

BOARD OF MAYOR AND ALDERMEN
October 25, 2021

The regular meeting of the Board of Mayor and Aldermen was held on Monday, October 25, 2021, at 6 pm 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, Sarah Goralewski, Richard Hall, Jason Huisman, Patrick Lawton, Mac McCarroll, Bo Mills, Lisa Piefer, Phil Rogers, Cameron Ross, Adrienne Royals, Andy Sanders and John Selberg.

Call to Order

The Mayor called the meeting to order.

Invocation

The invocation was led by Pam Beasley.

Pledge of Allegiance

Alderman Sanders 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. Sanders, to approve the October 25, 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 October 11, 2021.

Motion by Mr. McCreery, seconded by Ms. Hicks, to approve the minutes of the Board of Mayor and Aldermen Regular Meeting held October 11, 2021.

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

Citizens to be Heard

No citizens came forward.

Proclamation – Extra Mile Day

Mayor Palazzolo proclaimed November 1, 2021 as Extra Mile Day in Germantown, encouraging each individual to “go the extra mile” and acknowledge others who make the world a better place.

CONSENT AGENDA

Bid Rejection – Germantown Station Park Trail Improvements

In October 2019, the BMA approved a professional services agreement with Dalhoff Thomas Design Studio, LLC. to complete a master plan of the park and construction plans for the walking trail. Due to the economic uncertainty and the impact of Covid-19 in March 2020, construction of the walking trail and other improvements were postponed until FY2022. Five qualified bids were received with the lowest acceptable bid \$130,000.00 over the estimated costs for construction. Staff has provided the Germantown Station HOA a project status update and the residents are supportive of this recommendation. Alternative priorities for this project are being coordinated with the HOA.

MOTION: To reject all bids for construction of an asphalt walking trail at Germantown Station Park.

Contract – Ball Field Fencing Replacement at Cameron Brown and Bob Hailey Parks

Due to the age and frequent use of these fields for practice and games, the fencing has declined in performance and safety. During the budget approval readings for the FY22 budgets, a motion was passed to add \$100,000.00 to the Parks Maintenance line item to address safety concerns around the athletic fields. With the knowledge that unsafe conditions existed in the field and batting cage protective fencing, staff is recommending this expenditure to mitigate these unsafe conditions.

MOTION: To approve a contract with Grinder, Taber & Grinder, Inc. in the amount of \$94,543.79 to perform fencing replacements on nine baseball fields and three batting cages at Cameron Brown and Bob Hailey Baseball Complexes.

Donation – Germantown Education Foundation – Friend of the Foundation – 1st 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 City from residents and others within the community for the Germantown Education Foundation in the amount of \$3,642.50

First Amendment Funding Agreement – City of Memphis Reimbursement of Vaccination Site Expenditures

The City of Germantown and the State of Tennessee continue to be under emergency declaration for the COVID-19 Pandemic. As a result and to address the increased need for vaccinations sites in Shelby County, the City of Germantown, Town of Collierville, Germantown Baptist Church and City of Memphis worked together beginning in mid-January to organize and stand up a vaccination site at the Church. The site was fully operational February 2021 through June 2021, when the site was closed. The BMA approved Funding Agreement No. 38800 with Memphis on July 26, 2021, to reimburse Germantown for 100% of the costs for the vaccination site operations from the Epidemiology and Laboratory Capacity for Prevention of Emerging Infectious Diseases Grant (ELC) allocation. For the site operation through June 24, 2021, Germantown has requested \$1,007,676.86 under this funding agreement based on our actual eligible expenditures.

With the increasing cases of COVID-19, Memphis reached out to Germantown and Collierville to see if the site could be operated again through December 31, 2021. After receiving commitments from both, the operations plan was put into motion. The City of Germantown now needs to amend Funding Agreement No. 38800, which allows for Memphis to reimburse Germantown for our vaccination response from the ELC allocation. The amendment increases the total funding/maximum liability amount for the City of Germantown from \$1,030,000.00 to \$2,030,000.00. This will again be based on actual, eligible expenses submitted for reimbursement and will be requested on a monthly basis.

MOTION: To authorize the Mayor to execute the First Amendment to Funding Agreement No. 38800 with the City of Memphis for expenses incurred at the vaccination site in Germantown.

Professional Services Agreement Supplement Amendment No. 5 – Wolf River Boulevard/Germantown Rd. Intersection Improvements Project

The intersection of Wolf River Boulevard and Germantown Road is one of the most congested intersections within the entire Memphis-MPO area. Volume counts indicate over 75,000 vehicles per day. Excessive delays at all times of the day prompted the City of Germantown to request federal funding for improvements to add capacity and increase efficiency of the intersection.

Due to the onset of the coronavirus pandemic, all CIP projects were delayed in 2020. In accordance with state guidelines and in order for the project to be rebid for construction, the previously designed construction drawings must be updated, revised estimated quantities and bid book must be provided, and an engineer's opinion of probable construction cost must be obtained.

MOTION: To approve Supplement Amendment No. 5 to the Professional Services Agreement with Buchart-Horn, Inc. in the amount of \$77,347.00, increasing the contract amount from \$288,856.00 to \$366,203.00 for updated construction drawings, estimated quantities, bid book, and engineer's opinion of probable cost related to the Wolf River Boulevard/Germantown Road Intersection Improvements project.

Purchase – Vehicles

Funding was approved for purchases as part of the Infrastructure Replacement Program FY22 Budget process. Replacement criteria consist of vehicle age, maintenance cost, utilization and dependability. This purchase of three new vehicles includes three Ford F-150 pickup trucks, one of which is a new vehicle addition to the Stormwater Department.

MOTION: To authorize the purchase of three (3) vehicles from Ford of Murfreesboro in the total of amount of \$101,901.00; and declare units 167 and 5025 as surplus property.

Bid Rejection – Elevated Water Tank Construction

For nearly 40 years, the master plan for Germantown's water system development included an elevated tank in the eastern portion of the City. The City needs two elevated tanks to provide head pressure to the system and to allow one tank to be out of service for maintenance. The Johnson Road Water Treatment Plant has the capacity to supply 12 million gallons of water into the City's water system daily. This plant can easily support a 500,000 gallon elevated tank nearby. The 75,000 gallon tank across from the Southern Avenue Water Treatment Plant is 67 years old and does not meet seismic standards. With the construction of a new elevated tower on the east side of the City, there would be two separately served elevated water tanks to supply needed system pressure. The FY22 CIP Budget approved by the BMA on June 28, 2021, included the construction of an elevated water tank at 9170 Wilder Run Circle North. The lowest bid is \$1.8 million over the estimated costs for construction. All aspects of the project are being reviewed by project engineers to produce revised bid documents for distribution no later than November 1, 2021.

MOTION: To reject all bids for the construction of an elevated water tank at 9170 Wilder Run Circle North.

Approval of the Final Plan – Phase 1 for Wilder Planned Unit Development (PUD) and Development Contract No. 516

The amended Outline Plan for the Wilder PUD was approved by the Board on February 22, 2021, as a two phase project consisting of a total of 73 lots. This request is to approve the Final Plan - Phase 1 of a single-family residential development (50 lots) and the related development contract.

MOTION: To approve the Final Plan – Phase 1 (50 lots) for Wilder Planned Unit Development and Development Contract No. 516.

Approval of Project Development Contract No. 1239 – Forest Bend Acres Revised Subdivision Entrance Feature

Forest Bend Acres Subdivision was originally recorded on May 5, 1999, in Shelby County, under Shelby County's zoning regulations and infrastructure requirements. In 2000, the 22-lot subdivision was annexed into Germantown. On August 21, 2020, the revised final subdivision plat was re-recorded to accommodate lot line adjustments. Until recently, 19 of the 22 lots were undeveloped. Presently, some of the lots are under construction for the Vesta Home Show this fall. This request is for a project development contract for a revised subdivision entrance feature only, including landscaping, tree mitigation and subdivision entrance

signage and wall. The revised subdivision entrance complies with the City's current adopted Private Streets Standards Policy.

MOTION: To approve Project Development Contract No. 1239 for a revised subdivision entrance feature for the existing Forest Bend Acres Subdivision.

Motion by Mr. McCreery, without objection, to move to the consent agenda item #9 Approval of the Final Plan – Phase 1 for Wilder Planned Unit Development (PUD) and Development Contract No. 516 and item #10 Approval of Project Development Contract No. 1239 – Forest Bend Acres Revised Subdivision Entrance Feature.

Motion by Mr. McCreery, seconded by Mr. Ueleke, to approve the consent agenda as amended.

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

REGULAR

Ordinance 2021-13 – Establishment of a Stormwater Advisory Commission & Amendments to Chapter 21 Utilities, Article VII, Sections 21-303 AND 21-313 – Third and Final Reading

The BMA suggested the creation of a Stormwater Advisory Commission at the past two vision setting sessions. The goal was to activate this commission in January of 2022. With the growing emphasis on stormwater concerns and projects, the BMA wanted experts in the fields of stormwater management, engineering, and construction development to advise them on stormwater issues.

Motion by Mr. McCreery seconded by Ms. Gibson, to approve Ordinance 2021-13 on third and final reading, establishing a stormwater advisory commission, and amendments to Chapter 21 Utilities, Article VII, Section 21-303 and 21-313.

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

Ordinance 2021-14 – An Ordinance to Increase the Salaries for the Board of Mayor and Aldermen – First Reading and Set Public Hearing

The Private Act Charter for Germantown under Article IV, Section 4.03 states that the and Aldermen shall have the power, by ordinance passed at least 90 days prior to a regular biennial election, to increase the salaries for the Mayor and Aldermen; provided that no such increase shall take effect until there shall have occurred two biennial elections following the passage of this ordinance. During the most recent vision session with the, the City Administrator raised the issue of salary adjustments for the BMA and our elected judges. The last salary adjustment for the BMA was in January 2009. Salary amounts in the proposed ordinance are only a suggestion. The Administration and the City's Attorney's office realize that this is the purview of the BMA . The proposed increase will not go into effect until January 1, 2025.

Motion by Mr. Ueleke, seconded by Ms. Hicks, to approve Ordinance 2021-14 on first reading and set November 22, 2021, as the second reading and public hearing date.

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

Ordinance 2021-15 – An Ordinance to Increase the Salaries for the City Judges – First Reading and Set Public Hearing

In 1993, state law mandated that municipal judges be elected at large from the jurisdiction they serve and that the term of office be eight years in duration. Germantown's two City judges hear mostly state cases including traffic violations and local ordinance violations. The City's Code of Ordinances, Chapter 2, Article IV, Division 2, identifies the establishment of a judicial department. Compensation for the City

judges is also contained within the section of the code, therefore any adjustment must be made by amending the ordinance through the three reading process. The ordinance accomplishes this goal and will increase the judges' annual salary to \$50,000.00 effective immediately upon taking office after the election for City Judges in August 2022.

Motion by Mr. Ueleke, seconded by Ms. Gibson, to approve Ordinance 2021-15 on first reading and set November 22, 2021, as the public hearing date.

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

Retirement – City Administrator

City Administrator Patrick Lawton, after nearly 34 years of public service to the citizens of Germantown, formally and publicly announced his decision to retire as City Administrator on December 31, 2021.

After nearly 34 years of public service to the citizens of Germantown, I wish to announce my plan for retirement at the end of the calendar year 2021. During my tenure with the city I have had the privilege to work for three strong and successful Mayors as well as multiple Aldermen who supported and embraced policy and administrative recommendations to move our city forward. I have also had the opportunity to work with numerous boards, commissions, task forces and steering committees and have witnessed firsthand the power of citizen engagement. This type of governance with skilled leaders and dedicated volunteers sadly does not exist in many communities.

Regarding the employees of the City of Germantown, I can tell you that they are simply the best group of men and women whom I have ever had the opportunity to work with. They are the embodiment of, "Excellence. Every Day." and the true warriors who put public service over self in an effort to keep Germantown safe, prosperous, resilient, and successful now and in the future. For me, I am extremely proud of the positive growth and development of our community and the organization during my tenure. No one ever said the job would be easy, but for me it has been the most rewarding role in my professional career and a labor of love.

The Aldermen and Mayor Palazzolo expressed their gratitude to Mr. Lawton for his professionalism, leadership, dedication to the community and the care he has for City employees.

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder