

BOARD OF MAYOR AND ALDERMEN

June 25, 2018

The regular meeting of the Board of Mayor and Aldermen was held on Monday, June 25, 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, Rodney Bright, Paul Chandler, Reynold Douglas, Tony Fischer, De'Kisha Fondon, Ralph Gabb, Tim Gwaltney, 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.

Call To Order

The Mayor called the meeting to order.

Invocation

Bo Mills, Public Works Director, gave the invocation.

Pledge of Allegiance

Alderman Janda led the Pledge of Allegiance.

Approval of Agenda

Alderman Janda requested an item be added to a future Board agenda. He requested an amendment be made to exclude the Carrefour Development from Resolution 18R03 - A Resolution Instituting an Eighteen Month Moratorium on New Apartment and Apartment Building Development in the Smart Code Zoning Districts. The agenda for June 25, 2018 was approved as read.

Motion by Mr. Barzizza, seconded by Mr. Janda, to approve the agenda.

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

Approval of Minutes

The minutes were approved as written.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the minutes of the Board of Mayor and Aldermen Meeting held June 11, 2018.

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

Special Recognition

Play Like a Champion Class of 2018

The Board of Mayor and Aldermen recognized the ten City employees who participated in the 2018 Class of Play Like a Champion. The program was designed for employees who desire to gain a stronger perspective of all aspects of our municipal organization and to take personal responsibility for growth and development.

Beautification Business Awards

Kingsway Christian Church, located at 7887 Poplar Avenue, was recognized as the recipient of the May Beautification Business Award. Campbell's Clinic, located at 1400 Germantown Road, was recognized as the recipient of the June Beautification Business Award.

Rebuild Tennessee Award – Thornwood

Each year, the Tennessee Development District Association recognizes, from each of the nine development districts in the state of Tennessee, a development project that embodies attributes necessary to promote a positive quality of life for its citizens, in addition to serving as a symbol of sustainable growth and development. The award is aptly entitled “Rebuild Tennessee Award.” For this reason, the Board of Directors and the staff of the Memphis Area Association of Government selected Thornwood for the Memphis Area Association of Governments Development District.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

Brian Ueleke, of 9174 Greenbrier Cove, stated the proposed budget has been in process for months. He supports the FY19 Budget.

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

BEER BOARD – Public Hearing – Beer Permit – On-Premise - Memphis Bar Ties

The City received a request from Lowell Hinte and Christopher Boyd for a permit to sell beer for on-premise consumption at Memphis Bar Ties, located at 7605 West Farmington, Suite 2.

The Mayor opened the floor for the public hearing. No one came forward. The Mayor closed the public hearing.

Motioned by Mr. Janda, seconded by Mr. Barzizza, to approve the request of Lowell Hinte and Christopher Boyd for a permit to sell beer for on-premise consumption at Memphis Bar Ties, located at 7605 West Farmington, Suite 2.

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

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

REGULAR

Ordinance No. 2018-1 – Ordinance to Adopt the FY2019 Budget – Third and Final Reading

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 entire 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 the proposed budget. The FAC has reviewed and approved the budget.

Motioned by Mr. Janda, seconded by Ms. Gibson, to approve on third and final reading Ordinance No 2018-1 establishing the FY19 Proposed Budget.

Motioned by Mr. Massey to remove the \$2,000,000.00 funding budget for upgrade to sewer system for smartgrowth developments in Western Gateway. There was no second. Motion failed.

Motioned by Mr. Massey, seconded by Mr. Barzizza, to remove the \$243,000.00 funding for the water tower at Forest Hill Heights.

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

Motioned by Mr. Massey to remove the \$1,140,000.00 funding for the annexation area water main. There was no second. Motion failed.

Motioned by Mr. Massey, seconded by Mr. Barzizza, to remove \$500,000.00 funding for streetscape and reallocate the funds for the Houston High School field house project.

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

Motioned by Mr. Massey to add \$50,000.00 for reimbursement legal expenses likely to be incurred by an alderman as an incident to holding office. There was no second. Motion failed.

ROLL CALL: On original Motion by Mr. Janda, seconded by Ms. Gibson, to approve on third and final reading Ordinance No 2018-1 establishing the FY19 Proposed Budget.

Barzizza-no, Gibson-yes, Massey-no, Owens-yes, Janda-yes. Motion approved.

Ordinance No. 2018-2 – Year End Budget Adjustments – Third and Final 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. 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 the Board of Mayor and Aldermen's approval.

Motioned by Mr. Owens, seconded by Mr. Janda, to approve Ordinance No. 2018-2 for year-end budget adjustments on 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 – Third and Final Reading

Shelby County completed a county-wide reappraisal of property during 2017. As a result, municipalities were required to calculate a state certified tax rate or roll back rate that produced a tax neutral effect for current taxpayers. The certified tax rate was approved by the state and presented to the Board for approval during the ordinance approval process last year. The tax rate for fiscal year 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.

At the Board work session, Mayor Palazzolo directed the City Administrator to reduce the certified tax rate to agree with the Tennessee Comptroller's Office of \$1.95 per \$100.00 of assessed value. 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.

Motioned by Ms. Gibson, seconded by Mr. Janda, to adopt Ordinance No. 2018-3 establishing the certified tax rate at \$1.95, on third and final reading.

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

Mr. Massey made of point of order. He voted “no” on the \$1.95 tax rate. He requested to change his vote to “yes”.

Motion by Mr. Janda, seconded by Mr. Massey, to reconsider the tax rate and adopt Ordinance No. 2018-3 establishing the certified tax rate at \$1.95, on third and final reading.

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

Ordinance No. 2018-4 - Germantown Municipal School District Year End Budget Adjustments – Third and Final 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. The Germantown Municipal School District (GMSD) yearly budget adjustments have been approved by the GMSD. However, the Germantown Municipal School District is a Special Revenue Fund of the City of Germantown and will appear in the Comprehensive Annual Financial Report as of June 30, 2018. Therefore, the Board of Mayor and Aldermen must approve any yearly budget adjustments. Any adjustments made are following the State of Tennessee Guidelines for school districts and adhere to generally accepted accounting principles guidelines.

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

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

Resolution on Revenues – 18R01

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 are due mainly to review, research and comparison to existing costs of providing services, comparable fees charges by other cities in Tennessee and in direct compliance to laws and regulations of the state and federal governments.

Motioned by Mr. Janda, seconded by Mr. Owens, to adopt the Resolution on Revenues 18R01 and schedules establishing the rates, fines and fees in the various funds of the City of Germantown for the FY19 operating budget.

Motioned by Mr. Massey, seconded by Mr. Barzzia, to remove document/information research fee from FY19 General Fund Revenues.

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

ROLL CALL: Motion by Mr. Janda, seconded by Mr. Owens, to adopt the Resolution on Revenues 18R01 and schedules establishing the rates, fines and fees in the various funds of the City of Germantown for the FY19 operating budget.

Barzzia-yes, Gibson-yes, Massey-yes, Owens-yes, Janda-yes. Motion approved.

Resolution - CIP Policy - 18R15

The CIP policy states each capital project will have a ‘sunset provision’ enforced at the end of the fiscal year, which can only be lifted by resolution adopted by the Board of Mayor and Aldermen. The “sunset provision” referenced in the CIP Policy implies that if project funding is not encumbered within the fiscal year budgeted; the funding will not be available in the next fiscal year. This section of the CIP Policy supports proper planning and execution of capital projects and holds staff accountable for commitments made to the CIP.

Motioned by Mr. Owens, seconded by Ms. Gibson, to adopt Resolution 18R15 to the Capital Improvements Program Policy in regards to the enforcement of the ‘sunset provision’ in FY18.

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

Resolution - Capital Improvements Program - 18R02

The FY19 portion of this Capital Improvements Program will be adopted within the FY19 Budget Ordinance. The Capital Improvements Program for subsequent years is recommended for approval in order to establish a plan by which Administration can schedule its activities to ensure that the Capital Improvements Program projects are accomplished in accordance with the Board of Mayor and Aldermen's direction.

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.

Motioned by Mr. Owens, seconded by Ms. Gibson, to adopt Resolution 18R02, establishing a Capital Improvements Program for fiscal years ending June 30, 2019 to 2024.

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

Change Order No. 1 - Germantown Road Streetscape Improvements and Project Closeout

The City entered into a Professional Services Agreement with ALTA Planning and Design on March 28, 2016 to design and prepare the Streetscape Design Manual and subsequent construction documents for the Germantown Road Streetscape Improvements project. The second phase of the work developed construction design plans for Old Germantown to immediately move towards enhancement of this area. Their work consisted of creating cost estimates and a recommended implementation strategy within the OG district to design and build the recommendations from the plan.

Motioned by Mr. Owens, seconded by Mr. Janda, to approve Germantown Road Streetscape Improvements Change Order No. 1 in the amount of \$72,223.46, increasing the limit of an existing construction contract with

Ferrell Paving, Inc. to an amount of \$792,634.46 and to close out the project.

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

Change Order No. 8 – Wolf River Lateral G Drainage Improvement and Project Closeout

The Board of Mayor and Aldermen approved a construction contract with Acuff Enterprises dba Scott Contractors in the amount of \$2,290,036.50 on May 9, 2016 for the Wolf River Lateral G Drainage Improvements Project. The principle reason for the project was to improve the stormwater flow characteristics of Lateral G such that the flood plain can be reduced. The BMA approved Change Orders 1-7 totaling \$79,242.66 at the October 10, 2016 meeting, increasing the contract amount to \$2,369,279.16. The Wolf River Lateral G construction project is now complete.

Motioned by Mr. Barzizza, seconded by Mr. Janda, to approve Change Order No. 8 in the amount of \$109,877.23, increasing the limit of an existing construction contract with Acuff Enterprises, Inc. dba Scott Contractors for the Wolf River Lateral G Drainage Improvements to an amount of \$2,479,156.39 and approve Budget Adjustment No. 18-80.

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

Alderman Massey left the dais due to illness.

Contract Extension No. 1 and Amendment No. 2 – Library Services Agreement

On April 27, 2015, the BMA approved a three year agreement with three 12-month extensions at the City's options. The contract term was July 1, 2015 thru June 30, 2018. On March 13, 2017, the BMA approved Contract Amendment No. 1 for a pilot cataloguing program funded by the Library Endowment Fund and expiring June 30, 2018. With the current contract with LSS for library operations set to expire on June 30, 2018, the City is exercising the option to extend the existing library operations contract for an additional 12 months. The proposed contract amendment increases the amount of the contract by \$69,461.99 for cataloging staff positions at the Germantown Regional History and Genealogy Center. The contract provides one paid Genealogy Center employee at 30 hours a week. Because the Center has been the recipient of a large number of donated materials, one paid staff member has not been able to catalog the bulk of the collection.

Motioned by Ms. Gibson, seconded by Mr. Barzizza, to extend the existing Library Services Agreement with LSS, Inc. for the period of July 1, 2018 through June 30, 2019 in the amount of \$1,344,286.00; and to amend said agreement by adding \$69,461.99 for the Germantown Regional History and Genealogy Center cataloging project during the same period for a total amount of \$1,413,747.99.

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

Contract - Police Firing Range

Built in 1988, the indoor range is a twenty-five yard, six lane indoor facility where department personnel participate in firearms training and mandatory qualifications with assigned weapons. The proposed project would replace the existing original bullet trap with an up-to-date system designed to provide safe, environmentally friendly and noise reducing bullet capture. The project will also include the replacement of the current fixed mounted, steel target holders with a target system designed to create a dynamic, realistic firearms training environment that challenges users to build skill and decision making.

Motioned by Ms. Gibson, seconded by Mr. Barzizza, to approve a contract with Range Systems Inc. in the amount of \$259,487.00 for the replacement of the existing Police Department indoor firing range bullet trap and

target system and approval of Budget Adjustment No. 18-112.

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

CONSENT

Appointment – Library Board

The Library Board appointments are made this time of year to coincide with the establishment of the Library Board. There is one position to be filled.

MOTION: To approve the appointment of Mrs. Sharon Goldsworthy to the Library Board to serve a three-year term beginning July 1, 2018 and ending June 30, 2021.

Appointment – Senior Citizen Advisory Commission

There is currently one vacancy on the Senior Citizen Advisory Commission.

MOTION: To approve the appointment of Mr. Roger Buckmaster to serve on the Senior Citizen Advisory Commission with a term ending December 31, 2018.

Appointments – Education Commission

The Education Commission consists of twelve (12) members. Appointments are made in June of each year and conclude in June of the next calendar year.

MOTION: To approve the following appointments to the Education Commission to serve a one-year term, ending on June 30, 2019:

Barbara Boyer
Steven Chandler
Brenda Dew
Mindy Fischer

Audrey Grossman
Terri Harris
Manjit Kaur
Shawn Lane

Tina Powis Dow
Anthony Smith
Patricia Toarmina
Scott Williams

Contract – City Signs

Staff has identified nine existing gateway signs that are in need of replacement. The existing signs are not consistent with the essence of Germantown standards for design. These signs have deteriorated due to the construction of wood timbers and paint which has been an ongoing maintenance. The new signage promotes the Germantown standards for design and is specified to be constructed from sustainable and low maintenance materials.

MOTION: to approve a contract with A & B Construction Company for the base bid amount of \$66,075.00 and alternates one through eleven in the amount of \$78,765.00, for a total amount of \$144,840.00 for the replacement of gateway signs entering The City of Germantown.

Contract – Greenway Restroom and Lift Station Replacement

The existing restroom building and sewer lift station were installed during the phase of the Greenway System along the Wolf River in 1998, called the Wolf River Nature Area. This facility has been under water due to extreme river flooding over the years which has caused staff to make minor modifications so that the downtime of this facility is minimized. During the early years of use, this facility was sized to accommodate the stretch between Germantown Road and the western City Limits of Germantown. The use of this facility has increased due to the Greenway System that has been completed to the east of the City Limits. The existing sewer lift station does not consistently provide the capacity to handle the increased amount of use, nor does the building

have enough fixtures to consistently handle the increase of users.

MOTION: To approve a contract with Wagner General Contractors, Inc. in the amount of \$287,559.65 and approval of Budget Adjustment No. 18-93 and Budget Adjustment No. 18-94 for the replacement of the existing greenway restroom building and sewer lift station.

Contract – Greenway Storage – Cameron Brown Park

Use of the Greenway System has increased due to the additional mileage from the western City Limits of Germantown to the eastern City Limits of Germantown: also along the Wolf River and along the utility easements from Wolf River Boulevard to Johnson Road Park. The expansion of the Greenway System has increased the frequency of patrolling by the Park Rangers and Police Department. This storage building will assist in housing the equipment that will be used to patrol the Greenway System.

MOTION: To approve a contract with Grinder Taber & Grinder, Inc. in the amount of \$49,565.00 for the installation of a storage building in Cameron Brown Park.

Bid Rejection – COG2018-29 Tennis Court Repair and Resurfacing

After reviewing the current conditions of the courts, staff solicited the services of a qualified contractor for repairs and resurfacing on an as needed basis in order to bring the existing concrete tennis courts located at various parks to City standards. Three bids were received. However, none of the bidders met all the requirements for proper bid submittal or proper submission of all required documents. As a result, all bids were deemed non-responsive and have to be formally rejected. To ensure that the available monies are used, staff is considering using a cooperative to complete the work for this project.

MOTION: To reject all bids for the COG2018-29 Tennis Court Repair and Resurfacing project.

Lease Extension No. 2 – Copy Machines

The City has utilized the Shelby County Contract for copy machines for the past nine years with great efficiency and cost. Through this lease, new machines are provided to each department at the beginning of the lease based on their required speed, features and average monthly copies required.

MOTION: to authorize Extension No. 2 for the lease of twenty-four (24) copy machines from NovaTech, Inc. for an estimated one-year period cost of \$69,200.00.

Purchase – Court Software Annual Subscription Fees

Tyler Incode Court software is the integrated software suite that is used by Court personnel to manage court cases. The City has maintained a software maintenance agreement with Tyler Technologies, previously New World Systems, Inc., since implementing Court software in 2012.

MOTION: To authorize annual subscription fees with Tyler Technologies, Inc. in the amount of \$51,122.00.

Purchase – Tennis Courts Resurfacing Municipal Park and CO Franklin (Cooperative)

After inspecting the current conditions of the courts and analyzing safety issues, staff solicited the services of a qualified contractor for repairs and resurfacing on an as needed basis. The City released a solicitation for Tennis Court Repair and Resurfacing. However, none of the bidders met all of the requirements. The National Joint Powers Alliance Contract 082114-HLC was utilized to procure pricing from Hellas Construction, Inc. National cooperative contracts provide considerable time and resource savings for participating member agencies and streamline the contracting processes and maximize efficiencies.

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MOTION: To approve the cooperative purchase agreement to repair and resurface six tennis courts at Municipal Park and six tennis courts at C.O. Franklin Park in the amount of \$83,500.00.

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-absent, Owens-yes, Janda-yes. Motion approved.

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder