

BOARD OF MAYOR AND ALDERMEN

June 14, 2021

The regular meeting of the Board of Mayor and Aldermen was held on Monday, June 14, 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, Jody Dwyer, Stacey Ewell, Tony Fischer, De’Kisha Fondon, Richard Hall, Jason Huisman, Patrick Lawton, Mac McCarroll, Bo Mills, Lisa Piefer, Phil Rogers, Cameron Ross, Sherry Rowell, Adrienne Royals, Emily Rozar, Andy Sanders, John Selberg and Ola Terrell-Jordan.

Call to Order

The Mayor will call the meeting to order.

Invocation

The invocation was led by Cameron Ross.

Pledge of Allegiance

Alderman Gibson led the Pledge of Allegiance.

Set Agenda

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

Motion by Ms. Gibson, seconded by Mr. McCreery, to approve the June 14, 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 May 24, 2021.

Motion by Mr. Sanders, seconded by Ms. Hicks, to approve the minutes of the Board of Mayor and Aldermen Regular Meeting held May 24, 2021.

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

Citizens to be Heard

Joe Moske, 1695 Brookside Dr., came forward regarding public safety, infrastructure and economic direction.

Jason Sharp, 7214 Creathwood Cv., came forward regarding stormwater fee and soccer field.

Ron Handwerker, 2456 Redbud Trail Dr., came forward regarding the stormwater fee.

Proclamation – Alzheimer’s and Brain Awareness Month

Mayor Palazzolo proclaimed June 2021 as Alzheimer’s and Brain Awareness Month and proclaimed June 20th as the Longest Day to fight the darkness of Alzheimer’s in Germantown.

CONSENT AGENDA

Bid Rejection - North Johnson Rd. Pumping Station and Force Main

The Procurement & Risk Department received a request from the Public Works Department to bid pumping station improvements for the North Johnson Rd. sewer lift station and force main in March of this year. Three qualified bids were received. The low bidder was Delgado General Corp. with a base bid total of \$464,700.00 and a deductive alternative bid of \$103,250.00. All responses exceeded the budget amount for the project due to the increase in material cost for the sewer pipe.

MOTION: To formally reject all bids for the North Johnson Rd. Pumping Station and Force Main project.

Contract - Hot Asphalt Mix

Hot Mix Asphalt is used primarily for street maintenance repairs, temporary pothole repairs, utility cuts, parks and grounds trail repairs and storm water maintenance projects. Public Works crews pick up the amount required for the job each day as needed at the vendor's closest distribution plant location to the construction site. This procedure allows for immediate application while the product is still hot and pliable.

MOTION: To authorize a contract with Lehman-Roberts Company, Inc. to allow for the purchase of an estimated 2,500 tons of 411D or 411E Hot Mix Asphalt in an amount not to exceed \$163,750.00 within the FY22 budget period.

Contract Amendment No.1 - GAC Outdoor Pools Replastering

The original contract for pool replastering was approved by the Board on January 11, 2021, with a contract and completion date of May 8, 2021. Due to supply chain issues, the vendor was not able to receive the tile depth markers that are inset into the pool deck around both outdoor pools before the pools opened. The markers have been received and this final part of the project will be finalized after the pool is closed for the summer season.

MOTION: To approve Contract Amendment No. 1 with Mid-America Pool Renovation to formally extend the contract expiration date, Inc. through October 31, 2021, in order to complete the replastering project for the outdoor pools at the Germantown Athletic Club.

PEG Disbursement to Germantown Municipal Television Station 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 then redirected to the Germantown Municipal Television Station to ensure that quality equipment will be purchased and used by the students.

MOTION: To authorize the disbursement of PEG funding collected by the City to the Germantown Municipal School District in the amount of \$35,602.10.

Professional Services Agreement - TDOT Lily Walk

A city-owned linear corridor exists on the northern section of Exeter Rd. The unused space parallels the Germantown Athletic Club and the Germantown Performing Arts Center. This streetscape enhancement project will enhance this space into an inviting, innovative and interactive linear park. Funding for this design project has been secured through the Memphis Metropolitan Planning Organization. The City entered into a standard TN Department of Transportation Local Programs Contract on October 9, 2020. The City will be reimbursed 80% of project expenditures for this design phase.

MOTION: To approve a professional services agreement with the Pickering Firm, Inc. in the amount of \$29,979.36 for the development of a design plan and construction documents for the Lily Walk Linear Park project located adjacent to Exeter Road.

Professional Services Agreement - TDOT Greenway Multimodal Trail Extension

In 2020, the City applied for and received federal and state funding through the Memphis Metropolitan Planning Organization to design and construct a segment of the greenway from the trailhead at Farmington and Wolf River Blvd. to the eastern City limits. The City has received funding for the National Environmental Policy Act and preliminary engineering phase. The City will be reimbursed 80% of project expenditures for this phase. After the City received notification that the project had indeed been awarded funding, the City entered into a standard TN Department of Transportation Local Programs Contract on October 9, 2020.

MOTION: To approve a professional services agreement with the Pickering Firm, Inc. for the completion of the National Environmental Policy Act (NEPA) and preliminary engineering phase (Tasks 1-4) in the amount of \$131,574.35 for the extension of the Greenway Trail to the eastern City limits.

Purchase - Public Safety Software Annual Maintenance

Tyler New World Systems Microsoft Product is the integrated software suite that is used by the Fire and Police personnel to manage their departmental operations. A few of the major software modules supported under the agreement are Computer Aided Dispatch, Law Enforcement Records, Mobile Management, Jail Bookings, and Reporting software.

MOTION: To approve the annual software maintenance with Tyler Technologies, Inc. in the amount of \$150,690.11.

Purchase - Public Administration Software Annual Access

CentralSquare Technologies is the integrated software suite used throughout the City to manage departmental operations such as HR, Payroll, Finance, Code Enforcement and Work Orders to name a few.

MOTION: To authorize funding for the Public Administration Software annual access fee with CentralSquare Technologies in the amount of \$239,512.14.

Reimbursement - Overtime Police

The Police Department has an officer assigned to the Federal Bureau of Investigation Joint Safe Streets Task Force, the Drug Enforcement Administration Task Force, the Terrorism Task Force, the Secret Service Task Force and the Alcohol Tobacco and Firearms Project Safe Neighborhoods Task Force.

MOTION: To recognize overtime reimbursement from the Federal Department of Justice and the Department of Homeland Security in the amount of \$7,400.00, and to approve Budget Adjustment No. 21-178.

Motion by Mr. Ueleke, seconded by Ms. Gibson, to approve the consent agenda.

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

REGULAR

Ordinance 2021-1 – Adoption of the FY2022 Budget - Second Reading and Public Hearing

The FY22 Proposed Budget 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 approved the budget. Staff presented to the Board a proposed amendment titled Exhibit A.

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

Motion by Alderman Ueleke, with no objection, to amend the budget as identified by on Exhibit A.

Motion by Alderman Gibson, with no objection, to amend the FY22 budget on 2nd reading to transfer \$100,000 designated for decorative street signs from the Infrastructure Replacement Program to Public Works line item #2680 Parks Maintenance.

Motion by Alderman Hicks, with no objection to amend the FY22 budget on Second Reading to increase line item #2320, Public Relations in the department of Administration by \$84,350 for the following items:

Stock photography	\$ 350
Contract renewal with Cheney Media Productions	\$42,000
Professional photography for events, programs, internal communication	\$ 8,000
Graphic design services	\$21,000
Printing of updated and new collateral	\$13,000

Current budget for FY22	\$ 40,000
Requested increase	\$ 84,350
Total	\$124,350

With the adoption of these motions, the actual FY22 Budget Ordinance will reflect these changes on third and final reading scheduled for June 28, 2021.

Motion by Mr. Ueleke, seconded by Ms. Gibson, to approve Ordinance 2021-1 on second reading and to proceed to the third and final reading as amended.

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

Ordinance 2021-2 - Year-End Budget Adjustments - Second Reading and Public Hearing

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 of Mayor and Aldermen's approval.

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

Motion by Mr. Ueleke, seconded by Mr. Sanders, to approve Ordinance 2021-2 for year-end budget adjustments on second reading.

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

Ordinance 2021-3 - Real & Personalty Property Taxes - Second Reading and Public Hearing

Concurrent with the adoption of the FY22 Budget, the Board of Mayor and Aldermen (BMA) are asked to adopt the FY22 property tax rate on second reading and conduct a public hearing. On May 10, 2021, the BMA passed on first reading the recommended certified tax rate of \$1.69. With the review of the City's final computation, the State Board of Equalization concurs with the City's calculation that the certified tax rate

should be lowered to \$1.678. Thus, the recommend property tax rate for the FY22 budget on second reading is \$1.678 per \$100.00 of assessed valuation. This represents a 27.2 cent decrease for the certified tax rate.

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

Motion by Mr. Ueleke, seconded by Ms. Gibson, to amend the certified property tax rate from \$1.69 to \$1.678, and approve on second reading Ordinance 2021-3 establishing the certified property tax rate of \$1.678.

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 - 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 Germantown Municipal School District is a Special Revenue Fund of the City of Germantown and will appear in the Comprehensive Annual Financial Report (CAFR) as of June 30, 2021. Therefore, the Board of Mayor and Aldermen must approve any yearly budget adjustments.

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

Motion by Mr. Ueleke, seconded by Mr. McCreery, to approve Ordinance 2021-4 for the Germantown Municipal School District year-end budget adjustments on second reading.

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

Ordinance 2021-11 - Amendment to Chapter 21 Utilities, Article VIII Stormwater User Fees, Sections 21-405 Operating Budget and 21-408 User Fee Determination - Second Reading and Public Hearing

At their meeting on January 19, 2021, the Financial Advisory Commission (FAC) formed a subcommittee to study the utilization of stormwater user fees to determine if the existing stormwater user fee revenues were adequate to provide for the operation, maintenance, and needed capital improvements of the city's stormwater system. The subcommittee had two meetings where City staff presented scenarios that concentrated on the different levels of maintenance services and capital improvements that could be provided with an adjustment to the new equivalent resident unit amount. After thorough review of the presented material and fruitful discussion, the subcommittee requested that staff build an additional scenario that took into account the recommendations of the subcommittee. The subcommittee's recommended equivalent resident unit amount associated with this additional scenario provided an enhanced level of stormwater maintenance services and funding for capital improvements.

The subcommittee presented this scenario to the FAC at their meeting on April 20, 2021. The FAC voted 14-4 in favor of the subcommittee's recommended scenario and new equivalent resident unit amount. The new equivalent resident unit is reflected in the modified ordinance and stormwater user fee structure.

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).

Mayor Palazzolo opened the floor for the public hearing.

Noel Wolf, 1687 Brookside Dr., came forward drainage and stormwater fees.

Greg Blumenthal, 1860 Brierbrook, came forward regarding stormwater fees and development.

Mayor Palazzolo closed the public hearing.

Motion by Mr. Ueleke, seconded by Mr. Sanders, to approve the adoption of Ordinance 2021-11 on second 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.

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

Ordinance 2021-8 - Amendment to Chapter 7 - Businesses - Article IV. Peddlers, Transient Vendors, and Mobile Frozen Dessert Vendors - First Reading and Set Public Hearing

Ordinance 2021-8 repeals the existing language in Article IV, Chapter 7 (Businesses) and replaces it in its entirety with more comprehensive regulations pertaining to Peddlers, Solicitors and Transient Vendors. These amendments include a Division concerning door-to-door solicitation, which distinguishes between commercial and non-commercial solicitation, and establishes requirements for a commercial home solicitation permit application and review process. In addition to new provisions that address peddling, soliciting, and vending on public property, a new Division has also been included to address the distribution of handbills by commercial and noncommercial solicitors. The amended article concludes by replacing the existing policies pertaining to Mobile Frozen Dessert Vendors and provides expanded regulations to include all Mobile Food Vendors.

Motion by Ms. Gibson, seconded by Mr. Sanders, to approve Ordinance 2021-8, amending Article IV of Chapter 7 (Businesses) on first reading, and to set the second reading and public hearing date for July 12, 2021.

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

Land Purchase and Sale Agreement - Crestwyn Hills Drive - 2.324 Acres

As a critical first step in advancing the Parks and Recreation Master Plan adopted by the Board of Mayor and Aldermen in May of 2018, a Purchase Sale Agreement for the recommended 44.062-acre parkland acquisition located on Crestwyn Hill Drive was approved and executed in December 2020. Since that time the due diligence process and land inspection report has been completed and reviewed by staff and the Parks and Recreation Commission. With more recent knowledge that 2.324 additional acres were also for sale adjacent to the 44-acre tract, staff, with review and support from the Parks and Recreation Commission, proposes the acquisition of this additional acreage in order to have dedicated space for “pee-wee” fields.

Motion by Ms. Gibson, seconded by Mr. McCreery, to authorize the Mayor to enter into a Purchase and Sale Agreement with Valenti Mid-South Realty II LLC for the acquisition of 2.324 acres located on Crestwyn Hills Drive (property tax parcel ID G0243 00415) in order to advance the parkland acquisition recommendations adopted in the comprehensive Parks and Recreation Master Plan; AND to make the Earnest Money payment to Chicago Title Insurance Company in the amount of \$10,000.00.

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ROLL CALL: Sanders-no, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Meeting adjourned.

Mike Palazzolo, Mayor