

BOARD OF MAYOR AND ALDERMEN
June 10, 2024

The regular meeting of the Board of Mayor and Aldermen was held on Monday, June 10, 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, Clayton Carter, Mike Fisher, De’Kisha Fondon, Jason Huisman, Mac McCarroll, Bo Mills, Lisa Piefer, Sheila Pounder, Cameron Ross, Sherry Rowell, Adrienne Royals, Natalie Ruffin and Andy Sanders. Guests present: Financial Advisory Commission Chairman Michael McLaughlin and Vice Chairman Russell Johnson.

Call to Order

The Mayor called the meeting to order.

Invocation

The invocation was led by Ethan Skaggs.

Pledge of Allegiance

Alderman 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.

Motion by Ms. Gibson, seconded by Ms. Hicks, to approve the June 10, 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 May 13, 2024.

Motion by Mr. McCreery, seconded by Mr. Sanders, to approve the minutes of the Board of Mayor and Aldermen regular meeting held May 10, 2024.

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

Citizens to be Heard

Lisa Stanley, attorney for the evening’s Certificate of Compliance applicants, came forward to provide the applicants background information.

BEER BOARD – Public Hearing – Temporary Beer Permit – On-Premise Application – Germantown Christian 49ers

The City has received a request from the Germantown Christian 49ers for a temporary permit to sell beer for on-premise consumption at the Germantown Festival.

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 Germantown Christian 49ers for a temporary permit to sell beer for on-premise consumption on Saturday, September 7 from 9:30 a.m. to 6 p.m. and on Sunday, September 8 from 12 noon to 6 p.m. at the Germantown Festival, located at the Germantown Civic Center Complex.

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

CERTIFICATE OF COMPLIANCE – Wine Beer Liquor of Germantown

Noel Elly and Diana Jada, owners of Wine Beer Liquor of Germantown, located at 2066-2068 West Street, are requesting Certificates of Compliance for a retail package store. State law requires holders of a retail liquor store license to procure a Certificate of Compliance – Retail Package Store as to its location within a municipality. The Economic and Community Development Department has found this location to be in compliance with City zoning laws. Retail liquor store owners licensed under T.C.A. § 57-3-204 are permitted to sell beer and other malt beverages without obtaining a beer permit from the city, and these beer sales are regulated by the Tennessee Alcohol Beverage Commission under T.C.A. § 57-3-404(e).

Motion by Mr. Sanders, seconded by Ms. Hicks, to approve the Certificates of Compliance – Retail Package Store for Noel Elly and Diana Jada, owners of Wine Beer Liquor of Germantown, located at 2066-2068 West Street.

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

CONSENT AGENDA

Agreement Amendment– Wireless Transmission Facility – GTP Acquisition Partners II, LLC

The lease amendment is for equipment located within Johnson Road Park. GTP Acquisition Partners II is requesting an extension on the existing WTF agreement. After legal review, it was determined that the revised lease agreement documents were in order and included newer language in agreements used today, agreement length and negotiated payments. The negotiated lease amendment agreement is to add four additional 5-year terms to the end of the existing Agreement term.

MOTION: To approve an amendment to the lease agreement with GTP Acquisition Partners II, LLC. for access to City property for a Wireless Transmission Facility (WTF).

Appointment – Economic Development Commission

There are two vacant positions on this commission due to recent resignations. Erin Townsend has applied to fill the position representing residential/nonresidential development.

MOTION: To appointment Erin Townsend to the Economic Development Commission to fill the position representing residential/nonresidential development with a term ending December 31, 2024.

Competitive Sealed Proposal Authorization – Premier Sports Complex

A critical first step in advancing the Parks and Recreation Master Plan is to procure services to develop and construct a premium performance complex supporting multiple sports such as soccer, baseball, football, lacrosse and rugby. In seeking the most effective method and price to provide a comprehensive program plan that will maximize property usage and support multiple sports, staff requests to use the competitive sealed proposal model. Based on competition and current community needs and demands, this process will allow staff to examine the qualifications, experience and the vendor’s ability to provide diverse activity for the proposed sports in terms of various age groups, gender, and physically and intellectually challenged.

MOTION: To authorize the use of the competitive sealed proposal process for the procurement of services to develop and construct a premier sports complex that is intended primarily for sports tourism, competitive and recreational league play.

Contract – Germantown Community Theater Roof Renovations

The existing asphalt shingle roofing is at the end of its useful life-cycle, and roof leaks have become more than minor repairs. Over the years, patchwork roof shingle replacements have taken place but this method is no longer effective. Damage to the soffits and fascias in various areas have occurred and will be addressed with the roofing renovations.

MOTION: To approve a contract for the roof renovations at the Germantown Community Theater with A & B Construction Company in the amount of \$175,402.00 with a ten (10) percent contingency amount of \$17,540.20, for a total amount of \$192,942.20.

Contract – Miller Farms Ditch

The Miller Farms Ditch was constructed during the 1950s and 1960s as subdivisions were developed. The existing storm drainage system is a combination of open, concrete channel and underground pipe and culvert. Due to age and increased frequency of storm events, the concrete channel has deteriorated. This has led to many emergency repairs over the last several years.

On November 8, 2021, the BMA approved a professional services agreement with A2H, Inc. to provide engineering design services, construction drawings and specifications for improvements to increase capacity, replace the aging concrete and stabilize the banks. Due to overall estimated costs exceeding budgeted funds, the project was broken into phases for construction. Phase 1 was originally advertised for bid on April 3, 2023. No bids were received. Staff met with contractors who attended the pre-bid meeting to better understand why they did not bid. The primary reasons given were lack of labor, supply, access and the construction timeframe not being adequate. Plans were revised and the bid was advertised a second time on May 25, 2023; however, the lowest qualified base bid was \$8,528,195.98 over the budget. On August 14, 2023, the BMA rejected the bids. The project was reviewed by the engineering team and the project consultant, A2H, to produce an alternative solution and revised bid documents. The bid was re-advertised and three qualified bids were received on the due date of April 29, 2024. The lowest qualified base bid was provided by VUCON, LLC

MOTION: To approve a construction contract with VUCON, LLC in the amount of \$6,657,468.16 with a contingency of \$372,432.84, at a total amount of \$7,029,901.00, for the construction of improvements to drainage Lateral B, also known as the Miller Farms Ditch.

Donation – Chairs for Police Communications Center

The Communications Division works with Shelby County 911 to replace items specific to dispatch operations. As a result, staff contacted Shelby County 911 regarding the replacement of two (2) worn chairs. Staff was able to secure the donation of two (2) Operator desk chairs, valued at \$5,100.00, for the Communications Division. The chairs in this division, which is staffed by a 24-hour workforce, require regular replacement.

MOTION: To recognize the donation of two (2) Operator desk chairs from Shelby County 911 to the Germantown Police Department Communications Division.

Donation – Parks and Recreation

Kathleen Whitman Plucker, a dedicated pre-kindergarten teacher at Germantown United Methodist Preschool, was named a runner-up in the adult category of this year's Word Travels Poetry Contest. Her class collectively decided to donate her prize money to support the animals at the Bobby Lanier Farm Park, which captured their hearts during a recent field trip.

MOTION: To recognize and accept a donation made to the Parks and Recreation Department totaling \$75.00 and to approve Budget Adjustment No. 24-155.

Donation – Traxion Foldable Topside Mechanic's Creeper

Kent Mathis donated the mechanic creeper. This equipment will assist shop personnel with safety protocols and prevent additional wear and tear on their bodies. Technicians that are working in an engine bay may have to bend over or lay on vehicle parts for long periods of time which can put stress on the back, abdomen, and chest.

MOTION: To recognize the donation of one (1) Traxion Foldable Topside Mechanic's Creeper to the Fleet Services team.

Grant – Germantown Charity Horse Show

This grant allows the City to serve as the Blue-Ribbon Sponsor for the 2024 Germantown Charity Horse Show. Benefits of the sponsorship include title sponsorship of the Grand Prix, ring announcements during the show, ring banners, a full-page program ad, social media mentions, product display during the show and presence at other GCHS events. The economic impact of the show is estimated at \$1.7 million each year.

MOTION: To authorize a grant to the Germantown Charity Horse Show in the amount of \$25,000.00.

PEG Disbursement to GMSD – 3rd Quarter

The City receives Public Education & 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. The funds from the third quarter of fiscal year 2024 are from January 1 through March 31, 2024. 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 the Germantown Municipal School District in the amount of \$26,636.90.

Professional Services Agreement – Stormwater Design Manual

The City's Municipal Code has adopted the standards and specifications under the City of Memphis/Shelby County Stormwater Management Manual for the design, construction, operation and maintenance of stormwater management infrastructure. Over the years, the City has received many complaints from engineers, developers and builders regarding the difficulty of understanding and utilizing this robust manual. City staff has also struggled with applying the standards due to unique challenges represented in the City. This has led staff to work with the City's Stormwater Advisory Commission in the development of a Request for Statement of Qualifications for a stormwater design manual specific to the City's needs and standards.

MOTION: To approve a Professional Services Agreement with Cannon & Cannon, Inc. in the not-to-exceed amount of \$45,000.00 for Phase 1 of the City's stormwater design manual.

Supplemental Amendment No. 1 – Miller Farms Ditch – Phase 1

The Miller Farms Ditch was constructed during the 1950s and 1960s as subdivisions were developed. The existing storm drainage system is a combination of open, concrete channel and underground pipe and culvert. Due to age and increased frequency of storm events, the concrete channel has deteriorated. This has led to many emergency repairs over the last several years. See **Contract – Miller Farms Ditch** on Page 3 of these minutes. This supplemental amendment will execute construction engineering and inspection services for the construction of the Miller Farms Ditch project. The proposed fee for this supplemental amendment is \$281,740.00. This amendment increases the total Professional Services Agreement (PSA) amount to \$569,540.00 for the Miller Farms Ditch project. These revised bid documents allowed for a contractor to bid the contract with a total amount within budget.

MOTION: To approve Supplement Amendment No. 1 to the Professional Services Agreement (PSA) with A2H, Inc in the amount of \$281,740.00 for construction engineering and inspection services for the Miller Farms Ditch – Phase 1.

Purchase – Police Task Force Vehicle

The Police Department partners with federal law enforcement agencies by providing task force officers who assist agents with the investigation of crimes both in the City and throughout the region. These officers require the use of unmarked vehicles to successfully complete this task. The replacement of a damaged vehicle is necessary to continue to effectively assist our federal partners with the enforcement of drug laws.

MOTION: To purchase one Ford F-150 pickup truck for the Germantown Police Department from Lonnie Cobb Ford at a total cost of \$45,825.00, and to approve Budget Adjustment No. 24-131.

Resolution – 24R03 CIP Sunset Provision

There are two methods for re-budgeting projects that will not be encumbered in the intended fiscal year. The first would be to reapply for the CIP during the annual budgeting process. When reapplying for the CIP, there is no guarantee that the project will be accepted into the next fiscal year since it will be reevaluated and compared against a new set of project applications. Also, in order to reapply for the CIP, the inability to encumber funding for the project in that fiscal year would need to be known at the time applications are submitted. The second method is to adopt a resolution. In adopting this resolution, the following changes will be made to the FY25 CIP:

Signal Improvements Upgrades - Wolf River Blvd at Houston High School – The construction phase of this project was funded in Fiscal Year 2024 in the amount of \$588,000. This project involves the construction of a traffic signal at the intersection of Wolf River Blvd. and the eastern driveway of Houston High School. The signal will include standard Germantown mast arms, video detection, emergency preemption devices, and will be connected with existing signals from Houston Levee to Farmington Blvd. The project is currently in the Right-of-Way phase and is being 100% federally-funded. Due to coordination with other agencies, our engineering team is awaiting the notice to proceed from the Tennessee Department of Transportation. This project aims to improve safety for commuters entering and exiting Houston High School. As a result, an additional \$588,000 will be allocated to the Fiscal Year 2025 Capital Improvements Program.

MOTION: To adopt Resolution 24R03, waiving the enforcement of the “sunset provision” for one project in the FY24 Capital Improvement Program, and amending the FY25 Capital Improvement Program.

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

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

REGULAR AGENDA

Revised Final Plan – Glasgow Planned Unit Development (PUD), Phase 1

The developers of the PUD are requesting an amendment to reduce the front yard setback to 10 feet (pedestrian/utility easement) on various corner lots (Lots 40, 41, 62, 63, 69, 130, 142, 151, 152, 194, 231, 260, & 290) and, within Phase 1 only, to extend the length of six alleys to correlate with the rear lot lines behind several lots (Lots 11, 12, 35, 70, 71, & 101). On April 2, 2024, the Planning Commission recommended approval of the revised Final Plan for the Glasgow PUD, Phase 1. The DRC recommended approval of the Glasgow revised Final Plan at their meeting on May 28, 2024.

Motion by Mr. McCreery, seconded by Ms. Hicks, to approve a Revised Final Plan – Phase 1 (150 lots) for Glasgow Planned Unit Development (PUD).

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

Ordinance 2024-1 – Year-End Budget Adjustments – Second Reading and Public Hearing

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.

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

Motion by Mr. Ueleke, seconded by Ms. Gibson, to approve Ordinance 2024-1 for year-end budget adjustments on second reading.

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 – Second Reading and Public Hearing

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.

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

Motion by Mr. Ueleke, seconded by Mr. Sanders, to approve Ordinance 2024-2 on second reading for the Germantown Municipal School District year-end budget adjustments.

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

Ordinance 2024-3 – Ordinance to Adopt the FY2025 Budget – Second Reading and Public Hearing

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.

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

Motion by Mr. Ueleke, seconded by Ms. Gibson, to approve Ordinance 2024-3 on second reading, tentatively approving the FY25 Proposed Budget.

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

Ordinance 2024-4 – Real and Personal Property Taxes – Second Reading and Public Hearing

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.

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

Motion by Mr. Ueleke, seconded by Mr. Sanders, to approve Ordinance 2024-4 on second reading, adopting a certified property tax rate of \$1.8382 per \$100.00 of assessed valuation.

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

Ordinance 2024-10 – Amendments to Chapter 14 of the Municipal Code (Sign Ordinance) Parking Lot Signage – First Reading and Set Public Hearing Date

During the COVID-19 pandemic, many restaurants and other businesses adapted their business models by installing temporary curbside pick-up signs at designated parking spaces. With businesses having since returned to normal operations, many businesses have requested to formalize curbside pick-up with permanent signage. Additionally, businesses in multi-tenant commercial centers have increased signage of parking spaces dedicated

Board of Mayor and Aldermen

June 10, 2024

Page 7

only for their customers or for a specific time limit (e.g., 15 min. parking). Currently, these signs are also regarded as temporary and are regulated as per the City's Municipal Code. At their meeting on April 23, 2024, the DRC recommended approval of these proposed text amendments.

Motion by Ms. Hicks, seconded by Mr. McCreery, to approve Ordinance 2024-10 on first reading, amending Sections 14-1 and 14-34 of Chapter 14 (Signs), and to set the second reading and public hearing for July 8, 2024.

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

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder