

BOARD OF MAYOR AND ALDERMEN
December 13, 2021

The regular meeting of the Board of Mayor and Aldermen was held on Monday, December 13, 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, Jessica Comas, Reynold Douglas, Stacey Ewell, Tony Fischer, Richard Hall, Jason Huisman, Patrick Lawton, Mac McCarroll, Bo Mills, Cathryn Perdue, Lisa Piefer, 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 City Chaplain Dave Phillips.

Pledge of Allegiance

Alderman Ueleke led the Pledge of Allegiance.

Proclamation – Patrick Lawton Day

Mayor Palazzolo proclaimed today as Patrick Lawton Day in the city of Germantown to honor Patrick as he completes his career after more than 33 years of distinguished service to the City of Germantown, 32 as city administrator. Patrick was unanimously approved by the Board of Mayor and Aldermen on April 11, 1988 to become assistant to the city administrator and was unanimously appointed to the position of city administrator on August 14, 1989. Patrick has served with unwavering commitment, earning the admiration, esteem and affection of his staff and commission volunteers.

Set Agenda

The Board is asked to set the agenda for the meeting. Any changes are to be made at this time. Administration deferred Item 8b – Contract – Herbicide, Fertilizer and Lake Maintenance Services

Motion by Ms. Gibson, seconded by Mr. Sanders, to approve the December 13, 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 held November 22, 2021.

Motion by Mr. McCreery, seconded by Ms. Hicks, to approve the minutes of the Board of Mayor and Aldermen Regular Meeting held November 22, 2021.

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

Citizens to be Heard

Mary Anne Wiggins, 1672 Brookside Dr., came forward to question the increase in the water and sewer rates. John Colmer, 7563 Riggs Rd. came forward to express the Technology Commission's gratitude for Patrick Lawton's years of distinguished service and contributions to the city of Germantown.

SPECIAL RECOGNITIONS

Germantown Education Commission Teacher of the Month – December 2021

Ms. Morgan Abrahamson, a sixth-grade English Language Arts teacher at Houston Middle, is the Teacher of the Month award winner for December.

Germantown Education Commission Youth Excellence Award – December 2021

Grayson Boutwell, a St. Agnes Academy senior, is the December Youth Excellence award winner.

Jo Reed Award

Sharon Goldsworthy, on behalf of the Leadership Germantown Alumni Association, presented the Jo Reed award to Greg Marcom. Marcom's lengthy list of civic involvement includes his 2010-2014 term as alderman, past membership on the Design Review Commission, Planning Commission, Neighborhood Preservation Commission, Public Safety Education Commission and Industrial Development Board, Germantown Forward 2030 Steering Committee, just to name a few.

CONSENT AGENDA

Agreement Amendment – Electronic Citations

Tyler's Brazos Electronic Citation software is fully integrated with both Police and Court packages and allows for a seamless electronic citation process. Officers have equipment in the field that allows them to electronically capture information, obtain signatures, print citations and upload the data to Police and Court records systems. The process eliminated duplicate data entry requirements and created a streamlined, system driven, data sharing process for all stakeholders. This project will include 15 new electronic citation units with a 5-year warranty and extend the warranty for 15 existing electronic citation units for an additional two years. Additional units will allow the department to better manage equipment assignments and provide a staggered replacement schedule in future budget requests.

MOTION: To approve an amendment to the agreement with Tyler Technologies, Inc. for additional Brazos Electronic Citation software, hardware, licensing, warranties, and associated maintenance in the amount of \$46,800.00, and declare replaced equipment as surplus.

Contract – Herbicide, Fertilizer and Lake Maintenance Services - Deferred

The Administration deferred this item.

Donation – APCO Intellicomm Guidecard Software

The Germantown Police Department Communications Division works with Police, Fire and EMS to ensure swift and appropriate response to citizen's call for service. This software will aid Telecommunicators in streamlining the process of gathering and processing call data in real-time from 9-1-1 calls while improving the guidance about the incident they provide to both the responding units and citizens in distress. Shelby County 911 has agreed to cover the purchase cost of the software, training, and implementation. The total value of the current donation is \$78,116.27.

MOTION: To authorize the execution of a service agreement with the Association of Public-Safety Communications Officials International, Inc. (APCO) for the use of IntelliComm Guidecard Software, and to approve the donation of the IntelliComm Guidecard Software and all related training and installation costs from Shelby County 911.

Donations – Germantown Community Library

The following individuals and organizations have contributed these donations to the library:

Friends of the Library - \$8,264.00	Germantown Women's Club - \$1,000.00
Memorial in honor of C. Thomas Cates - \$1,000.00	Barbara Pierce - \$100.00
Memorial in honor of Doris Belcher Campbell - \$50.00	Ron Schatz - \$40.00
Mary Mihalik - \$25.00	

MOTION: To approve donations of \$10,479.00 to the Germantown Community Library, and to approve Budget Adjustment No. 22-60.

Donation – K-9 Program

Earlier this year, Police K9 Jinx was lost due to a sudden terminal illness. After learning of this, two citizens, Kent and Birtie Mathis, reached out and selflessly offered to conduct a fundraiser in support of the Police K9 Unit. Their fundraising efforts yielded a check for \$10,200.00 to offset the purchase of another dog and subsequent K9 training and/or equipment.

MOTION: To approve the donation of monies in the amount of \$10,200.00 raised by citizens for use of equipment purchase within the Police K-9 Unit.

Donations – 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. Larry Willis contacted the Parks and Recreation Department recently about the purchase of a park bench and honorarium plaque to be placed at Dogwood Park, in memory of his daughter, Kirsten Willis - Dogwood class of 2007. Beth Ann Hibbs, with K Love Radio, also contacted the Parks and Recreation Department about the purchase of a park bench and memorial plaque.

MOTION: The purpose of this agenda item is to recognize and accept two \$1,000.00 donations, totaling \$2,000.00, made to the Germantown Parks and Recreation Department for two park benches, and to approve Budget Adjustment No. 22-61.

Peg Disbursement to GMSD – 1st Quarter

The City receives Public, Education and Government funding from Comcast and AT&T based upon the number of subscribers on a quarterly basis. The funds are redirected to the PEG designated station by the City to the Germantown Municipal Television Station. The funds from the first quarter of fiscal year 2022 are from July 1, 2021 through September 30, 2021. These funds will 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 Germantown Municipal School District in the amount of \$34,086.34.

Professional Services Agreement – Automated Meter Reading Phases I & II

The decision to move towards automated meter reading services is complex and impacts every City of Germantown customer. Selecting the right methodology and technology that works best is priority. Savings will be seen in personnel, handheld reading devices and support when automated reading becomes fully functional. In total, there are over 16,000 water meters in the city with 95% being residential in nature. Staff believes SL-serco can take us through these first two project phases: 1) gathering the business case, including developing the specifications, and 2) setting up the RFP and negotiating the contract for the install. At a later time, staff will want to have a Phase III of this PSA to oversee the deployment, construction inspection and testing to include the endpoint acceptance of the system.

MOTION: To authorize the Mayor to execute a professional services agreement with SL-serco, Inc. for consulting services for Phases I and II of the Automated Meter Reading project in the amount of \$99,933.00.

Resolution 21R20 – Tennessee State-Subdivision Opioid Abatement Agreement and Related Settlement Agreements

On June 22, 2020, the BMA approved the City's participation in a nationwide opioid class action lawsuit and engaged the law firm of Friedman Dazzio to pursue damages incurred by the City as a result of the illegal sale distribution and marketing of opioids and opioid derivative drugs by opioid manufacturers and drug distributors. The adoption Resolution 21R20, authorizes the Mayor to execute the required documentation to join settlement agreements with the three largest pharmaceutical distributors – Amerisource Bergen Corp., Cardinal Health, Inc., and McKesson Corp. – and manufacturer Janssen Pharmaceuticals, Inc. and its parent company, Johnson & Johnson. Resolution 21R20 also authorizes the Mayor to execute the Tennessee State-Subdivision Opioid Abatement Agreement, and any other formal agreements necessary to implement a unified plan for the allocation and use of settlement funds under a unified Tennessee Plan.

MOTION: To adopt Resolution 21R20.

Motion by Mr. Sanders, seconded by Mr. Ueleke, to approve the consent agenda as read.

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

REGULAR

Contract – Elevated Water Tank Construction – Phase I

For over 40 years, the master plan for Germantown's Water System included an elevated tank in the eastern portion of the city. The City needs two elevated tanks in order to provide system redundancy and resiliency. Elevated water provides a steady hydrostatic pressure on the City's entire water system. This new elevated water tank is important for the resiliency of the City's water distribution system. Two elevated towers of comparable size are needed so that the hydrostatic pressure supplied by elevated water remains constant when one tank is taken out of service due to maintenance. Public Works and Engineering staff worked with our consultant, A2H, to repackage the scope of work to focus this project into two phases. Phase I focuses on the elevated tank and foundation. Phase II will address the offsite utilities, roadway, landscaping, fencing and buildings process.

Motion by Mr. McCreery, seconded by Mr. Ueleke, to authorize the Mayor to enter into a contract with Caldwell Tanks, Inc. for the construction of an elevated water tank in the amount of \$2,484,000.00, and to accept the alternate bid for containment at \$70,000.00, for a total amount not-to-exceed \$2,554,000.00.

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 – Third and Final Reading

During the second reading of this ordinance, the Board of Mayor and Aldermen approved an amendment to the ordinance changing the Aldermen's monthly salary from \$1,750.00 to \$1,500.00. This change is reflected in this ordinance on third reading. The proposed increase will not go into effect until January 1, 2025.

Motion by Mr. Ueleke, seconded by Mr. McCreery, to approve Ordinance 2021-14 on third reading as amended.

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

Ordinance 2021-15 – An Ordinance to Increase the Salaries for the City Judges – Third and Final Reading

Compensation for the City judges is contained within City's Code of Ordinances, therefore any adjustment must be made by amending the ordinance through the three reading process. The ordinance attached to this agenda sheet 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. The proposed increase will not go into effect until August 2022.

Motion by Ms. Gibson, seconded by Mr. Sanders, to approve Ordinance 2021-15 on third reading.

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

Ordinance 2021-16 – Amendments to the Vegetation Ordinance Chapter 22 – First Reading and Set Public Hearing

On July 15, 2021, at their Visioning Session, the Board of Mayor and Alderman requested updates to the City's Vegetation Ordinance. At their work session on October 21, 2021, the Board recommended that the proposed changes to the ordinance be drafted. The City Attorney's office has reviewed the proposed ordinance amendments and finds the proposed text amendments are acceptable as written.

Motion by Ms. Gibson seconded by Ms. Hicks, to approve on first reading Ordinance 2021-16, amendments to the Vegetation Ordinance (Chapter 22) in the Municipal Code, and set the second reading and public hearing for January 24, 2022.

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

Resolution 21R21 – Amendment to Resolution 21R03 – Resolution on Revenues for the Utility Fund

On January 25, 2021, the Board of Mayor and Aldermen approved a professional service agreement with Allen & Hoshall, Inc. to provide a utility rate study for the purpose of a comprehensive review of needed operational, maintenance, and capital expenditures, along with options to update the existing rate structure. The study was to serve as a guide for decision making that would lead to a just and reasonable rate structure. The most notable observation of the study was the decrease in residential water consumption from 9,000 gallons monthly in FY08, to 4,000 gallons monthly in FY20. While this shift in consumption has led to water conservation, it has also eroded the financial stability of the Utility Fund due to less revenue generation. During the November 10, 2021 Financial Advisory Commission (FAC) subcommittee meeting, staff presented five rate options. After a comprehensive review and discussion among the FAC members, the subcommittee recommended a change to the rate structure that will provide the funds needed to sustain operation and maintenance of water and sewer assets and meet the requirements set by the State Comptroller and the City's Financial Policy. The subcommittee recommendation was presented to the full FAC on November 30, 2021, where the FAC members unanimously voted in favor of the subcommittee's recommended scenario including water and sewer rates increases and a rate structure change.

Motion by Mr. Ueleke, seconded by Ms. Hicks, to adopt Resolution 21R21 to amend Resolution 21R03 – Resolution on Revenues for the Utility Fund.

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

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder