

## **BOARD OF MAYOR AND ALDERMEN**

**May 10, 2021**

The regular meeting of the Board of Mayor and Aldermen was held on Monday, May 10, 2021, at 6 p.m. in the Council Chambers at City Hall.

Mayor Mike Palazzolo was present and presiding.

The following aldermen were present: Scott Sanders, Mary Anne Gibson, Sherrie Hicks, Brian Ueleke and Jon McCreery. Staff present: Pam Beasley, Michele Betty, Paul Chandler, Reynold Douglas, Stacey Ewell, Tony Fischer, De’Kisha Fondon, Tim Gwaltney, Richard Hall, Jason Huisman, Patrick Lawton, Mac McCarroll, Bo Mills, Joe Nunes, Daniel Page, Lisa Piefer, Phil Rogers, Cameron Ross, Sherry Rowell, Adrienne Royals, Emily Rozar, John Selberg and Ola Terrell-Jordan.

### **Call to Order**

The Mayor called the meeting to order.

### **Invocation**

The invocation was led by City Chaplain Dave Phillips.

### **Pledge of Allegiance**

Alderman Sanders led the Pledge of Allegiance.

### **Set Agenda**

The Board is asked to set the agenda for meeting. Any changes are to be made at this time.

Motion by Mr. Sanders, seconded by Mr. McCreery, to approve the May 10, 2021 agenda.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

### **Approval of Minutes**

Approval is requested of the minutes of the regular meeting held April 26, 2021.

Motion by Ms. Gibson, seconded by Mr. Ueleke, to approve the minutes of the Board of Mayor and Aldermen Regular Meeting held April 26, 2021.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

### **Citizens to be Heard**

No citizens came forward.

### **Proclamation - Public Works Week**

Mayor Palazzolo proclaimed May 16-21, 2021 as Public Works Week in Germantown.

## **CONSENT AGENDA**

### **Agreement - Facility Rental for Germantown Swim Team**

The Germantown Athletic Club (GAC) and the Germantown Swim Team (GST) have long had an unwritten partnership to run a competitive swim program. With the retirement in 2018 of the long-tenured, City-employed Head Swim Coach, the opportunity arose to look at what changes, if any, needed to be made to maintain and build an even more successful competitive swim team. It was determined that the best course of action was for the GST to take full ownership of all operational aspects of the program while renting space from the GAC. This agreement is a renewal of terms to the previous facility rental agreement.

MOTION: To adopt the Facility Usage Agreement between the Germantown Athletic Club and the Germantown Swim Team (GST) 501(c)(3) for the use of pool lanes and facility to operate a competitive swim team and swim meets for the term of three (3) years.

**Change Order No. 1 - Landscaping / Irrigation & Mowing Services Contract**

The Board approved a contract with Brightview Landscape Services to be the City's provider of landscaping/irrigation and mowing services at the March 22<sup>nd</sup> meeting. Due to the pandemic, the City's previous vendor was unable to perform the duties of the contract. This lack of performance translated to the previous contractor leaving \$58,500.00 worth of landscaping/irrigation and mowing services on the table. Staff recommends that the City utilize this funding in order for the new contractor to perform irrigation services in areas of need.

MOTION: To authorize Change Order No. 1 for additional irrigation services with Brightview Landscape Services, Inc. for the total not-to-exceed \$58,500.00.

**Change Order No. 5 - Inspections, Repairs and Preventative Maintenance for Wells and Pumps**

The City's Annual Well and Pump Maintenance Report indicated that Wells No. 5 & 10 at the Southern Avenue Water Treatment Plant (WTP) are performing at inefficient levels and need further inspection. National Water Services recommends performing their proprietary cleaning process on both wells to maximize efficiency. Well production has increased as much as 200 percent as a result of this process with previous wells. Due to funding constraints, only Well No. 10 was selected to be cleaned at this time. The report also indicated that high service pump (HSP) No. 4 at the Southern Avenue WTP is in need of minor component repairs. Funding to perform annual testing of all of the City's wells and pumps is also requested. This report will be used to prioritize future well and pump maintenance.

MOTION: To authorize Change Order No. 5 for National Water Services to pull and inspect Wells No. 5 & 10, clean Well No. 10 and repair high service pump No. 4 at the Southern Avenue water treatment plant; and to provide annual well & pump preventative maintenance testing in accordance with the Well and Pump Maintenance and Repair Agreement in the total amount of \$91,292.00.

**Contract Amendment No.1 & Change Order No. 1 - Asphalt Milling and Paving Contract**

With the approval of the FY21 Budget, the Board requested that an additional \$500,000.00 be allocated for milling and paving towards the end of the fiscal year if the sales tax revenues allowed. Per the direction from the BMA in October 2020, Change Order No. 1 will be increased by \$500,000.00 increasing the total contract amount to \$1,187,661.70. Two subdivisions designated for resurfacing with the requested additional funding are portions of Oakleigh and Kirby Woods.

MOTION: To approve Contract Amendment No. 1 and Change Order No. 1 with Standard Construction Co., Inc., changing the contract end date to June 30, 2021 and adding \$500,000.00 to the existing contract, increasing the total contract to \$1,187,661.70.

**Donation - Fire Department**

The 100 Club of Memphis provides annual grants to Fire and Police agencies to support programs for the community. The Fire Department submitted a request for \$1,500.00 to be used to purchase ResQPODs for use with cardiac arrest patients. The Fire Department has an aggressive cardiac arrest survival program. The ResQPOD is a device that can be used to increase blood flow to the heart and brain during CPR, increasing the patient's long term survival chances. This is an integral part of our overall bundle of care for cardiac arrest victims to improve survivability. These devices are single use. The 100 Club of Memphis presented the Fire Department with a check for \$1,500.00 during their Annual Awards Ceremony on April 26, 2021. These funds will be used to purchase approximately 13 additional ResQPODs.

MOTION: To approve donation of \$1,500.00 to the Fire Department and to approve Budget Adjustment No. 21-139.

**Donations - Germantown Education Commission**

The commission continues to work to supplement budgeted funds. Their efforts have, once again, been met with generous support from the community. The donated dollars will be used to fund awards for the Battle of the Brains math and science competition. The \$3,100.00 in funds were donated by Trustmark Bank \$1,500.00, Tower Ventures \$1,000.00, Simmons Bank \$500.00 and Grove Park \$100.00.

MOTION: To approve donations of \$3,100.00 to the Germantown Education Commission, and to approve Budget Adjustment No. 21-137.

**Donation - Germantown Education Foundation - Friend of the Foundation - 3rd Quarter**

In 2014, the Board of Mayor and Aldermen established, as one of their objectives, the opportunity for Germantown citizens to donate funds to the Germantown Education Foundation through their monthly water bill. Friend of the Foundation currently has 214 recurring donors.

MOTION: To approve the disbursement of funding collected by the City from residents and others within the community for the Germantown Education Foundation in the amount of \$3,791.50.

**Purchase - Annual Computer Upgrades**

This project will replace approximately 25% of the oldest computers and continue the City's 4-year cycle to keep operating systems and hardware current. The majority of computers slated for replacement in this year's cycle are at the library. Specific equipment will be determined as we work through the transition process to the new library operations vendor. New computers will need to be in place prior to the July 1<sup>st</sup> start date in order to have a smooth transition.

MOTION: To approve the purchase of replacement computers in an amount not to exceed \$80,000.00 from CDW Government and declare the replaced computers as surplus.

**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 subscription fees allow for system support 24 hours a day, seven days a week.

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

**Purchase - License Plate Reader Cameras**

The City implemented a camera/LPR project to enhance community safety in February of 2020. The City entered into an agreement with Flock Safety for the installation of five fixed-mounted cameras. Results from the initial five cameras installed were so positive that an additional seven cameras were installed in May of 2020. To date, the cameras with license plate reader technology have proven extremely valuable in the department's effort to keep our community safe. Annual user fees for current cameras are \$24,000.00 and are funded through the Information Technology budget.

On November 23, 2020, the Board of Mayor and Aldermen approve the acceptance of the Shelby County Commission Grant in the amount of \$75,000.00 for installation of security camera equipment/LPR cameras. These grant dollars will fund an expansion to the City's current program and will be spread across a 2-year term totaling \$63,000.00. The expansion includes annual user fees, equipment, installation and programming for 12 new LPR cameras. Annual user fees cover cameras, regular software updates,

maintenance, and an unlimited number of users. Current LPR cameras will continue to be funded through the Information Technology budget.

MOTION: To authorize annual usage fees for existing license plate reader (LPR) cameras in an amount of \$24,000.00, add a new 2-year expansion agreement for LPR cameras, associated equipment and installation in the amount of \$63,000.00 from Flock Group, Inc.

**Purchase - Network Annual Maintenance**

The City of Germantown currently has maintenance contracts for internet firewalls, network hardware and phone system licensing that provides connectivity to various City facilities. 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 renewal of a maintenance contract with CDW Government in the amount of \$53,352.91 for the City's network hardware and phone system licensing.

**Reimbursement - Tennessee Task Force One**

As a member of TN-TF1, the Fire Department is eligible to receive reimbursement for costs associated with personnel that have been deployed on a Disaster through FEMA. Between August 2020 and December 2020, several personnel were deployed on the following hurricanes and tropical storms: Beta, Delta, Sally, and Zeta. As members are deployed, the open position is backfilled and paid for by TN-TF1 via the City of Memphis. The City of Memphis provided two checks to the City of Germantown for \$26,512.21 and \$1,997.63.

MOTION: The purpose of this agenda item is to recognize reimbursement from Tennessee Task Force One in the amount of \$28,509.84 and approve Budget Adjustment No. 21-145.

**Appointment - Germantown Education Foundation**

Mr. Larry Coley was approved by the Education Foundation at their last meeting to serve on the Foundation. Mr. Coley brings a wealth of experience to the Foundation especially in the areas of financial management.

MOTION: To approve the appointment of Larry Coley to the Germantown Education Foundation for one three-year term.

Motion by Ms. Hicks, seconded by Mr. McCreery, to approve the consent agenda.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

**REGULAR**

**Ordinance 2021-7 - Amendment to CH. 4 - Amusements and Entertainments - Second Reading and Public Hearing**

Over the last year, Economic and Community Development staff and City Administration have invested a significant amount of time identifying persistent property maintenance and quality of life issues throughout our community, reviewing our existing ordinances to determine where modifications are necessary within our municipal code to address these issues, and researching ways in which other benchmark municipalities approach these neighborhood and community preservation topics through policy. The revisions to the chapter address two key issues – stormwater runoff and drainage along with maintenance. The maintenance

of residential swimming pools is one of the more common concerns received by the code compliance office, therefore, it was included as part of the ordinance review related to property maintenance.

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

Motion by Ms. Gibson, seconded by Mr. Sanders, to approve Ordinance 2021-7, amending Chapter 4 Amusements and Entertainments, on second reading.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

### **Contract - Traffic Signal Installation**

On July 9, 2018, the City approved Project Development Contract No. 1224 and the Final Plan for the Campbell Clinic Expansion Planned Development. As part of the contract, Campbell Clinic was required to pay 50% of the cost for the design and construction of future traffic signal light construction on Wolf River Blvd. At that time, Campbell paid the City an initial \$250,000.00 towards their share of the project.

On October 28, 2019, the City entered into a Professional Services Agreement with Fisher & Arnold for the design and preparation of construction documents for a traffic signal at Wolf River Boulevard and the eastern driveway of Campbell Clinic. The cost for Fisher & Arnold to complete the work was \$68,875.00. The design was completed in early 2021 and publicly advertised for bids in March 2021. McCrory Electric, Inc. provided the lowest acceptable bid in the amount of \$474,309.80.

The total cost of the design and construction work comes to \$543,184.80. Campbell Clinic has provided the City with an additional \$21,592.40 to meet their 50% sharing requirement. Construction is anticipated to begin this summer with completion toward the end of calendar year 2022.

Motion by Mr. McCreery, seconded by Ms. Gibson, to approve a construction contract with McCrory Electric, Inc. for the installation of a Traffic Signal in the amount of \$474,309.80, and to accept an additional \$21,592.00 from Campbell Clinic in order to meet their 50% cost sharing requirement per the development contract.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

### **Purchase - Miller Farms Ditch Repairs**

Following a recent intense rainstorm, Public Works performed a routine inspection of the Miller Farms Ditch and determined that significant portions of the V-channel ditch wall had given way due to erosion of underlying soil and hydrostatic pressure pushing the ditch walls from their vertical plane. This led Public Works to further investigate the status of this entire concrete channel to determine if any other portions of the ditch were undermined by this intense rainstorm. One other section of the ditch was found to be compromised, consisting of a buckling sidewall.

Motion by Mr. Sanders, seconded by Ms. Hicks, to approve design engineering and consultation services by A2H, Inc., and repairs to the Miller Farms Ditch at two different locations by Nabholz Construction Services LLC, in the total amount of \$148,046.25.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

**Ordinance 2021-1 - Ordinance to Adopt the FY2022 Budget - First Reading and Set Public Hearing Date**

The Board of Mayor and Aldermen is asked to consider on first reading the FY22 Proposed Budget and set Monday, June 14, 2021, for the second reading and public hearing. The Board's review and annual adoption of the budget is the single most important action taken by the Board every year.

The FY22 Proposed Budget before the Board takes into consideration the Policy Agenda developed 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 FAC has reviewed and approved the budget and it is now being presented for adoption to the Board of Mayor and Aldermen.

The budget for all funds for FY22 totals \$194,551,596. The General Fund Operating Budget total is \$60,418,632, the Enterprise Funds total \$24,761,304, Special Revenue Funds total \$83,237,910, Internal Service Funds \$2,063,750 and Capital Improvements Programs total \$24,070,000. During the Public Hearing, the Chairman for the FAC will present the Commission's recommendation regarding the Proposed Budget.

Motion by Mr. Ueleke, seconded by Ms. Gibson, to approve on first reading Ordinance 2021-1, establishing the FY22 Proposed Budget and set Monday, June 14, 2021, for the second reading and public hearing.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

**Ordinance 2021-2 - Year-End Budget Adjustments - First Reading and Set Public Hearing Date**

Typically, at year-end, a number of budget adjustments are made to the various City funds, which realign operating expenses/expenditures accounts with actual activity. These budget adjustments recognize various overruns, underruns, project acceleration and deferrals that have already received the Board's approval.

Motion by Mr. Ueleke, seconded by Ms. Hicks, to approve Ordinance 2021-2 for year-end budget adjustments on first reading and set Monday, June 14, 2021, for second reading and the public hearing.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

**Ordinance 2021-3 - Real & Personalty Property Taxes - First Reading and Set Public Hearing Date**

The Shelby County Assessor of Property has completed the 2021 countywide reappraisal of property. As a result, municipalities are required to calculate a state "certified tax rate" or roll back rate that produces a "tax neutral" effect for the current taxpayers. The certified tax rate once approved by the state will be presented to the Board of Mayor and Aldermen for approval during this ordinance approval process. However, the proposed or unapproved certified tax rate is \$1.69.

By law, the certified tax rate is the rate which, when applied to the reappraisal tax base (adjusted for new property), will yield the same revenue as was "levied" the previous year. In addition, an appeals allowance is calculated and added to the tax rate should it be determined that sufficient appeals will affect the assessed value of property. After calculation of a rate, the City will submit the new rate to the Shelby County Assessor, as well as to the State Board of Equalization for certification.

Motion by Mr. Ueleke, seconded by Ms. Gibson, to approve on first reading Ordinance 2021-3, establishing the certified tax rate of \$1.69 on first reading, and set Monday, June 14, 2021, for the second reading and public hearing.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

**Ordinance 2021-4 - Germantown Municipal School District Year-End Budget Adjustments - First Reading and Set Public Hearing Date**

A number of yearly budget adjustments are necessary for the school district. These adjustments recognize various overruns, underruns, project accelerations, and deferrals that have been previously approved by the School Board. However, the Germantown Municipal School District is a Special Revenue Fund of the City. 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.

Motion by Ms. Gibson, seconded by Mr. Sanders, to approve Ordinance 2021-4 for Germantown Municipal School District year-end budget adjustments on first reading, and set Monday, June 14, 2021, for second reading and public hearing.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

**Ordinance 2021-11 - Amendment to CH.21 Utilities, Article VIII Stormwater User Fees, Sections 21-405 Operating Budget and 21-408 User Fee Determination - First Reading and Set Public Hearing Date**

These amendments are to two sections of Chapter 21 Utilities within the municipal code to include the establishment of an annual Capital Improvement budget within the stormwater management fund, and to establish new stormwater user fees and a new equivalent resident unit amount as recommended by the Financial Advisory Commission.

Ordinance 2021-11 updates Sec. 21-405 to include language for the adoption of a capital improvement budget for the stormwater management fund each fiscal year prior to the beginning of such fiscal year. The ordinance also amends Sec. 21-408 by establishing new stormwater user fees within the existing three tier fee structure, and a new equivalent resident unit per month amount for other property (developed property, vacant property and parkland, cemeteries, and golf courses).

Motion by Mr. Ueleke, seconded by Ms. Gibson, to approve the adoption of Ordinance 2021-11 on first reading, amending Ch. 21, Article VIII, Sec. 21-405 to include the establishment of an annual Capital Improvement budget within the stormwater management fund, and Sec. 21-408 to establish new stormwater user fees and a new equivalent resident unit amount; and to set June 14, 2021, as the second reading and public hearing date.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Meeting adjourned.

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Mike Palazzolo, Mayor

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Michele Betty, City Clerk/Recorder