

**BOARD OF MAYOR AND ALDERMEN**  
**May 13, 2024**

The regular meeting of the Board of Mayor and Aldermen was held on Monday, May 13, 2024, at 6 p.m., in the Council Chambers at City Hall.

Mayor 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, Mike Fisher, De’Kisha Fondon, Jason Huisman, Amy LaRusso, Caleb Marcum, Mac McCarroll, Bo Mills, Cat Pena, Lisa Piefer, Cameron Ross, Sherry Rowell, Adrienne Royals and Natalie Ruffin.

**Call to Order**

The Mayor called 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. Sanders, to approve the May 13, 2024 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 April 22, 2024.

Motion by Mr. Sanders, seconded by Mr. McCreery, to approve the minutes of the Board of Mayor and Aldermen regular meeting held April 22, 2024.

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

**Citizens to be Heard**

No citizens came forward.

**SPECIAL RECOGNITION**

**2024 Word Travels Poetry Winners**

The Word Travels Poetry Contest is a public art program that invites writers of all ages and abilities that live, work, or go to school in Germantown to submit original poems. The winners of the adult category are Elaina Nicholas’ *Hera’s Child* and Jenni Proctor’s *Bathed in Elegance*. Runners-up in the adult category are Kathleen Whitman Plucker’s *Class of 2037* and Chris Ferguson’s *Lesser Known Irish Toast*. The winners of the youth category are Mia Mittag’s *River Stones* and Julian Ostmann’s *Dropping a Wheel*. Runners-up in the youth category are Olivia French’s *Spring* and Fritz Ostmann’s *Fiddlesnake*.

**Proclamation – Make Music Day**

Mayor Palazzolo proclaimed June 21, 2024 as Make Music Day.

**Proclamation – National Public Works Week**

Mayor Palazzolo proclaimed May 19-25, 2024 as Public Works Week.

**Proclamation – National Safe Boating Week**

Mayor Palazzolo proclaimed May 18-24, 2024 as National Safe Boating Week.

**BEER BOARD – Temporary Beer Permit – On-Premise Application – The Grand Krewe of Luxor**

The City has received a request from the Grand Krewe of Luxor for a temporary permit to sell beer for on-premise consumption on Wednesday, June 5, 2024, from 6:30 pm to 11:30 pm at The Great Hall & Conference Center.

Motion by Mr. Sanders, seconded by Mr. Ueleke, to approve the request of the Grand Krewe of Luxor for a temporary permit to sell beer for on-premise consumption on Wednesday, June 5, 2024, from 6:30 pm to 11:30 pm at The Great Hall & Conference Center, located at 1900 S. Germantown Road.

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

**CONSENT AGENDA**

**Agreement – Document Management System Software**

The software will expand the existing document management capabilities used in Germantown Court to all City departments. Funding requested includes implementation services, hosting services and training for system users. The hosted environment will allow staff to access critical documents anytime.

MOTION: To approve a three-year agreement with Tyler Technologies for expanded access to document management system software in an amount not-to-exceed \$250,000.00.

**Agreement – Germantown Swim Team Facility Rental**

The Germantown Athletic Club (GAC) and Germantown Swim Team (GST) 501(c)(3) have long had an unwritten partnership to run a competitive swim program. With the retirement of the City-employed swim coach, the opportunity arose to look at what changes, if any, needed to be made to maintain a successful competitive swim team. It was determined that the best course of action was for the GST to take full ownership of all operational aspects of the program while renting space from the GAC. The new contract reflects in-depth conversation between GST and GAC management as well as City legal staff.

MOTION: To approve the renewal of a three (3) year Facility Usage Agreement between the Germantown Athletic Club and the Germantown Swim Team for the use of pool lanes and facility to operate a competitive swim team and swim meets.

**Change Order No. 5 – WRB/Germantown Intersection Improvements**

These intersection improvements represent previously approved Change Orders 3, 4 and 5 by TDOT to resolve utility conflicts, install additional traffic control for storm drain installation, include additional quantities to complete the proposed Greenway connection, add additional pay items for undercut material and extend the contract completion date by eight days. Change Order No. 5 will add eight days and \$238,746.65 for the changes in work for this project to the existing contract with Madden Phillips Construction. This funding is 100% reimbursable to the City.

MOTION: To approve City Change Order No. 5 which includes TDOT approved Change Order's 3, 4 and 5 for the Wolf River Blvd./Germantown Rd. Intersection Improvements Project in the total amount of \$238,746.65, and to extend the contract completion date by eight days to February 22, 2025.

**Contract – Allenby Lakes Stream and Pond Stabilization**

An existing spillway collapsed at the western most portion of property owned by the City which includes sections of Wolf River Boulevard and Cameron Brown Park, directly adjacent to the northeastern rear boundary of the Allenby Lakes Subdivision. This project will restore the spillway structure and provide wetland mitigation and restoration. The project was originally presented for review and subsequently approved to meet mitigation

requirements from the Tennessee Department of Environment and Conservation (TDEC) for the Wolf River Lateral G Drainage Improvement Project. However, during the construction phase of the Wolf River Lateral G Drainage Improvement Project, revisions were made by TDEC staff based upon on-site observations in July 2017. These revisions for stream alterations allowed the City to meet the mitigation requirements on-site at the original project location.

Although the Allenby Lakes Project was no longer needed to satisfy TDEC's requirements, the project remained in the FY18 CIP in order to correct the collapsed spillway. The City received two bids on the original project and on June 11, 2018, the BMA rejected the bids due to the lowest bid being over budget. Allenby Lakes Stream and Pond Stabilization project was then re-budgeted in the FY 24 CIP program.

MOTION: To approve a construction contract with Encor, LLC in the amount of \$465,817.50 with a 10% contingency of \$46,581.75, at a total amount of \$512,399.25, for the construction of the Allenby Lakes Stream and Pond Stabilization Project.

**Contract – Cured in Place Pipe (CIPP) 36-Inch Outfall**

On June 23, 2003, the City executed an agreement with the City of Memphis to acquire the sewer discharge assets located within the Germantown city limits. This agreement covered the purchase of the sewer mains constructed by the City of Memphis within the Germantown city limits that are only used by Germantown. A portion of these acquired assets located generally between Kimbrough Road and Allenby Road has deteriorated. This degradation has led to a weakening of the concrete pipe and associated manholes. Public Works requested a capital improvement project in the FY24 budget cycle to rehabilitate this main and the manholes. In accordance with the sewer agreement with the City of Memphis, Public Works reached out to the City of Memphis to approve of this work on this asset. Memphis responded acknowledging the plan for CIPP. Inliner Solutions was the lowest qualified bidder in a total amount of \$688,763.00. Inliner Solutions, LLC has performed successful CIPP work for Germantown in the past.

MOTION: To approve a contract with Inliner Solutions, LLC for construction of a cured-in-place-pipe sanitary sewer liner in the 36-inch sewer outfall and for manhole rehabilitation in the general area between Kimbrough Road and Allenby Road, north of Farmington Boulevard, in the amount of \$688,763.00.

**Contract – Dehumidifier Unit (DHU) Replacement Germantown Athletic Club**

In 2010, DHUs No.1 and 2 were replaced. City staff and certified vendors have continued to provide preventative maintenance; but both units are well beyond their dependable, efficient use cycle. Currently, DHU 2 is inoperable and not able to be repaired due to deterioration. Continued repairs to compressors, fan motors, control boards and refrigerant leaks are cost prohibitive which will eventually require the replacement of both units. Funding is not available to replace both DHUs during FY24. Staff will plan for the replacement of the second unit in later fiscal years.

MOTION: To approve a contract for a turnkey replacement of indoor pool Dehumidifier Unit 2 with Damon-Marcus Company in the total amount of \$1,002,094.00.

**Contract – Tennis Professional Services**

Currently, the City has an agreement with Smashing Aces Tennis, LLC to provide tennis services at Municipal Park Tennis Courts. The City entered into the contract May 25, 2019, which was for a period of 48 months with the option to extend one additional year under the same agreement. They are well known in the local tennis community and have an outstanding reputation and extensive experience in producing quality tennis programs, including all age groups. A request for proposal was issued on March 25, 2024. One proposal was received from Carla Brangenberg of Smashing Aces Tennis, LLC.

MOTION: To approve 48-month contract with Smashing Aces Tennis, LLC to provide tennis professional services.

**Donations – Neighborhood Preservation Commission**

The Neighborhood Preservation Commission Tour of Remodeled Homes took place on April 28, 2024, with four outstanding homes showcasing a variety of remodeling projects. To cover the expenses, the members of the NPC solicit sponsorship donations, which this year totaled \$700.00. Sponsors were Robbins Constructions (\$500.00), Heritage Builders (\$150.00) Wolfe River Hospitality Group (\$50.00) Germantown Performing Arts Center (In-kind) and Wolf River Hospitality Group (In-kind.)

MOTION: To recognize and accept donations in the amount of \$700.00 to the Neighborhood Preservation Commission.

**Donations – Parks and Recreation**

The Germantown Living Legacy Tree program provides resources to implement a coordinated landscape design for public areas in the City through contributions and donations. The program provides a means for citizens and organizations to honor or recognize friends, family, or coworkers, fostering good stewardship and a legacy gift to the individual. The Germantown Park Rangers donated \$150.00 for a tree to be planted in honor of Sue Armendariz.

MOTION: To recognize and accept the donation made to the Living Legacy Tree Fund totaling \$150.00, and to approve Budget Adjustment No. 24-120.

**Emergency Purchase – Repairs at 2021 Northbridge Drive (Lateral F)**

On April 25, 2024, a resident that lives at 2021 Northbridge Dr. reported that there was a recent collapse of the concrete ditch wall adjacent to his property. Within an hour of the reported collapse, the Public Works Department inspected the approximate 20-ft section of wall that had collapsed along the last section of the concrete-lined portion of Lateral F, also known as the Eastbridge Ditch. The resident at 2021 Northbridge Dr. recently rebuilt a fence along his backyard adjacent to the ditch wall and also placed a new foundation for an existing shed that is located approximately four feet from the new fence. Both of these structures were in danger of being damaged from erosion or falling into the ditch. This presented an immediate need to repair/replace this portion of failed infrastructure due to the possible negative impact to private property. Therefore, staff acted expeditiously in contacting Nabholz Construction Services, LLC. to provide a quote and begin the process of making emergency repairs under the City's emergency purchase guidelines and procedures.

Because the need to make these repairs was critical, Procurement staff was directed to expedite this project. Therefore, the traditional method of design-bid-build could not be utilized under an accelerated schedule. The BMA was notified of this emergency repair on April 29, 2024.

MOTION: To ratify the emergency repairs to the collapsed vertical ditch wall along drainage Lateral F adjacent to 2021 Northbridge Drive by Nabholz Construction Services LLC, (Nabholz) in the total amount of \$85,440.11.

**Memorandum of Agreement – Shelby County Public Safety Initiative**

The City was invited to submit a proposal to the Public Safety Initiative through Shelby County Commissioner Brandon Morrison's office. At the award amount of \$269,230.00, the City plans to procure two portable camera trailers, two tornado warning siren replacements, five public safety cameras and two portable message boards. The Police Department will use portable camera trailers capable of real time surveillance and video recording at special events and in commercial areas during times of high traffic. Tornado siren replacements will enable the Fire Department to replace two of its' three 30+ years old sirens. The portable message boards will be used by Public Works for broadcasting community information regarding special events, road closures, inclement weather and/or emergency situations. The public safety cameras installations at Cloyes, Farmington, Johnson Road, Bob Hailey, and Municipal Park will enable Parks and Recreation to maintain public safety in the City's parks system.

MOTION: To authorize the execution of the Grant Memorandum of Agreement, Gratuity Disclosure form and Work Plan Budget for the Shelby County Public Safety Initiative grant funds in the amount of \$269,230.00 for strategic public safety procurements for the Germantown Police and Fire Department, Public Works, and Parks and Recreation Department.

**Purchase – Annual Stormwater Cured in Place Pipe (CIPP)**

Each year, funding is allocated in the Stormwater Fund Infrastructure Replacement Program for the rehabilitation of older inferior infrastructure within the system to address infiltration or any other structural damage. The scope of this contract includes pre-flushing, video inspection, CIPP lining, post-flushing and a final inspection of the stormwater system identified in the bid. Samples will be retained by the contractor and provided to the City for laboratory testing. The contractor will be responsible for any street repairs, yard restoration, or repairs to sidewalks or curb and gutter bands due to or caused by contractor operations.

MOTION: To approve a purchase with Insituform Technologies, LLC in the amount of \$93,080.00 for the FY24 Annual Stormwater Cured-in-Place-Pipe and related services.

**Purchase – Mobile Data Terminals**

Mobile data terminal (MDT) systems allow Fire, Police and Utility Locate personnel to use computer technology in daily field operations. The use of this equipment enhances the department's ability to respond to calls for service, take offense reports, utilize internet law enforcement sites, and is considered to be another component of employee safety. These in-car/apparatus computer systems are replacement units of outdated computers which have reached end-of-life.

MOTION: To purchase twenty-four (24) mobile data terminal systems and associated equipment in the amount of \$99,659.00 from Brite Computers, and declare replaced equipment as surplus.

**Purchase – Network Annual Maintenance**

The City currently has maintenance contracts for internet firewalls, network hardware and phone system licensing that provides connectivity to various City facilities. The maintenance contracts will provide security through coverage for the entire network and licensing required for equipment associated with the phone system. The contract provides support in maintaining the system's functionality and integrity should there be a software or hardware failure.

MOTION: To renew the annual maintenance contract with CDW Government in the amount of \$29,189.79 for the City's network hardware and phone system licensing.

**Purchase – Public Administration Software Annual Access**

CentralSquare is the software suite used throughout the City to manage departmental operations such as HR, Payroll, Finance, Code Enforcement, utility billing, payroll and purchasing. Annual software access fees will continue to provide users with a web-based environment whereby the data is housed by CentralSquare at the Voorhees, NJ data center. Staff accesses the system using a secured internet connection.

MOTION: To authorize funding in the amount of \$280,022.01 for the Public Administration Software annual access fee with CentralSquare Technologies.

**Sport Provider Agreement – Germantown Football League**

Each year, the City implements contracts with local youth sport provider organizations to provide certain athletic programs for children on athletic fields located in the City. These programs are organized, scheduled and operated on behalf of the Parks and Recreation Department by the City's designated sport providers in conjunction and cooperation with the City.

MOTION: To approve the provider agreement with the Germantown Football League to be the youth cheer and football provider for the City for the period of June 1, 2024, through May 31, 2025.

Motion by Ms. Gibson, seconded by Ms. Hicks, to approve the consent agenda as presented.

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

### **REGULAR AGENDA**

#### **Ordinance 2024-1 – Year-End Budget Adjustments – First Reading and Set Public Hearing Date**

At the end of the fiscal year, year-end budget adjustments are required to be made in order to avoid budget and fund overruns in the various funds. The expenditures being funded by the budget adjustments were approved under the City's procurement policies and adhere to generally accepted accounting principles guidelines.

Motion by Mr. Ueleke, seconded by Mr. McCreery, to approve Ordinance 2024-1 for year-end budget adjustments on first reading and set Monday, June 10, 2024, for second reading and the public hearing.

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

#### **Ordinance 2024-2 – Germantown Municipal School District Year-End Budget Adjustments – First Reading and Set Public Hearing Date**

At the end of the fiscal year, 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 budget adjustments have been approved by the Germantown Municipal School Board. However, the GMSD is a Special Revenue Fund of the City and will appear in the Annual Comprehensive Financial Report as of June 30, 2024.

Motion by Mr. Ueleke, seconded by Mr. McCreery, to approve Ordinance 2024-2 on first reading for Germantown Municipal School District year-end budget adjustments, and set Monday, June 10, 2024, for second reading and public hearing.

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

#### **Ordinance 2024-3 – Ordinance to Adopt the FY2025 Budget – First Reading and Set Public Hearing Date**

The FY25 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 reviewed and approved the budget.

Motion by Mr. Ueleke, seconded by Ms. Gibson, to approve Ordinance 2024-3 on first reading, establishing the FY25 Proposed Budget and set Monday, June 10, 2024, for the second reading and public hearing.

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

#### **Ordinance 2024-4 – Real and Personalty Property Taxes – First Reading and Set Public Hearing Date**

The recommended property tax rate of \$1.8382 per \$100.00 of assessed valuation will generate approximately \$39.1 million in property tax and represents 52% of the FY25 General Fund revenues. After a careful review of the proposed FY25 budget and the commitment to providing adequate resources to support defined service levels and provide financial resources that are consistent with City financial policies, a property tax increase is not recommended for the FY25 budget. This represents the second year of a planned two-year tax rate.

Motion by Mr. Ueleke, seconded by Ms. Gibson, to approve Ordinance 2024-4 on first reading, establishing certified tax rate of \$1.8382 on first reading, and set Monday, June 10, 2024, for the second reading and public hearing.

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

**Ordinance 2024-8 – Amendments to Chapter 20 Traffic and Motor Vehicles – Article III – Operation of Vehicles, Division 20 – Third and Final Reading**

The Court Services division worked with City judges and prosecutors on the proposed violations and fees. Guidance was also received and approved by the Municipal Technical Advisory Services. At the Board of Mayor and Aldermen meeting on April 22, 2024, minor amendments were requested and approved. This ordinance is supported by the judges, prosecutors, and police. Additional revenue can be collected for the City and implementation of the new fees will not result in additional expenses or staffing for the Court Clerk's offices.

Motion by Mr. Sanders, seconded by Mr. McCreery, to approve on third and final reading, Ordinance 2024-8 adding Sections 156, 157 and 158 to Chapter 20 - Traffic and Motor Vehicles – Article III – Operation Of Vehicles, Division 20.

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

**Resolution 24R05 – City Tree Plan Adoption**

On May 8, 2023, the BMA approved changes to the Municipal Code, adding the funding for the City Tree Plan as follows: "Payment-in-lieu of tree replacement fee shall be used, per the approval of the Tree Board, for the purpose of implementing the adoption of the City Tree Plan, including planting and maintaining trees on public property." The tree plan gives the City a guide for the best practices as we continue to sustain and grow the tree canopy and maintain the "Tree City of the World" and "Tree City USA" designations. This plan is written and updated as needed by the City Arborist or his/her designee, and the Tree Board.

Motion by Mr. Sanders, seconded by Ms. Gibson, to adopt Resolution 24R05, the City's Tree Plan.

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

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Mike Palazzolo, Mayor

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Michele Betty, City Clerk/Recorder