

BOARD OF MAYOR AND ALDERMEN

August 10, 2020

The regular meeting of the Board of Mayor and Aldermen was held on Monday, August 10, 2020, at 6 p.m. via live streaming. Meeting electronically was necessary to protect public health, safety and welfare in light of the COVID-19 pandemic.

Mayor Mike Palazzolo was present and presiding.

The following aldermen were present: Scott Sanders, Mary Anne Gibson, Dean Massey, Forrest Owens and Rocky Janda. Staff present: Pam Beasley, Michele Betty, Reynold Douglas, Tony Fischer, De’Kisha Fondon, Tim Gwaltney, Richard Hall, Jason Huisman, Patrick Lawton, Mac McCarroll, Bo Mills, Lisa Piefer, Sheila Pounder, Phil Rogers, Sherry Rowell, Adrienne Royals, John Selberg and Steve Wilensky. Also in attendance were GMSD Finance Director Kevin Jones and Financial Advisory Commission Chairman Michael McLaughlin.

Call To Order

The Mayor called the meeting to order.

Invocation

The invocation was led by Patrick Lawton.

Statement from Mayor Palazzolo

All local governing bodies in the State of Tennessee have been impacted by the COVID-19 pandemic. Germantown is no exception. In an effort to carry out its governance and operational responsibilities lawfully, and effectively, while also considering the protection of public health, safety and welfare, the Germantown City Administration has taken steps to conduct Board of Mayor and Aldermen and other public meetings electronically. These actions were taken in response to Governor Bill Lee’s Executive Order No. 51, an order extending Executive Order No. 16, previously extended by Executive Order No. 34, which suspended the requirements of the Tennessee Open Meetings Act to the extent necessary to allow governing bodies subject to the act to meet and conduct essential business by electronic means.

The Germantown Board of Mayor and Aldermen has determined that meeting electronically is necessary to protect the health, safety and welfare of its citizens in light of the COVID-19 pandemic. Further, notice of such electronic meetings has been, and will continue to be, published in the same manner as is currently used for regular meetings. The public is also, and will continue to be, able to view the agenda and have live access to the actual meetings by electronic means, by logging in to Germantown’s website, and by clicking the appropriate link. Video recordings of the meetings will be made available as soon as practicable after each meeting on the City’s website at www.germantown-tn.gov.

These measures are temporary, and are due to expire no later than August 29, 2020, unless further action is taken by Governor Lee.

Set Agenda

Alderman Gibson made a request to move to the regular agenda Item #7 Preliminary Agenda - Sport Provider Agreement Extension - Germantown Football League. There was no objection.

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

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

Approval of Minutes

Approval is requested of the minutes of the regular meeting held July 27, 2020.

Motion by Mr. Janda, seconded by Mr. Owens, to approve the minutes of the Board of Mayor and Aldermen regular meeting held July 27, 2020.

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

Citizens to be Heard

The following citizens came forward regarding the budget:

Jane and Tom Curlin, 7894 Thornbrook Cv.
Shelly Gaul, 2466 Redbud Trail Dr.
Sandy Mansel, 2243 Kilbirnie Dr.
Jennifer McKee, 2530 Guilford Cv.
Molly and Joe Opferman, 2259 Elderslie Dr.
Kathleen and Roy Patterson, 8444 Paget Ct.
John Peyton, 1705 Old Mill Rd.
Jeanine Price, 8470 Hunters Horn
Jason Sharp, 7214 Creathwood Cv.

Bill Winstead, 7610 Blackberry Farm Rd., came forward regarding support for the Germantown Police Department.

REGULAR

Ordinance 2020-7 - Rezoning of a Single Parcel from “R-3” Two-Family Residential to “OG” Old Germantown - First Reading

The single-family house, located at 7708 Poplar Pike, was built in 1958. It is bordered to the north by railroad tracks; to the west by a single family home and to the south and east by offices, which are all zoned “OG.” The applicant wishes to improve the property for office use similar to what has occurred with the conversion of other residential structures in the immediate vicinity. Under the current “R-3” zoning designation, office is not an allowable use. Per Sec. 23-517 of the Zoning Ordinance, the “OG” zoning district does permit office uses. In addition to rezoning the property, the applicant must submit a Change of Use application to the Planning Division for approval to use the existing structure as an office. The Planning Commission recommended approval of this rezoning on July 7, 2020.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve Ordinance 2020-7 on first reading and set the public hearing for September 14, 2020.

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

Ordinance 2020-1 - Ordinance to Adopt the FY2021 Budget – Second Reading and Public Hearing

The FY2021 Proposed Budget before the Board takes into consideration the Policy Agenda developed by the Board. The budget for all funds for FY21 totals \$155,479,472. The General Fund Operating Budget total is \$57,103,123, the Enterprise Funds total \$21,558,761, Special Revenue Funds total \$70,288,885, Internal Service Funds \$2,093,703 and Capital Improvements Programs total \$4,435,000. The Financial Advisory Commission (FAC) has held several meetings with the staff to review each component of the budget. Before the Public Hearing, the Chairman for the FAC, Michael McLaughlin presented the Commission’s recommendation regarding the Proposed Budget.

Mayor Palazzolo opened the floor for the public hearing. The following six citizens came forward in regard to the budget:

Elizabeth Hamric, 7868 Sophie Lane
Pattie Lampkin, 9383 Groveview Cv.
Pauline Lathram, 6958 Country Rd.
Nikki Mosteller, 7875 Cross Village Dr.
Meg Pearson, 9625 Spring Hollow Cv.
Trish Sorce, 1664 Neshoba Trace Cv.

Mayor Palazzolo closed the public hearing.

Motion by Mr. Sanders, seconded by Mr. Massey, to have the city clerk read all of the public hearing emails into the record.

Mayor Palazzolo ruled the motion as not in order because all the public hearing emails are available on the website.

Point of Order by Alderman Massey: All the emails should be read into the record. Mayor ruled the point as not well taken since there is no rule regarding emails.

Motion by Mr. Janda, seconded by Mr. Owens, to approve on second reading Ordinance 2020-1 and to proceed with the third and final reading.

Motion by Mr. Janda, seconded by Ms. Gibson, to amend the budget by increasing the paving by \$500,000.00 contingent upon improvement in sales tax or other revenue.

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

Motion by Mr. Sanders, seconded by Mr. Massey, to remove parkland acquisition from the CIP.

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

Motion by Mr. Janda, seconded by Mr. Owens, to approve on second reading Ordinance 2020-1 and to proceed with the third and final reading.

ROLL CALL: On original motion by Mr. Janda, seconded by Mr. Owens, to approve on second reading Ordinance 2020-1 and to proceed with the third and final reading.

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

Ordinance 2020-3 - Real & Personalty Taxes – Second Reading and Public Hearing

The recommended property tax rate of \$1.95 per \$100.00 of assessed valuation will generate approximately \$34.1 million in property tax and represents 61% of the FY21 General Fund revenues. After a careful review of the proposed FY21 budget in consideration of our commitment to provide adequate resources to support defined service levels and provide financial resources that are consistent with City financial policies, a tax increase is not recommended in the FY21 budget.

Mayor Palazzolo opened the floor for the public hearing. Seeing no citizens come forward, Mayor Palazzolo closed the public hearing.

Motion by Mr. Janda, seconded by Mr. Sanders, to adopt Ordinance 2020-3 establishing the certified tax rate of \$1.95 on second reading.

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

Sport Provider Agreement Extension - 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 the Germantown Football League was awarded in FY18, with the option for (2) two additional, one year extensions.

Motion by Ms. Gibson, seconded by Mr. Owens, to approve the final extension of the provider agreement with the Germantown Football League to be the Youth Cheer and Football Provider for the City of Germantown for the period of June 1, 2020 through May 31, 2021.

Motion by Ms. Gibson, seconded by Mr. Janda, to amend the provider agreement to include Provider further agrees to conduct all of its activities, including practices and competition, in strict compliance with permitted activities as set forth by the Tennessee Recovery Group (i.e. Tennessee Pledge) and any other forthcoming State guidance. Provider also agrees to adhere to the Shelby County Healthcare Directive #10 and any further directives which may be forthcoming from the Shelby County Health Department.

Motion by Mr. Massey, seconded by Mr. Sanders, to postpone the vote until the August 24 Board meeting.

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

Point of Inquiry by Alderman Sanders: Alderman Massey would like a second opportunity to discuss the original motion. Mayor Palazzolo stated the Board did not vote on the amendment Alderman Gibson brought forward, which is now the motion before the assembly.

Point of Order by Alderman Massey: Alderman Massey would like a second opportunity to discuss the amendment. Mayor Palazzolo stated Alderman Massey had the floor twice and has exhausted his right to debate.

ROLL CALL: On the Motion by Ms. Gibson, seconded by Mr. Janda, to amend the provider agreement to include Provider further agrees to conduct all of its activities, including practices and competition, in strict compliance with permitted activities as set forth by the Tennessee Recovery Group (i.e. Tennessee Pledge) and any other forthcoming State guidance. Provider also agrees to adhere to the Shelby County Healthcare Directive #10 and any further directives which may be forthcoming from the Shelby County Health Department.

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

Motion by Ms. Gibson, seconded by Mr. Owens, to approve the final extension of the provider agreement with the Germantown Football League to be the Youth Cheer and Football Provider for the City of Germantown for the period of June 1, 2020 through May 31, 2021.

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

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder