

BOARD OF MAYOR AND ALDERMEN

June 28, 2021

The regular meeting of the Board of Mayor and Aldermen was held on Monday, June 28, 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, Tony Fischer, De'Kisha Fondon, David Harris, Richard Hall, Jason Huisman, Patrick Lawton, Bo Mills, Daniel Page, Cat Pena, Lisa Piefer, Phil Rogers, Cameron Ross, Sherry Rowell, Adrienne Royals, Emily Rozar, Andy Sanders, Keith Saunders, John Selberg and Ola Terrell-Jordan.

Call to Order

The Mayor called the meeting to order.

Invocation

The invocation was led by Bo Mills.

Pledge of Allegiance

Alderman Hicks led the Pledge of Allegiance.

Set Agenda

The Board is asked to set the agenda for the meeting.

Motion by Alderman Hicks, without objection, to move item #20 Resolution 21R11 - Speed Limits on Minor Streets - to the beginning of the regular agenda.

Motion by Mr. Sanders, seconded by Ms. Hicks, to approve the June 28, 2021 agenda, as amended.

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 June 14, 2021.

Motion by Mr. McCreery, seconded by Mr. Sanders, to approve the minutes of the Board of Mayor and Aldermen Regular Meeting held June 14, 2021.

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

Citizens to be Heard

Prior to losing power to the video and microphones, Mayor Palazzolo read into the record the guidelines for citizens to be heard. During the outage, the Beautification Commission Business Award winner was recognized and a donation was recognized and accepted by the Board.

SPECIAL RECOGNITIONS

Beautification Commission Business Award

Gardens of Germantown, located at 3179 Professional Plaza Drive, is the recipient of the June Beautification Commission Business Award.

Donation - Parks and Recreation Department

The Parks and Recreation Department accepts donations to purchase furnishings such as picnic tables and park benches to be placed in city parks. Mrs. Yolanda Richardson contacted the Department recently about the purchase of a park bench and plaque to be placed at McVay Park in memory of her son, Dewan Dontae-Lane Richardson. Staff will make arrangements for the purchase and installation of the bench and memorial plaque as well as contacting the family.

Motion by Ms. Gibson, seconded by Mr. Ueleke, to recognize and accept a donation made to the Germantown Parks and Recreation Department for a memorial park bench in the amount of \$1,000.00, and to approve Budget Adjustment No. 21-204.

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

Play Like a Champion Class of 2021

The Board of Mayor and Aldermen recognized the nine City employees who participated in the 2021 Class of Play like a Champion. This year's graduates include Hunter Browndyke, Reggie Cash, Jason Huisman, Jennifer Jenkins, John Osby, Emily Rozar, Keith Saunders, Bill Stemmler and Jamie White. 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. Board President Sharon Hailey presented the PLAC Leadership Award to Jennifer Jenkins, Procurement Department. Jennifer and Jamie White, Public Works, were recognized as new PLAC Board members.

Power to the video and microphones was restored.

Citizens to be Heard - resumed

Ms. Mitzi Ware, 2899 Ashmont Drive, came forward regarding the speed limit on her street.

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

BEER BOARD - Public Hearing - Beer Permit - On-premise Application - We Chickens, LLC

The City has received a request from We Chickens, LLC for a permit to sell beer for on-premise consumption at Gus's World Famous Fried Chicken, located at 3100 Forest Hill-Irene Road.

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

Motion by Ms. Gibson, seconded by Mr. Ueleke, to approve the request of We Chickens, LLC for a permit to sell beer for on-premise consumption at Gus's World Famous Fried Chicken, located at 3100 Forest Hill-Irene Road.

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

REGULAR

Resolution 21R11 - Speed Limits on Minor Streets

The City's General Speed restrictions were established by an ordinance in 1986 based upon statutory authority granted by the State of Tennessee, TCA 55-8-153. At that time the speed limit was 35 MPH but could be adjusted up or down based engineering or traffic investigation. However, TCA 55-8-153 also grants to legislative bodies the power to lower speed limits on certain designated highways, avenues or streets in their respective jurisdictions and to place appropriate traffic signs. Minor streets in the City of Germantown are defined as streets that are used primarily for access to residential properties.

Motion by Mr. McCreery, seconded by Ms. Hicks, to approve Resolution 21R11- establishing the speed limit on minor streets to 25 MPH.

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

Approval of the Final Plan for Neshoba Farms Planned Unit Development and PUD Development Contract No. 515

On December 23, 1964, the City annexed the subject property with the Board of Mayor and Aldermen's approval of Ordinance 1964-6. The current "R" Residential zoning designation on this site appears to date back to its annexation, per the 1960 Shelby County historic zoning map. Per Sec. 23-574 of the Zoning Ordinance, the Outline Plan for this project was approved by the Planning Commission on October 6, 2020, and the Board of Mayor and Aldermen on November 9, 2020. The Design Review Commission approved the Final Plan for the PUD on December 22, 2020, and a tree plan with a payment in lieu of tree mitigation fee of \$4,500.00 for the entire development on January 26, 2021.

Motion by Mr. McCreery, seconded by Ms. Gibson, to approve the final plan (18 lots) for Neshoba Farms Planned Unit Development and PUD Development Contract No. 515.

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

Ordinance 2021-9 - Amendment to Chapter 23 Zoning, Section 23-797. - Public Art ("Percent for Art") - Second Reading and Public Hearing

In the SmartCode, all private developments within T5 and T6 Districts are required to commit 0.5%, not to exceed \$200,000.00, of the development's threshold value to public art. The existing code does not define public art, nor allow for a payment-in-lieu of contributing an artwork. The recommended changes provide private developers with a clear understanding of applicability and definition.

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

Motion by Ms. Gibson, seconded by Mr. Sanders, to approve Ordinance 2021-9 on second reading, amending Sec. 23-797. – Public Art ("percent for art".)

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

Ordinance 2021-10 - Amendment to Section 9-21 - Air Pollution Control Program - Second Reading and Public Hearing

The Shelby County Health Department's Air Pollution Control Branch is tasked with protecting the air resources of Shelby County. In order for the Shelby County Health Department to maintain their Certificate of Exemption from the State of Tennessee Air Pollution Control Board, Shelby County and its municipalities must adopt regulations no less stringent than State standards.

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

Motion by Mr. McCreery, seconded by Ms. Gibson, to approve Ordinance 2021-10 on second reading, amending Section 9-21 of the City's Air Pollution Control Code.

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

Ordinance 2021-1 - Ordinance to Adopt the FY2022 Budget - Third and Final Reading

At the BMA meeting on June 14, 2021, the budget was amended. The first amendment reflected changes shown on exhibit A that predominately concerned American Rescue Plan dollars and GMSD funding. The second amendment moved \$100,000.00 from a decorative street sign project to park maintenance in the public works department. Finally, the third amendment increased the budget related to public relations in the administration department by \$84,350.00. These changes have been included in the budget ordinance presented at third and final reading.

Motion by Mr. Ueleke, seconded by Mr. Sanders, to approve Ordinance 2021-1 on third and final reading, establishing the FY22 Proposed Budget.

Motion by Alderman Sanders, seconded by Ms. Gibson, without objection, to amend the FY22 Budget to move the Cameron Brown Parking found in the Capital Improvements Program from FY24 to FY22 and also transfer the funding needed (\$250,000) from the General Fund Balance into the Capital Improvements Fund.

ROLL CALL: On motion as amended by Mr. Sanders: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Ordinance 2021-2 - Year-End Budget Adjustments - Third and Final Reading

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.

Motion by Mr. Ueleke, seconded by Ms. Gibson, to approve Ordinance 2021-2 for year-end budget adjustments on third and final reading.

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

Ordinance 2021-3 - Real & Personalty Property Taxes - Third and Final Reading

Concurrent with the adoption of the FY22 Budget, the BMA is asked to adopt the FY22 property tax rate on the third and final reading. 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 concurred with the City's calculation that the certified tax rate should be lowered to \$1.678. Therefore, the BMA approved at second reading the lowering of the certified tax rate to \$1.678. The recommend property tax rate for the FY22 budget on third and final reading is \$1.678 per \$100.00 of assessed valuation.

Motion by Mr. Ueleke, seconded by Mr. Sanders, to approve on third and final reading Ordinance 2021-3 establishing the certified 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 - 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 (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 City of Germantown Board of Mayor and Alderman must approve any yearly budget adjustments.

Motion by Ms. Gibson, seconded by Mr. Ueleke, to approve Ordinance 2021-4 for Germantown Municipal School District year-end budget adjustments on third and final reading.

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

Resolution 21R03 - Resolution on Revenues

The resolution on revenues consolidates 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. Every effort has been made to include all amounts charged by the City. Any oversights discovered will be included in future revisions and updates of this resolution.

Motion by Mr. Ueleke, seconded by Ms. Gibson, to adopt Resolution 21R03 – the Resolution on Revenues and schedules establishing the rates, fines and fees in the various funds of the City of Germantown for the FY22 operating budget.

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

Resolution 21R10 - Capital Improvements Program

The CIP for the six-year planning period is reviewed each year during the budget planning process and revised according to current needs and projections. The development of the CIP 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.

Motion by Mr. Ueleke, seconded by Ms. Gibson, to approve Resolution 21R10 establishing a Capital Improvements Program for fiscal years ending June 30, 2022 through 2027.

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 - Third and Final Reading

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 third 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.

Motion by Mr. Ueleke to amend Ordinance 2021-11 on third reading to include the following changes to the existing definition of an Equivalent Residential Unit (ERU) within Sec. 21-402 by striking the final five words “and is equal to \$3.25” due to this being redundant as the rate is stated elsewhere in the ordinance and not needed in the definition.

Mayor Palazzolo read the motion into the record.

Motion to amend Ordinance 2021-11 on third reading to include the following changes to the existing definition of an Equivalent Residential Unit (ERU) within Sec. 21-402 which is defined as Equivalent Residential Unit (ERU) shall be used as the basis for determining stormwater service charges to all properties within the city. An ERU is the standard value for which non-residential properties are compared to the average residential property. One ERU is based upon the average residential property area of .34 acres with a runoff coefficient of .4.

ROLL CALL: On motion as amended by Mr. Ueleke: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Resolution 21R09 - Initial Bond Resolution

Included in the City's Capital Improvement Program is an anticipated bond issue to support the financing of significant infrastructure projects that are expected to have a long useful service life. Bond financing for educational, drainage and utility projects are included in the FY22 budget for up to \$9,000,000.00. The City proposes to issue up to \$9,000,000.00 of General Obligation Bonds, Series 2021 to provide financing for capital improvement projects that are planned in FY22. The bond-funded capital improvements include, but are not limited to improvement to drainage, utilities and school facilities.

Motion by Mr. Ueleke, seconded by Mr. McCreery, to approve Resolution 21R09, authorizing the issuance of up to \$9,000,000.00 in General Obligation Bonds Series 2021, of the City of Germantown, Tennessee, pursuant to state law under Title 9, Chapter 21, Tennessee Code Annotated, for the purpose of financing cost of certain public infrastructure, drainage, and school facilities and equipment, and to direct staff to publish the prescribed notice about this resolution in a newspaper having general circulation in the city.

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

Change Orders No. 3 & 4 - Project Closeout Germantown Greenway

Change Orders No. 3 and No. 4 add items to the contract that were not originally anticipated, reconciles the contract quantity overruns and underruns, and extends the construction completion deadline. CO No. 3 establishes unit prices for items of work not covered by the original Contract, balances the embankment (compacted in place) overrun, and extends the Contract duration 84-calendar days due to existing Contract item quantities increasing, abiding by the guidelines detailed in TDOT Standard Specification 108.07 Determination of Contract Time and Excusable Delays.

Motion by Ms. Hicks, seconded by Mr. Sanders, to formally ratify Change Orders No. 3 & No. 4 in the total amount of \$332,325.15 for the Wolf River Greenway Trail Extensions, increasing the construction contract with Rose Construction, Inc. from \$2,627,564.98 to \$2,959,890.13, and extending the time to completion by 84 days.

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

PSA Supplement No. 2 - CEI Services Germantown Greenway

This supplement is related to two segments of the Wolf River Greenway Trail. These segments include "Trail Connection to Neshoba Park," and the "Trail Connection to New Trailhead." Smith Seckman and Reid's (SSR, Inc.) responsibilities during the construction phase included inspection personnel on-site throughout the length of construction. The original end of construction was anticipated to be early December 2020. However, poor weather and additional work items led to the contractor requesting an additional 68 days for completion of the project in the form of Change Orders ("CO's") No. 1 & No. 2. CO's No. 1 & No. 2 were presented to and approved by the BMA on October 26, 2020, extending the

completion date to February 11, 2021. CO's No. 1 and No. 2 also affected the agreement for construction Engineering and Inspection (CEI) services.

Motion by Mr. McCreery, seconded by Mr. Sanders, to approve Supplement No. 2 in the amount of \$57,390.68, increasing the existing Wolf River Greenway Extension Professional Services Agreement with SSR, Inc. from \$380,052.68 to \$437,443.36.

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

CONSENT AGENDA

Agreement - Center for Applied Earth Science and Engineering Research (CAESER)

This fee provides funding for technical staff that consults with local utility officials on water system issues. CAESER has a comprehensive well head protection well field report per State guidelines and an expanded well field data base and geologic mapping of the regional aquifer system.

MOTION: To authorize an agreement with the University of Memphis Center for Applied Earth Science and Engineering Research ("CAESER") in the amount of \$45,000.00 within the FY22 budget.

Appointment - Library Board

The Library Board consists of seven members. Appointments are made in June of each year and conclude in June of the next calendar year. These staggered appointments are for terms of three years. Mr. Keith Loveless has applied for the one position to be filled.

MOTION: To appoint Keith Loveless to the Library Board with a term ending June 30, 2024.

Appointments - Education Commission

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

MOTION: To appoint Barbara Boyer, Jennifer Culotta, Brenda Dew, Kyle Eaton, Heather Fisher, Katie Graffam, Melissa Kandel, Manjit Kaur, Shawn Lane, Ellen Moak, Laura Riggins and Patricia Toarmina to the Education Commission with a term ending July 30, 2022. Mayor Palazzolo appointed Patricia Toarmina as chairman.

Authorization - Competitive Sealed Proposals (Automated Meter Reading, Mature Tree Removal and Fence Replacement Services)

The City is currently enlisting the services of an engineering firm to provide expertise in the decision-making process for the selection of the method for automated meter reading services. The City is in need of a qualified contractor to provide tree removal and fence replacement primarily along drainage channels.

MOTION: To authorize the use of the competitive sealed proposal process for procuring Automated Meter Reading, Mature Tree Removal and Fence Replacement services

Purchase - Bulk Crushed Aggregates

Crushed aggregates and sand are primarily used for utility cuts and storm water maintenance projects and repairs. The vendor will deliver the bulk crushed aggregate material to the Public Works Complex for storage and use or to the worksite to provide an efficient and effective operation.

MOTION: To authorize the purchase of 1,200 tons of crushed aggregates and 500 tons of sand from Fullen Dock & Warehouse in the amount of \$29,800.00 within the FY22 budget period.

Purchase - Cement Treated Base Mix

Cement treated base mix is used primarily for street maintenance base repairs, utility cuts and storm water maintenance projects.

MOTION: To authorize the purchase of 3,000 tons of cement treated base mix in the amount of \$84,000.00 from Ferrell Paving, Inc. and 500 tons from Lehman-Roberts Company in the amount of \$15,000.00, for a total amount of \$99,000.00 within the FY22 budget period.

Contracts - Police, Fire and Ambulance Uniforms

Members of the Police and Fire Departments are required to wear designated uniforms in the performance of their duties. Each member of the Police and Fire Departments has an allotted amount for the purchase of the uniforms.

MOTION: To approve twelve (12) month contracts with Mid-South Uniform Solutions for the purchase of uniforms and accessories in the not to exceed budgeted amounts of \$87,000.00 for the Police Department and \$37,400.00 for Fire/Ambulance Department.

Purchase - Custodial Services - GHCC & Fire Station No.4 Training Area

The BMA approved a contract with ABM Janitorial Services (“ABM”) on November 26, 2012, with a start date of January 1, 2013. The contract term was for two years with three 12-month extensions. This contract expired on December 31, 2017. From that time to the present, the City has utilized cooperative pricing for these services. Each year, the staff reviews the services provided by ABM to ensure that they are acceptable and are meeting the needs of the department.

MOTION: To authorize the purchase of contracted cleaning services provided by ABM Janitorial Services, based on established unit pricing from the IGPA Cooperative Contract No.20-01PV in the amount of \$54,461.88 for the Great Hall & Conference Center and \$5,557.92 for the Fire Station No. 4 Training Area for a period of twelve (12) months beginning July 1, 2021 through June 30, 2022.

Sport Provider Agreement - Germantown Football League

The agreement with the Germantown Football League was awarded in FY18, with the option for two (2) additional one year extensions. The term of this agreement ended May 31, 2021; therefore, staff recommends renewing these agreements for the period of June 1, 2021 through May 31, 2022, with the option for two (2) additional, one-year extensions. The Germantown Football League is a reputable organization and has extensive experience in providing quality athletic programs within the City of Germantown.

MOTION: To approve the provider agreement with the Germantown Football League to be the Youth Football and Youth Cheer Provider for the period of June 1, 2021 through May 31, 2022.

PSA Extension - FY22 On-Call Engineering Services

In an effort to supplement staff's efforts, the City has been using an outside engineering firm for on-call engineering services since 2006.

MOTION: To approve the second extension of the Professional Services Agreement for On-call Engineering Services with Kimley-Horn & Associates, Inc. in an amount not to exceed \$65,000.00 for FY22 (July 1, 2021 – June 30, 2022).

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

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

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder