

BOARD OF MAYOR AND ALDERMEN
August 14, 2023

The regular meeting of the Board of Mayor and Aldermen was held on Monday, August 14, 2023 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: Michele Betty, Stacey Crockett, De’Kisha Fondon, Eric Grizzard, Richard Hall, Tiffany Howlett, Jason Huisman, Caleb Marcum, Mac McCarroll, Bo Mills, Cathryn Perdue, Lisa Piefer, Adrienne Royals, Andy Sanders, Ethan Skaggs and Courtney Taylor.

Call to Order

The Mayor called the meeting to order.

Invocation

The invocation was led by City Chaplain Dave Phillips.

Pledge of Allegiance

Alderman Sherrie Hicks 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.

Item 7b - Neighborhood Grants Winners – FY23 has been deferred.

Motion by Ms. Gibson, seconded by Mr. Sanders, to approve the August 14, 2023 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 July 10, 2023.

Motion by Mr. Sanders, seconded by Mr. McCreery, to approve the minutes of the Board of Mayor and Aldermen Regular Meeting held July 10, 2023.

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

Citizens to be Heard

Victor Chuzie, 1890 River Valley Drive, came forward regarding the water crises.

Russell Johnson, of 2816 Hunters Forest, and Harold Steinberger, of 8377 Willow Oak Road, came forward regarding the proposed utility bill credit.

Update and Presentation Regarding Water Flushing and Generator

In regard to the recent water crises, City Administrator Jason Huisman asked the following staff members to update the citizens on a few key areas. Tiffany Howlett, Sanitation and Administrative Coordinator for Public Works, presented customer call volume since the community was released to begin flushing their private water line and Fire Chief Eric Grizzard reviewed the August hydrant flushing program. David Smith, on-call engineer from A2H, reviewed generator upgrades and relocation.

SPECIAL RECOGNITION

Beautification Commission Business Award

Madonna Learning Center, located at 7007 Poplar Avenue, is the July Business Award winner.

Neighborhood Grants Winners – FY23 - DEFERRED

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

BEER BOARD – Public Hearing – Temporary Beer Permit – On-premise Application – Streetdog Foundation

The City has received a request from the Streetdog Foundation for a temporary permit to sell beer for on-premise consumption, at The Shops of Saddle Creek, on Saturday, October 7, 2023.

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

Motion by Mr. Sanders, seconded by Ms. Gibson, to approve the request of the Streetdog Foundation for a temporary permit to sell beer for on-premise consumption on Saturday, October 7, 2023, from 12 noon to 4 pm, in The Shops of Saddle Creek, adjacent to the building located at 7615 West Farmington Blvd.

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

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

CONSENT AGENDA

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

Under this agreement, CAESER, formerly the University of Memphis - Ground Water Institute, serves the City by providing expertise in the areas of groundwater quantity and quality. This agreement also provides a technical staff that consults with the City's Public Works and Engineering departments on water system issues. The City's recent agreement with CAESER expired on June 30, 2023. Approval of this agreement will allow for CAESER to continue their valued work in FY24 and will meet the department's needs for FY24.

MOTION: To authorize an agreement with the University of Memphis Center for Applied Earth Science and Engineering Research (CAESER) in the amount of \$48,805.00 for the period of July 1, 2023, through June 30, 2024.

Agreement – Lobbying Services

The City has engaged the services of Farris Bobango Branan, PLC for the past eleven years. Administration has worked closely with senior partner in the firm, John Farris, and his staff in advancing the City's legislative agenda as well as monitoring legislation that could impact the City of Germantown.

MOTION: To authorize the mayor to execute a twenty-four (24) month lobbying services agreement with Farris Bobango Branan, PLC Attorneys at Law, for lobbying services on behalf of the City of Germantown beginning August 1, 2023, and ending on July 31, 2025, in the total amount of \$116,000.00.

Agreement – Norfolk Southern Railway – Poplar Avenue Culverts Phase V

The City is currently in the ROW phase of an ongoing project to replace certain culverts under Poplar Avenue. There are approximately 48 corrugated metal pipes that convey stormwater under Poplar Avenue. A Video Inspection and Evaluation Project (Phase I) was initiated and completed in FY10. Phases I-IV addressed 21 culverts that were identified as beyond their useful life. This project, Phase V, will replace or rehabilitate 6 additional corrugated metal pipe culverts beneath Poplar Avenue within the City of Germantown Limits.

MOTION: To approve an agreement in the amount of \$27,507.00 with the Norfolk Southern Railway Company for the Poplar Avenue Culverts Project Phase V.

Agreement – Tyler Executime Annual Software as a Service

The City has maintained a software maintenance agreement since implementing the time and attendance software in 2016. The annual cloud service fees include licensing, maintenance, support services, and will continue to interface with CentralSquare payroll module.

MOTION: To approve funding for the annual software as a service (SaaS) agreement with Tyler Technologies in the amount of \$35,595.00.

Amendment to Approved Minutes

The June 26, 2023 minutes incorrectly state the agenda item Memorandum of Understanding – Memphis Shelby County School District and Germantown Police Department was deferred. This item was unanimously approved. The minutes incorrectly state the agenda item Memorandum of Understanding – Germantown Municipal School District and Germantown Police Department was unanimously approved. This agenda item was deferred.

MOTION: To amend the approved minutes of the Board of Mayor and Aldermen Regular Meeting held June 26, 2023.

Bid Rejection – Miller Farms Ditch

Grinder, Taber, Grinder, Inc. met all the requirements in submitting a properly completed bid package. However, the base bid is \$8,528,195.98 over the estimated costs. The project is being reviewed by the engineering team and the consultant, A2H, to produce an alternative solution and revised bid documents.

MOTION: To reject the bid received for construction of improvements to the Lateral B, Miller Farms Ditch.

Contract – Hot Asphalt Mix

Hot Asphalt Mix 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 the Mayor to enter into a contract with Standard Construction Co. Inc. in the amount of \$251,550.50 for 2,500 tons of hot asphalt surface mix and 500 tons of hot asphalt base mix and a contract with Lehman Roberts Co. for 150 tons of hot asphalt surface mix in the amount of \$17,100.00 for a total amount of \$268,650.50.

Donation – Germantown Education Foundation – Friend of the Foundation – 4th Quarter

Friend of the Foundation currently has 214 recurring donors. Since the money is collected from citizens through their monthly utility bill, this program has no budgetary impact on the City.

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 \$3,642.50.

Donation – Parks and Recreation

Parks and Recreation is currently renovating the two lacrosse fields at Johnson Road Park. In coordination with this project, the Houston Lacrosse Club has identified the need for a lacrosse wall to be built on site for the purpose of providing additional training for the players to improve their skills and work independently to become better lacrosse players. The Club has agreed to fund the cost of \$16,000.00 for this project. The construction of the wall will be added into the Johnson Road Park Lacrosse Field Renovation project plan.

MOTION: To recognize and accept a donation made to the Parks and Recreation Department totaling \$16,000.00 and to approve Budget Adjustment No. 24-9.

PEG Disbursement to GMSD – 4th 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 redirected to the PEG designated station by the City to the Germantown Municipal Television Station.

MOTION: To authorize the disbursement of PEG funding collected by the City to the Germantown Municipal School District in the amount of \$29,122.93.

PSA Extension No. 2 – FY24 On-Call Engineering Services (Stormwater)

The City has stormwater infrastructure that is approaching the end of its useful life. The numerous intense, short-duration rainfall events over the past decade have led to the degradation of this infrastructure. Some recent failures have occurred that required emergency point repairs. Prior to having the PSA for on-call stormwater engineering services, the City procured emergency design services for each individual repair, as needed. Since these types of storms have occurred more frequently, procuring these engineering design services for each individual event has become impractical and costly. For these reasons, City staff previously proposed hiring an engineering consultant to provide on-call stormwater engineering design services and construction administration and inspection.

MOTION: To approve extension No. 2 to the PSA with A2H, Inc. for on-call stormwater engineering services and construction administration and inspection in an amount not-to-exceed \$75,000.00.

PSA Extension No. 4 – FY24 On-Call Engineering Services (Traffic)

The City's Engineering Department consists of three full-time Professional Engineers. This staff of three engineers manages an annual average of 15 Capital Improvement Projects, either in the design or construction phase, and 10 private developments. 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 Extension No. 4 of the Professional Services Agreement for On-Call Engineering Services with Kimley-Horn & Associates, Inc. in an amount not-to-exceed \$75,000.00.

Purchase – Bulk Crushed Aggregates

Crushed aggregates (CR 610 Gravel and Screened Sand) and loose rip rap limestone are primarily used for utility cuts and stormwater maintenance projects and repairs. The vendor will coordinate delivery of the requested materials to the Germantown Public Works Complex to be stored, so they are readily available as needed to provide an efficient and effective operation.

MOTION: To authorize the purchase of 1,000 tons of crushed aggregates, 500 tons of screened sand, and 300 tons of loose rip rap limestone from Fullen Dock & Warehouse in the amount of \$38,900.00 within the FY24 budget period.

Purchase – Cement Treated Base

Cement treated base mix is used primarily for street maintenance base repairs, utility cuts and storm water maintenance projects. Public Works crews pick up the amount required each day, at the vendor's distribution plant for immediate application. Delivery is provided at the City's request, if necessary, for an additional fee.

MOTION: To authorize the purchase of 3,000 tons of cement treated base mix in the amount of \$120,630.00 from Ferrell Paving, Inc. (primary provider) and 500 tons of cement treated base mix, as needed, with Lehman-Roberts (secondary provider) in the amount of \$20,000.00 for a total amount of \$140,630.00 within the FY24 budget period.

Purchase – Custodial Services – GHCC & Fire Station 4 Training Area

ABM Janitorial Services provides custodial cleaning services for Fire Station No. 4 Training Area and the Great Hall & Conference Center. The term of this contract is for period of twelve (12) months beginning July 1, 2023 through June 30, 2024.

MOTION: To approve the purchase of contracted cleaning services from ABM Janitorial Services, based on established unit pricing from the 1GPA Cooperative Contract No.20-01PV, in the amount of \$54,461.88 for the Great Hall & Conference Center and \$5,557.92 for Fire Station No. 4 Training Area for a period of twelve (12) months beginning July 1, 2023 through June 30, 2024.

Purchase – Laser Scanner

A premium laser scanner will provide the Germantown Police Department the fastest, most accurate, and most data-sharing enabled scanner currently available to properly document major crime scenes. The FARO Focus Premium Laser Scanner provides exceptional capturing efficiency, data quality and accuracy for professional results. To successfully process, document, and prosecute major crimes, the Germantown Police Department can utilize the FARO Laser Scanner and FARO Zone Software to visually image and measure an entire crime scene.

MOTION: To authorize the purchase of a FARO laser scanner for the Germantown Police Department in the amount of \$86,455.67.

Purchase – Valve Maintenance Trailer

This water valve maintenance trailer will support our water valve maintenance program through a versatile platform designed to transport all the valve maintenance and vacuum tools needed in the field to ensure the valves are operable. This centralized unit will improve efficiency and reduce manpower needed to accomplish this absolutely necessary maintenance function.

MOTION: To purchase a water valve maintenance trailer system from E.H. Wachs Utility Products in the amount of \$90,725.07.

Motion by Ms. Hicks, seconded by Mr. Ueleke, to approve the Consent Agenda.

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

REGULAR AGENDA

Emergency Declaration – July 18 - July 21 Storm Purchases

On July 20, 2023, the Mayor executed a state of emergency for the severe weather storm event that occurred on July 18-21, 2023, and City Administration notified the Board of these actions. This declaration was also submitted to the Shelby County Emergency Management Agency and initiates the process for possible reimbursement from federal sources.

Motion by Ms. Gibson, seconded by Mr. Ueleke, to approve additional emergency expenses of \$276,192.00, based on estimated dollar amounts, for a total not-to-exceed amount of \$375,000.00.

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

Ordinance 2023-12 – Amendment to Chapter 2 – Article IV, Divisions 2, Section 2-107 Judicial Divisions – First Reading and Set Public Hearing

After discussions with the City Attorney, Prosecutor and Judges concerning the presiding judges and how they are selected in Divisions 1 and 2, staff has completed amendments to the Judicial ordinance. These changes will clearly provide direction for who will be the presiding judge for judicial court operations.

Motion by Mr. McCreery, seconded by Mr. Sanders, to approve Ordinance 2023 -12, an amendment to the Judicial Divisions, on first reading, and to set September 11, 2023, as the second reading and public hearing.

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

Credit – Water and Sanitary Sewer Usage

On Thursday, July 20, 2023, the City declared a state of emergency and issued an order to the Germantown community to use water for flushing toilets only until further notice due to diesel fuel contaminating an underground reservoir at the Southern Avenue water treatment plant. On Monday, July 24, the City, with professional assistance from EnSafe, discovered the source of the contamination, remediated the diesel fuel at the source site, and restored clean water in the underground reservoirs.

On Thursday, July 27, under the Tennessee Department of Environment and Conservation’s (TDEC) guidance, the City released all commercial and residential customers to begin thoroughly flushing their exterior and interior service lines in accordance with TDEC and EPA guidelines to complete the community-wide flushing process. To assist in offsetting the cost of thoroughly flushing service lines, the Mayor requested the review and recommendation from the Financial Advisory Commission (FAC) regarding a utility credit for water and sanitary sewer customers in advance of the Board of Mayor and Aldermen’s (BMA) consideration.

Following extensive discussion by the FAC subcommittee around the financial health of the fund and the possibility of raising water and sewer rates in FY25, a motion was made to provide no credit to residents. This motion passed with a vote of 5-4.

Motion by Mr. Ueleke, seconded by Ms. Gibson, to approve a water and sanitary sewer total usage credit of \$27.50 for residential customers to assist with offsetting added costs for residential water service line flushing.

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

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder