

BOARD OF MAYOR AND ALDERMEN
August 26, 2024

The regular meeting of the Board of Mayor and Aldermen was held on Monday, August 26, 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, Mike Fisher, Eric Grizzard, Jason Huisman, Amy LaRusso, Michael Lee, Mac McCarroll, Lisa Piefer, Sheila Pounder, Cameron Ross, Natalie Ruffin and Andy Sanders.

Call to Order

The Mayor called the meeting to order.

Invocation

The invocation was led by Cameron Ross.

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 Mr. Sanders, to approve the August 26, 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 August 12, 2024.

Motion by Ms. Hicks, seconded by Mr. Ueleke, to approve the minutes of the Board of Mayor and Aldermen regular meeting held August 12, 2024.

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

Citizens to be Heard

John Johnson, 2196 Cornwall, recently turned in two stray kittens to the Animal Shelter. Mr. Johnson came forward to express his appreciation for the compassion of the Animal Shelter staff.

SPECIAL RECOGNITION – Beautification Commission Business Award – August 2024

Brookside Centre Office Complex, located at 8545 Cordes Circle, is the August 2024 Beautification Award winner.

CONSENT AGENDA

Budget Adjustment – Insurance Recovery Disbursement

On April 28, 2024, the Police Department responded to a motor vehicle accident that occurred at the Parks and Recreation Office, West Street parking lot. Damage to City property included the landscaped beds, iron rail fencing, electrical components and brick façade close to the railroad tracks. Parks and Recreation staff worked with an outside vendor to estimate the cost of repairs and restoration to the affected area in and around the parking lot. The City's Risk Manager submitted the estimate to State Farm who issued a reimbursement check.

MOTION: To recognize and accept an insurance reimbursement check in the amount of \$29,833.00 and to approve Budget Adjustment No. 25-5.

Budget Adjustment – Shelby County Public Safety Initiative Grant, Commissioner Morrison

The BMA recognized the use of the funds on May 13, 2024. These funds were originally anticipated to be received in FY24. However, the funds were just received in August and will be spent in FY25.

MOTION: To approve a budget adjustment in the amount of \$269,230.00 for the expenditures to be split between the Germantown Public Works, Parks and Recreation, Police and Fire Departments.

Contract – Fire Engine Replacement

The Fire department has two (2) units F-159 and F-148 that are seventeen (17) and twenty-five years old. The requested engine will be used as a front-line apparatus and will allow fire engine F-159 to be utilized as a reserve apparatus and F-148 will be declared as surplus when the new apparatus is placed into service. The department has selected the stock Spartan fire engine because it best meets the operational needs of the fire department and provides the most fiscal responsibility. A contract with the vendor to commit to the purchase in FY26 will save approximately \$384,000 or 29.6% of the cost of a custom engine and allow the possession of the engine in FY26. This contract will span FY25 and FY26.

MOTION: To authorize a 315-day contract with Atlantic Fire Trucks LLC in the amount of \$915,906.00 to secure the purchase, pricing and delivery of a Spartan Fire Engine by July 6, 2025.

Donation – Parks and Recreation

This year's Harvest Moon Fall Festival will be held on Saturday, October 19. A generous donation provided by Campbell Clinic will be allocated for items such as the corn maze, hay ride and live music.

MOTION: To recognize and accept a donation made to the Parks and Recreation Department totaling \$7,000.00 and to approve Budget Adjustment No. 25-12.

Emergency Purchase – HVAC Repairs and Rental at Fire Station No. 4

On June 22, 2024, the condensing unit that serve the bed-hall of the fire station had a catastrophic failure. To ensure the safety of the first responders, staff had to move quickly to set the emergency operations plan in motion. The City Administrator was notified and an emergency purchase was approved. Metro Mechanical Contractors was contacted to assess the situation. On June 24, 2024, the decision was made that a new condenser and control would need to be purchased and installed. The expedited order of equipment was three (3) weeks to receive the equipment. As a result, portable cooling units were rented to help cool the bed hall areas. The new equipment has been installed and passed all of the performance requirements.

MOTION: To ratify emergency repairs at Fire Station 4 with Metro Mechanical Contractors, Inc. in the amount of \$39,297.00 and Sunbelt Rental for A/C Unit Rental in the amount of \$9,329.84.

PEG Disbursement to GMSD – 4th Quarter

The City receives 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 fourth quarter of fiscal year 2024 are from April 1, 2024 through June 30, 2024. The documentation is to be maintained by GMSD for all capital purchases for the PEG station. 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 \$25,796.22.

PSA Amendment No. 1 – TDOT Greenway Multimodal Trail Extension

In 2020, the City received federal and state funding through the Memphis Metropolitan Planning Organization (MPO) to design and construct a segment of the Germantown Greenway from the trailhead at Farmington Blvd. and Wolf River Blvd. to the eastern City limits. The funding source is through the MPO-administered

Transportation Alternative (TA) Program. The local program distributes grants on an annual basis for one phase of a project at a time. The City will be reimbursed 80% of project expenditures for this phase.

The City entered into a standard TN Department of Transportation Local Programs Contract on October 9, 2020. The BMA approved the initial PSA with Pickering on June 14, 2021 for the National Environmental Policy Act and Preliminary Engineering (PE- NEPA) phase in the amount of \$131,574.35 (Tasks 1-4)

The City received the approval of the NEPA document in May of 2024. The completion of the NEPA phase allowed the project to move forward with the Preliminary Engineering Design (PE-D) phase. The City received the Notice to Proceed for the PE-D phase of the project from TDOT in July of 2024. With the NTP and obligation of funding from TDOT and FHWA for this phase of the project, staff is requesting approval of Amendment No. 1 to the PSA included in Pickering's scope and fee proposal. Amendment No. 1 totals \$77,524.04; this will increase the total PSA amount to \$209,098.39.

MOTION: To approve Amendment No. 1 to the professional services agreement with the Pickering Firm, Inc. for the completion of the design phase (Task 5) in the amount of \$77,524.04 for the extension of the Greenway Trail to the eastern City limits.

Purchase – Clear-Com Wireless Intercom System – Phase Two

As part of the FY24 IRP budget process, funding was approved to begin a multi-year project to replace wireless intercom system. In 2017, the Federal Communications Commission (FCC) sold the wireless frequency range that was being used and began to inform users of the change. In 2019, the GPAC technical staff was informed by the FCC that the frequency is no longer available, making the wireless system obsolete.

A wireless intercom system is essential for public safety and allows theater technicians to communicate effectively during performances. As the wireless industry has encountered signal limitations dictated by the FCC, it has necessarily had to implement larger-scale systems, which has resulted in the need for more physical equipment and higher start-up costs. The cost to purchase an entire system is estimated at \$80,000–\$100,000. The GPAC Technical Director and the Procurement Department worked with the Clear-Com engineers to build a system that is modular and can be phased over multiple years. Phase two focuses on establishing a localized wireless solution, which will serve as the foundation for future expansion.

MOTION: To approve the purchase of Clear-Com Wireless System equipment for phase two from Conference Technologies, Inc. in the amount of \$26,429.32.

Purchase – Vehicles

All fleet assets are part of the Infrastructure Replacement Program (IRP) which are reviewed and updated during the budget process. The vehicles being replaced have exceeded their dependable life cycle. The departments that are included in this request are as follows: Fire, Parks and Recreation and Police. A total of twelve (12) vehicles are being requested for the City's fleet including one (1) truck for Fire, two (2) small trucks for Parks and Recreation, and nine (9) vehicles for Police patrol and administration.

Unit 169 was declared as surplus in FY20, but was kept in the active fleet due to the need for an Alternative Response Vehicle for Fire. This truck is now in need of replacement and results in an additional vehicle being purchased for Fire. Additionally, two vehicles wrecked from FY24 resulted in total losses (units 3158 and 5046) and were added to the list to be deemed surplus.

MOTION: To authorize the purchase of twelve (12) new vehicles from Ford of Murfreesboro in the amount of \$540,405.00; equipment from Dana Safety in a not to exceed amount of \$21,203.00 for the 2023 Ford responder vehicle for fire; and declare units 3076, 3086, 3089, 3090, 3092, 3106, 3136, 3146, 3158, 5045, and 5046 as surplus property.

Purchase – Wheel Loader

Public Works will be the user for this machine which will be used in the day-to-day operations for street maintenance, water, and sewer departments to load and unload trucks with gravel and spoil and will also be highly used in emergency response operations in regards to storm damage and de-icing. This new wheel loader is scheduled to replace unit 950, a 2005 wheel loader. The normal life cycle for this type of machinery is fifteen to eighteen years.

MOTION: To approve the purchase of one (1) new John Deere 944 P-Tier Wheel Loader with 4-in-1 bucket from Stribling Equipment, LLC. in the amount of \$174,914.77 and to declare unit 950, a 2005 Case 521 Wheel Loader as surplus property.

Motion by Mr. Ueleke, seconded by Ms. Gibson, to approve the consent agenda as written.

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

REGULAR AGENDA

Ordinance 2024-9 – Amendments to Germantown Athletic Club Advisory Commission – First Reading and Set Public Hearing Date

The Germantown Athletic Club consists of more than 10,000 members. Nearly 40% are non-residents. Currently, the Germantown Athletic Club Advisory Commission consists of only residents. There is a need for non-resident representation with voting privileges.

Motion by Mr. Ueleke, seconded by Ms. Gibson, to approve Ordinance 2024-9 on first reading, revising Sections 287 and 290 of Chapter 2 – Administration – Article V – Boards and Commissions, Division 20; and to set the second reading and public hearing date for September 23, 2024.

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

Ordinance 2024-11 – Dissolution of the Animal Control Commission – First Reading and Set Public Hearing Date

The Animal Control Commission first convened in November 1979. The last recorded minutes of the commission were in July of 2000 where the commission consisted of only two members. After review with Administration and City Attorneys, it is proposed that the Animal Control Commission be dissolved because of lack of interest.

Motion by Ms. Gibson, seconded by Ms. Hicks, to approve Ordinance 2024-11 on first reading, the dissolution of the Animal Control Commission, the reservation of Chapter 5, Article II for future use, and to set September 23, 2024, for second reading and public hearing.

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

Ordinance 2024-12 – Dissolution of the Youth Commission – First Reading and Set Public Hearing Date

At the BMA meeting of June 22, 2009, the Youth Commission deferred their appointment of new members to the next meeting. The last recorded minutes of the Youth commission were from January 2010. After review with Administration and City Attorneys, it is proposed that the Youth Commission be dissolved because of lack of interest.

Motion by Ms. Gibson, seconded by Ms. Hicks, to approve Ordinance 2024-12 on first reading, the dissolution of the Youth Commission, the reservation of Chapter 2, Article V, Division 12 for future use and to set September 23, 2024, for second reading and public hearing.

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

Ordinance 2024-13 – Dissolution of the Great Hall and Conference Center Advisory Commission – First Reading and Set Public Hearing Date

The last recorded minutes of The Great Hall and Conference Center Advisory Commission, were from July 2018. At that meeting the group agreed to lower the number of commission members to 5 instead of 7 and prioritize filling those spots. The commission did not meet again that year or the next due to lack of quorum. Voted by the BMA at a special call meeting the commission would sunshine for the years 2020-2023. After review with Administration and City Attorneys, it is proposed that the Great Hall and Conference Center Advisory Commission be dissolved because of lack of interest.

Motion by Mr. Ueleke, seconded by Mr. McCreery, to approve Ordinance 2024–13 on first reading, the dissolution of the Great Hall and Conference Center Advisory Commission, the reservation of Chapter 2, Article V, Division 21 for future use, and to set September 23, 2024, for second reading and public hearing.

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

Ordinance 2024-15 – Amendments to Chapter 17 of the Municipal Code (Subdivision) – Various Sections – First Reading and Set Public Hearing Date

As the regulations are applied to real-life conditions, situations that were not originally envisioned become apparent or changes to state/federal building regulations, processes or practices require that the Municipal Code be amended. Over the last several years, staff has been identifying and documenting instances of incorrect procedures, incorrect references to other sections and other needed amendments to the Subdivision Regulations as recommended by members of the Board of Zoning Appeals, Planning Commission and Design Review Commission.

Motion by Mr. McCreery, seconded by Ms. Hicks, to approve on first reading Ordinance 2024-15 – Various Text Amendments to Chapter 17 (Subdivision) of the city’s Municipal Code and set the second reading and public hearing date for September 23, 2024.

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

Ordinance 2024-16 – Amendments to Chapter 23 of the Municipal Code (Zoning Ordinance) – Various Sections – First Reading and Set Public Hearing Date

Over the last several years, staff has been identifying and documenting several instances of incorrect procedures, incorrect references to other sections and other needed amendments to the Zoning Code as recommended by members of the Board of Zoning Appeals, Planning Commission and Design Review Commission.

Motion by Mr. McCreery, seconded by Ms. Hicks, to approve on first reading Ordinance 2024-16 – various text amendments to Chapter 23 (Zoning) of the Municipal Code and set the second reading and public hearing date for September 23, 2024.

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

Resolution 24R09 – Support of a Comprehensive Juvenile Rehabilitation and Detention Center Located in West Tennessee

It is well documented that crime has risen dramatically across every measurable category throughout Memphis and Shelby County, specifically violent and property crime over the previous four years. The City of Germantown has maintained a focus on public safety with specific strategies to deter crime and criminal activity within our city limits, as demonstrated by the reduction of crime in Germantown in 2023 by 13.8%. Germantown has worked with purpose to maintain safety, however there still remains a significant risk and continuous criminal activity within the Mid-South poses challenges and pressure for Germantown law enforcement to maintain acceptable levels of safety and security. Law enforcement agencies across the region have identified in excess of five hundred plus juveniles responsible for a significant percentage of the criminal activity throughout the Mid-South.

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The Wilder Youth Development Center, located in Fayette County, Tennessee was constructed in 1971 has been identified for improvements to use and house convicted juveniles. However, the facility's capacity is well below the demand for juvenile rehabilitation and detention services in Shelby County and West Tennessee.

The shuttered West Tennessee Federal Detention Facility with capacity of 600 inmates on 44 acres located in Mason, Tennessee should be repurposed for a comprehensive juvenile rehabilitation and detention center to serve West Tennessee after a feasibility study conducted by the State of Tennessee.

Motion by Ms. Gibson, seconded by Mr. Sanders, to approve Resolution 24R09, advocating on the behalf of the City of Germantown, state representatives, senators and Governor of the Great State of Tennessee for an appropriately sized, comprehensive center to rehabilitate and detain juvenile offenders throughout West Tennessee.

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

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder