as funds are available. Recently, they donated \$1,000.00 for the department to use towards youth summer programming. The Parks and Recreation Department coordinates overnight senior citizen trips throughout the year. This past April, the hotel that provided lodging did not have any working elevators. As a result, the City received a reimbursement in the amount of \$800.00. This reimbursement will be applied towards a post trip dinner meeting on for June 21.

MOTION: To recognize the following donation and reimbursement made to the Parks and Recreation Department: a \$1,000.00 donation from the Germantown Woman's Club for youth program support, and a Senior Trip reimbursement totaling \$800.00; and to approve Budget Adjustments No. 18-102 and 18-104.

Lease Extension No. 1 – Norfolk Southern Railway Company – Depot Park

In 1984, the City and the railway company entered into a lease agreement for this land owned by the Railroad. The lease expired and a new agreement was negotiated in 2015. The initial term of the lease was from July 1, 2015 through June 30, 2018 at a base rate of \$600 per year. On an annual basis, this rate is subject to review and can be increased based on the consumer price index. This agreement also allows for two, three-year extension periods with same terms. City staff contacted the Railroad to exercise the first extension. This lease extension period is from July 1, 2018 through June 30, 2021, with a base rate of \$2,500.00 per year.

MOTION: To authorize the Mayor to exercise the first extension of the lease agreement between the City of Germantown and the Norfolk Southern Railway Company for the period of July 1, 2018 through June 30, 2021 for the property commonly referred to as the Depot Park.

PEG Disbursement to GMSD – 3rd Quarter

The City receives Public, Education and Government (PEG) funding from Comcast and AT&T based upon the number of subscribers on a quarterly basis. The funds are redirected to the PEG designated station by the City to the Germantown Municipal Television Station. The funds from the third quarter of fiscal year

2018 are from January 1, 2018 through March 31, 2018. These funds will ensure that quality equipment will be purchased and used by the students.

MOTION: To authorize the transfer of funds from Public, Education and Government (PEG) collected by the City to Germantown Municipal School District in the amount of \$42,491.59.

Purchase – Club Group Fitness Programming

Les Mills International offers virtual and live pre-choreographed group fitness classes to health club members around the world. All class formats, live and virtual, are updated every three months with new exercise content and music. In addition to offering world-leading live group fitness classes, partnering with Les Mills International gives us the ability to provide virtual classes at any time of the day. This flexibility is attractive to those members who may not be able to attend during peak times, which is often the times live classes are offered. These classes will be offered in addition to classes on our current schedule.

MOTION: To authorize the annual licensing to teach and use pre-choreographed group fitness class formats to members from Les Mills United States Trading Inc. in an amount not to exceed \$12,000.00.

Purchase – Network Annual Maintenance

The City's network hardware and phone system were installed between 2009 and 2018 and included a first-year maintenance contract. The maintenance contracts will provide security through coverage for the entire City network and licensing required for equipment associated with the City phone system. The contract provides support in maintaining the system's functionality and integrity should there be a software or hardware failure.

MOTION: To authorize the Mayor to renew a maintenance contract with CDW Government in the amount of \$45,315.12 for the City's network hardware and phone system licensing.

Resolution 18R14 – Merchant Services Account and Signature Cards

The City has three merchant services accounts that were established to deposit credit card transactions when accepting credit cards as a form of payment. By way of Resolution 18R14, these updated cards remove the former finance director from the signature cards.

MOTION: To adopt Resolution 18R14, updating the signature cards for the City's merchant services accounts.

Right-of-Way Acquisition - Tract 4 - Forest Hill-Irene Rd. Improvements

The City is currently in the design and right-of-way acquisition phase of the Forest Hill-Irene Road Improvements project. The limits of the project are Winchester to Poplar Pike and include widening of the existing 2-lane rural cross section roadway to 4-lanes with a raised median (5-lanes total), bike lanes, curb/gutter, sidewalks and street lighting. Starting in February of 2018, staff began meeting individually with each property owner to review the roadway plans and discuss the project's impacts to their property. At the March 1, 2018 initial contact meeting, Pastor Bill Garner indicated the church's willingness to dedicate the easements.

MOTION: To approve the dedication of real estate and/or easements by Harvest Church of Memphis for Tract 4 in accordance with the terms of the purchase agreement and authorize the disbursement of sums required of the City under the purchase agreement or otherwise to effectuate the purposes of the Purchase Agreement. Harvest Church of Memphis has agreed to dedicate the real estate and/or easements without compensation from the City.

Right-of-Way Acquisition - Tract 14 - Forest Hill-Irene Rd. Improvements

Staff's initial meeting with the owner, Michael Ray, took place on February 21, 2018. The roadway improvements project and its impacts to Tract 14 (9125 Forest Downs Road) were discussed. Tract 14 is located on the southeast corner of the intersection of Forest Hill-Irene and Forest Downs. Staff extended an offer, subject to BMA approval, in the amount of \$1,300.00 to the Rays for the needed easements. Mr. and Mrs. Ray accepted the offer.

MOTION: To approve the acquisition of real estate and/or easements from Michael and Billie Ray for the total lump sum amount of \$1,300.00 for Tract 14 in accordance with the terms of the purchase agreement and authorize the disbursement of the purchase price to the seller and of other sums required of the City under the purchase agreement or otherwise to effectuate the purposes of the purchase agreement.

Right-of-Way Acquisition - Tract 21 - Forest Hill-Irene Rd. Improvements

Forest Hill-Irene Road Improvements project Tract 21 is the southern portion of the new school site. The Germantown Board of Education has agreed to dedicate the real estate and/or easements without compensation from the City.

MOTION: To approve the dedication of real estate and/or easements by Germantown Board of Education for Tract 21 in accordance with the terms of the purchase agreement and authorize the disbursement of sums required of the City under the purchase agreement or otherwise to effectuate the purposes of the purchase agreement. Germantown Board of Education has agreed to dedicate the real estate and/or easements without compensation from the City.

Right-of-Way Acquisition - Tract 22 - Forest Hill-Irene Rd. Improvements

Tract 22 is the northern portion of the new school site. The Germantown Board of Education has agreed to dedicate the real estate and/or easements without compensation from the City.

MOTION: To approve the dedication of real estate and/or easements by Germantown Board of Education for Tract 22 in accordance with the terms of the purchase agreement and authorize the disbursement of sums required of the City under the purchase agreement or otherwise to effectuate the purposes of the purchase agreement. Germantown Board of Education has agreed to dedicate the real estate and/or easements without compensation from the City.

Right-of-Way Acquisition - Tract 24 - Forest Hill-Irene Rd. Improvements

Staff's initial meeting with the property owner, Karla Perrizo, took place on March 13, 2018. The roadway improvements project and its impacts to Tract 24 were discussed with her. Tract 24 is located on the west side of FHI approximately 300 feet north of Jenna Road. Karla Perrizo and Charles Stavinoha have agreed to dedicate the real estate and/or easements without compensation from the City.

MOTION: To approve the dedication of real estate and/or easements by Karla Perrizo and Charles Stavinoha for Tract 24 in accordance with the terms of the purchase agreement and authorize the disbursement of sums required of the City under the Purchase Agreement or otherwise to effectuate the purposes of the purchase agreement. Karla Perrizo and Charles Stavinoha have agreed to dedicate the real estate and/or easements without compensation from the City.

Right-of-Way Acquisition - Tract 33 - Forest Hill-Irene Rd. Improvements

Staff's initial meeting with the property owner, Linda Gardino, took place on March 2, 2018. The roadway improvements project and its impacts to Tract 33 were discussed with her. Tract 33 is located on the west of Forest Hill-Irene approximately 300 feet south of Poplar Pike. Staff extended an offer, subject to BMA approval, in the amount of \$900.00 to Linda Gardino for the needed easements. The owners, Linda

Gardino and Omra Gohring, accepted the offer.

MOTION: To approve the acquisition of real estate and/or easements from Linda Lanier Gardino and Omra Lanier Gohring for the total lump sum amount of \$900.00 for Tract 33 in accordance with the terms of the purchase agreement and authorize the disbursement of the purchase price to the seller and of other sums required of the City under the purchase agreement or otherwise to effectuate the purposes of the purchase agreement.

Wireless Transmission Facility Modification - AT&T Equipment Upgrade – 2027 So. Germantown Road

Crown Castle has an existing cell tower situated on property that is leased from the Crook Property Trust at the Neshoba Saddle Creek site, on which AT&T wireless is one of the current service providers. The lease agreement between the Crook Trust and Crown Castle allows for the maintenance, placement, updating, or replacement of equipment as may be needed on the existing tower structure. There will be no changes to the ground compound space. The installation of the new equipment does not require public improvements at this site.

MOTION: To approve the request allowing an upgrade to six existing antennas and associated equipment for AT&T Wireless on an existing Wireless Transmission Facility located at 2027 S. Germantown Road.

Supplement No. 1 – Germantown Road / Wolf River Boulevard Intersection Improvement Project - Right-of-Way Appraisals and Closeout

In June of 2016, the City entered into a professional services agreement with Bouldin and Associates to appraise the properties along the project limits in order for the City to make fair market value offers to the property owners. However, as design progressed and plan changes occurred, it became necessary to have multiple appraisals done on some of the properties. The final invoice for the project is \$3,400.00. The purchase order currently has a balance of \$400.00. A supplement of \$3,000.00 is needed to pay the final invoice and close out the project.

MOTION: To approve Supplement 1 in the amount of \$3,000.00, increasing the ceiling of a Professional Services Agreement with Bouldin & Associates from \$153,500.00 to \$156,500.00 and to close out the Right-of-Way Acquisition contract of the Wolf River Boulevard / Germantown Road Intersection Improvements project.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to approve the items on the consent agenda as written.

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

REGULAR

Alderman Janda was present and seated on the dais.

Ordinance No. 2018-1 – Ordinance to Adopt the FY2019 Budget – Second Reading and Public Hearing

The proposed budget takes into consideration the City's long-range strategic plan adopted by the Board. The Financial Advisory Commission (FAC) has held several meetings with the staff to review each component of the budget including the financial policies, the General Fund, the Enterprise Funds, the Special Revenue Funds and the CIP. The Personnel Advisory Commission's recommendation of a 3.0% merit adjustment is incorporated in proposed budget. The FAC has reviewed and approved the budget. The budget for all funds for FY19 totals \$174,183,658.00. The General Fund Operating Budget total is \$54,720,709.00, the Enterprise Funds total \$24,329,264.00, Special Revenue Funds total \$71,520,685.00,

Internal Service Funds total \$46,000, and Capital Improvements Programs total \$23,567,000.00.

Mayor Palazzolo asked citizens to come forward to be heard during the public hearing. No citizens came forward. Mayor Palazzolo closed the public hearing.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve on second reading Ordinance No 2018-1 tentatively approving the FY19 Proposed Budget and set Monday, June 25, 2018 for third and final reading.

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

Ordinance No. 2018-2 – Year End Budget Adjustments – Second Reading and Public Hearing

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. All of the expenditures being funded by the budget adjustments were approved under the City's purchasing policies and adhere to generally accepted accounting principle guidelines. The adjustments recognize various overruns, underruns, project acceleration and deferrals that have already received the Board of Mayor and Aldermen's approval.

Mayor Palazzolo asked citizens to come forward to be heard during the public hearing. No citizens came forward. Mayor Palazzolo closed the public hearing.

Motion by Mr. Barzizza, seconded by Mr. Owens, to approve Ordinance No. 2018-2 for year-end budget adjustments on second reading and set Monday June 25, 2018 for third and final reading.

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

Ordinance No. 2018-3 – Real and Personalty Property Tax – Second Reading and Public Hearing

Concurrent with the adoption of the budget, the Board is asked to adopt the FY19 certified property tax rate of \$1.95, per \$100.00 of assessed valuation. Shelby County completed a county-wide reappraisal of property in 2017. Municipalities were required to calculate a state certified tax rate or roll back rate that produced a tax neutral effect for taxpayers. The certified rate was approved by the state and presented to the Board of Mayor and Aldermen for approval during the ordinance process last year. The rate for FY 2018 was \$1.97 per \$100.00 of assessed value.

By law, the certified tax rate is the rate which, applied to the reappraisal tax base (adjusted for new property and before any tax adjustment), will yield the same revenue as was levied the previous year. In addition, an appeals allowance was calculated and added to the tax rate for fiscal year 2018. It was determined by Shelby County as of April 5, 2018, that 44.34% of the appeals allowance was used during the 2018 fiscal year. The appeals allowance for fiscal year 2018 was \$.04 per \$100.00 of assessed value. Since the entire appeals allowance was not used during fiscal year 2018, the Tennessee Comptroller of the Treasury prepared a calculation for the certified recapture rate as required by state statute. The recapture rate was calculated to be \$1.95. The reduced tax rate will meet the funding needs of the City's operations, debt payments and CIP, maintain a healthy fund balance for outer years and preserve the Triple-A bond rating.

Mayor Palazzolo asked citizens to come forward to be heard during the public hearing. No citizens came forward. Mayor Palazzolo closed the public hearing.

Motion by Ms. Gibson, seconded by Mr. Janda, to adopt Ordinance No. 2018-3 establishing the certified tax rate at \$1.95, on second reading and set Monday June 25, 2018 for third and final reading.

Motion by Mr. Massey, seconded by Mr. Barzizza, to reduce the tax rate by \$.11 and set the new tax rate at \$1.84.

ROLL CALL: Barzizza-yes, Gibson-no, Massey-yes, Owens-no, Janda-no. Motion failed.

ROLL CALL: On original Motion by Ms. Gibson, seconded by Mr. Janda, to adopt Ordinance No. 2018-3 establishing the certified tax rate at \$1.95, on second reading and set Monday June 25, 2018 for third and final reading.

Barzizza-abstain, Gibson-yes, Massey-yes, Owens-yes, Janda-yes. Motion approved.

Ordinance No. 2018-4 – Germantown Municipal School District Year End Budget Adjustments – Second Reading and Public Hearing

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 (GMSD). The GMSD yearly budget adjustments have been approved by the Germantown Municipal School Board. However, the GMSD is a special revenue fund of the City of Germantown and will appear in the Comprehensive Annual Financial Report as of June 30, 2018. The Board of Mayor and Alderman must approve any yearly budget adjustments.

Mayor Palazzolo asked citizens to come forward to be heard during the public hearing. No citizens came forward. Mayor Palazzolo closed the public hearing.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to approve Ordinance No. 2018-4 for Germantown Municipal School District year-end budget adjustments on second reading and set Monday, June 25, 2018 for third reading and final.

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

Ordinance No. 2018-6 – Amendment to Modify the Term of Design Review Commission – Third Reading

This is an effort to ensure that there are sufficient members on the commission each year with experience in hearing and deliberating on applications presented to the Design Review Commission (DRC.) The request pertains to changing the DRC term from one year to two years and to stagger the appointments so that only half of the members will be up for reappointment each year. Two-year appointments will allow seasoned members and new members the opportunity to work together using historical knowledge of past issues on cases to make future decisions that are beneficial to the City. It will also provide newly appointed members time to acclimate themselves to the duties and responsibilities of the DRC.

Motion by Mr. Barzizza, seconded by Mr. Owens, to approve on third and final reading Ordinance 2018-6, amendment to modify Section 2-169 of the Germantown Municipal Code to change the length of the term of Design Review Commission members.

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

Contract – Farmington Park Playground Renovation Phase I

A need to renovate the playground area was identified during the FY18 budget development. Funding was approved in the amount of \$306,000.00 to replace the existing modular play unit. Recommendations for park improvements expanded to resolving site drainage issues, creating age appropriate play spaces, ADA-accessibility, adding a walking path, converting the basketball court into a multi-use space, creating a safe and visible entrance, and addressing parking lot issues. As the project scope increased, it was decided to

separate the project into phases and apply for a Local Parks and Recreation Grant for the FY19 funding cycle. This funding request to construct Phase I is consistent with the recommendations of the Parks and Recreation Comprehensive Master Plan. Administered through the state, Local Parks and Recreation Fund grants are currently being accepted. A grant award would provide the necessary funding to complete this school/park master plan. This particular grant requires a minimum 50% funding match of the total project cost from the City. The requested LPRF grant award would be \$215,000.00. Grant awards and funding announcements are expected by fall 2018.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve a construction contract with Legacy Construction Services for the renovation and construction of the Farmington Park Playground Phase I in the amount of \$378,600.00 and to approve Budget Adjustment No. 18-92.

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

Right-of-Way Acquisition Legal & Title Fees – Tract 1 – Germantown Road / Wolf River Boulevard Intersection Improvement Project

During the February 12, 2018 Board of Mayor and Aldermen meeting, the Board approved the acquisition of Tract 1 for the purchase amount of \$35,000.00. The settlement request included reimbursement for legal expenses for an amount not to exceed \$7,800.00. The City received the necessary invoices for legal and title fees totaling \$7,500.00 on May 29, 2018.

Motion by Mr. Barzizza, seconded by Mr. Janda, to approve the reimbursement of legal and title fees in the amount of \$7,500.00 to G & I VIII Brook Chase, L.L.C. associated with right-of-way acquisition of Tract 1 and authorize to the disbursement of the reimbursement amount to G & I VIII Brook Chase, L.L.C.

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

Right-of-Way Acquisition – Tract 31 – Germantown Road / Wolf River Boulevard Intersection Improvement Project

Tract 31, the site of Taco Bell, represents the last tract to be acquired. Fair market value of the property to be acquired was determined to be \$60,715.00. An offer in this amount was made to the property owner, Mr. Frank P. Uhlhorn, by third party negotiator Mr. Andrew F. Miller of Stanfield Consultants. The property owner declined the offer and countered at an amount of \$73,715.00, and the counteroffer was not accepted. The owner then requested an amount of \$66,787.00. Because this amount is within his authority to settle, Mr. Miller accepted the revised purchase price and recommends approval.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve the right-of-way acquisition of real estate from Frank P. Uhlhorn for the total lump sum amount of \$66,787.00 for a portion of Tract 31 and authorize the disbursement of the purchase price to the seller.

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

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder