

BOARD OF MAYOR AND ALDERMEN

May 13, 2019

The regular meeting of the Board of Mayor and Aldermen was held on Monday, May 13, 2019 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, Forrest Owens and Rocky Janda. Alderman Massey was absent. Staff present: Pam Beasley, Michele Betty, Paul Chandler, Reynold Douglas, Tony Fisher, De’Kisha Fondon, Richard Hall, Jason Huisman, Patrick Lawton, Mac McCarroll, Bo Mills, Lisa Piefer, Cameron Ross, Sherry Rowell, Adrienne Royals, Emily Rozar, Dr. Charles Schulz, John Selberg and Steve Wilensky. Germantown Municipal School District: Superintendent Jason Manuel.

Call To Order

The Mayor called the meeting to order.

Invocation

Pam Beasley gave the invocation.

Pledge of Allegiance

Alderman Janda led the pledge of allegiance.

Set Agenda

There were no changes to the agenda.

Motion by Mr. Janda, seconded by Mr. Sanders, to approve the agenda as written.

ROLL CALL: Sanders-yes, Gibson-yes, Massey-absent, Owens-yes, Janda-yes. Motion approved.

Approval of Minutes

There were no corrections to the minutes of the regular meeting held April 22, 2019.

Motion by Mr. Sanders, seconded by Mr. Janda, to approve the minutes as written.

ROLL CALL: Sanders-yes, Gibson-yes, Massey-absent, Owens-yes, Janda-yes. Motion approved.

Citizens to be Heard

Cindy Shepman, 1937 Whispering Pines Dr., and Les Dewey, 8361 Westfair Cir. S., came forward to express their support of the purchase of the Germantown Country Club property.

The following citizens came forward to express their opposition to the proposed placement of a cell tower at Dogwood Elementary School:

Seema Patel, 2271 W. Glenalden Dr.
Debbie Brown, 1765 Enclave Green Cv.
Patricia Robertson, 8933 Farmoor Rd.
Kathryn Hickey, 8812 Rock Maple Cv.
Jared Klepko, 2170 Cumbernauld Cir. W.
Amil Karuhatty, 9489 Johnson Rd. Ext.
Nora Daher, 2119 Star Meadow Cv.
Lauren Wildrick, 8988 Winding Way
Carter Wildrick, 8988 Winding Way
Sam Walker, 2020 Spring Hollow Ln.
Carie Alley, 2553 Rooksworth Cv.
Wes Talbert, 9081 Baynard Loop N.

Bess Warren, 8489 Netherhall Dr.
Nick Peay, 9545 Hedgeview Ln.

Lisa Parker, 1761 Leeds Cv. came forward to express her support of the proposed placement of a cell tower at Dogwood Elementary School.

Special Recognition

Proclamation - National Kids to Parks Day

Mayor Palazzolo proclaimed May 18, 2019 as Kids to Parks Day in Germantown.

Proclamation - National Police Week

Mayor Palazzolo proclaimed May 12-18, 2019 as Police Week in Germantown.

Proclamation - National Public Works Week

Mayor Palazzolo proclaimed May 19-25, 2019 as Public Works Week in Germantown.

Proclamation - MDA Fill the Boot Drive

Mayor Palazzolo proclaimed May 2019 as MDA Fill the Boot Month in Germantown.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

PRELIMINARY AGENDA

Amendment – Germantown Greenway Conveyance

By Special Warranty Deed, dated April 11, 2008, Wolf Trail Cove General Partnership conveyed to the City 1.96 acres of property to be included as part of future greenway use. The deed inadvertently reflected that the conveyance was subject to the Wolf Trail Cove Development's Declaration of Covenants, Conditions and Restrictions. In order to make clear that the City is not subject to any of the Development's covenants, conditions and restrictions, it is recommended that the City accept an Affidavit of Scrivener's Error and approve the Third Amendment to the Covenants, Conditions and Restrictions and Grant of Reciprocal Easements. The corrected deed deletes the City from any obligation for the covenants, conditions and restrictions of the development.

MOTION: To accept and approve the Third Amendment to the Declaration of Covenants, Conditions and Restrictions concerning the conveyance of property for the Germantown Greenway from Wolf Trail Cove General Partnership.

Appointment – Senior Citizen Advisory Commission

There is one vacancy on the Senior Citizen Advisory Commission. Mr. Sidney Kuehn has expressed his desire to serve.

MOTION: To approve the appointment of Mr. Sidney Kuehn to serve on the Senior Citizen Advisory Commission with a term ending December 31, 2019.

Appointments - Germantown Education Foundation Board

The Germantown Education Foundation presently has six board members. Per the Foundation bylaws, the Board may have up to 15 members. Appointments are valid for three years and must be approved by the Board of Mayor and Aldermen.

MOTION: To approve the appointment of Laura Barden, Adam Crawford, Jason Gillum, Sherrie Hicks, Seth Jewell, Manjit Kaur and John Shoemaker to the Germantown Education Foundation, each for one three-year term.

Budget Adjustment - Dogwood Grove Sidewalk Installation

A request was made by a resident of Dogwood Grove to improve neighborhood safety by completing the sidewalk on Spring Hollow Rd. between Doe Meadow and Mourning Dove Cove. Costs associated with the installation will be addressed with CIP funds.

MOTION: To approve Budget Adjustment No.19-93.

Contract - C.O. Franklin Park Tennis Parking Lot Lighting

The parking lot that serves the tennis courts and public restrooms in C.O. Franklin Park does not have lighting. This parking lot is also used during horse show events and overflow parking for the Pickering Center. Whenever the tennis court lighting has been activated, the tennis lighting does not improve visibility to the parking lot. During late evening, this is an unsafe condition and a security concern.

MOTION: To approve the installation contract for new parking lot lighting and controls at C.O. Franklin Park tennis courts with Desoto County Electric, Inc. in the amount of \$71,400.00 and approve Budget Adjustment No. 19-95.

Contract Extension – Hosted Web-Based Recreation Management Software

Active Network is the credit card processor and merchant for all program fees and charges collected by the Parks and Recreation Department.

MOTION: To authorize the Mayor to extend the Recreation Management Software contract with Active Network, LLC for one additional year under the same financial plan.

Donation – Police

Communications Division personnel are seated for long hours at their consoles. It is critical to quality and physical well being that staff utilize proper industry grade equipment including chairs designed for heavy use. The Shelby County 911 Emergency Communications District oversees and supports all emergency dispatch centers in Shelby County. The Communications Division contacted Shelby County 911 regarding solutions for replacing worn chairs and they donated six Operator Desk Chairs valued at \$8,507.00 for Communications personnel.

MOTION: To recognize a donation received from Shelby County 911 of six (6) Operator Desk Chairs valued at \$8,507.00.

Grant – The Big Read

This is the third time in four years that the City has received this prestigious grant. This initiative offers grants to support innovative community reading programs designed around a single book.

MOTION: To recognize a grant from the National Endowment for the Arts received by the City for The Big Read totaling \$12,500.00 and approve Budget Adjustment No. 19-111.

Reimbursement - Fire Department - TN Task Force One

As a participating member of Tennessee Task Force One (TN-TF1), the Germantown Fire Department is eligible to receive reimbursement for costs associated with personnel that have been deployed on a disaster or attend formal training through the Federal Emergency Management Agency. In March, Lt. Mosby attended a training class in California for Swiftwater Boat Operator.

MOTION: To recognize reimbursement from Tennessee Task Force One in the amount of \$1,194.31 and approve Budget Adjustment No.19-109.

Reimbursement Payment No. 3 – GMSD Riverdale Boiler/Chiller Renovation Project

The FY19 CIP budget includes \$1,000,000.00 for the renovation project. With the approval of this \$329,355.57 reimbursement amount, the City will have met its \$1,000,000.00 commitment towards the renovation project in FY19.

MOTION: To approve Reimbursement Payment No. 3 in the amount of \$329,355.57 to the Germantown Municipal School District for expenses pertaining to the Riverdale Boiler/Chiller Renovation Project.

Purchase - Court Software Annual Subscription Fees

Tyler Incode Court software is the software that is used by Court personnel to manage court cases. The subscription fees allow for system support 24 hours a day, seven days a week.

MOTION: To authorize annual subscription fees with Tyler Technologies, Inc. in the amount of \$51,122.00.

Purchase - Security Cameras

The City has interior and exterior security cameras at various public buildings. Many of the cameras have been in place over 25 years. Currently, there are five security cameras that monitor portions of the exterior of City Hall. Additional external cameras will improve security at the facilities located in the City Hall complex.

MOTION: To authorize the purchase of security cameras and associated equipment in an amount not to exceed \$64,200.00 from Schneider Electric Buildings Americas, Inc. on National Intergovernmental Purchasing Alliance (NationalIPA) contract number R170504 and approve Budget Adjustment No. 19-92.

Sport Provider Agreement - Germantown Football League

This agreement is for a period of one year with an option for two additional one year extensions. A primary goal of the Parks and Recreation Department is to work with volunteers and providers to provide top quality programs, facilities and sporting opportunities. The program currently provides youth football on a recreational level for over 250 children and youth cheer for over 100 children. As the sole provider for both cheer and football, the organization will provide a safe, structured environment for children to play, learn and enjoy each of these sports.

MOTION: To approve the extension of the provider agreement for one additional year with the Germantown Football League to be the Youth Cheer and Football Provider for the City of Germantown.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the preliminary agenda as read (as written.)

ROLL CALL: Sanders-yes, Gibson-yes, Massey-absent, Owens-yes, Janda-yes. Motion approved.

REGULAR

Contract – Germantown Athletic Club Renovations Phase IV

Phase IV work consists of a mezzanine at entry level where the old staircase was removed. The new space will house a Club café and sitting area with views outside. Below the new mezzanine will be a designated family gaming space similar in use to what is currently there. Also included is a reconfiguration of the front entry way and check in desk to allow for better controls as well as designated ingress and egress to help member traffic flow during peak usage times.

Motion by Mr. Janda, seconded by Mr. Sanders, to approve a construction contract with Barnes and Brower Inc. in the amount of \$668,900.00 for the base bid and Alternates 1-6 in the amount of \$743,593.00 for a contract total of \$1,412,493.00 for the construction of Phase IV of the Germantown Athletic Club's Renovation Project.

ROLL CALL: Sanders-yes, Gibson-yes, Massey-absent, Owens-yes, Janda-yes. Motion approved.

Supplement No. 6 – Germantown Athletic Club Renovations Phase IV CEI

Supplement No. 6 is for contract administration and construction inspection, which includes review of contractor's submittals and shop drawings, response to contractor's request for information, regular site visits to ensure the project is being built according to plans and specifications, biweekly progress meetings with the owner, architect and contractor to review progress, review of pay applications, review of contractor's as-built drawings and coordination with the City's staff during project closeout.

Motion by Mr. Janda, seconded by Mr. Sanders, to approve Supplement No. 6, in the amount of \$29,500.00, to the Professional Services Agreement with Fleming Architects for contract administration and construction inspection that are essential for Phase IV improvements to the Germantown Athletic Club, increasing the contract amount from \$385,500.00 to \$415,000.00.

ROLL CALL: Sanders-yes, Gibson-yes, Massey-absent, Owens-yes, Janda-yes. Motion approved.

Ordinance No. 2019-1 - Ordinance to Adopt the FY2020 Budget - First Reading

The FY20 Proposed Budget takes into consideration the Policy Agenda developed by the Board. The Financial Advisory Commission has held several meetings with the staff to review each component of the budget including the financial policies, General Fund, Enterprise Funds, Special Revenue Funds and the CIP. The Personnel Advisory Commission's recommendation of a 3.0% market adjustment in salaries and wages is incorporated in the FY20 Proposed budget.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve on first reading Ordinance No. 2019-1 establishing the FY20 Proposed Budget and set Monday, June 10, 2019, for the second reading and public hearing.

Motion by Mr. Janda, seconded by Ms. Gibson, to amend the budget on first reading with the following:

1. Move to amend the budget on first reading to restore funding for the Oaklawn Garden Phase 1 parks project in the amount of \$300,000.00 and restore funding to the general fund transfer to state street aid in the amount of \$200,000.00. Further, the \$500,000.00 for additional school security be moved to the FY21 capital budget and that the administration be directed to apply for grant funding through the school violence prevention grant.
2. Change the funding source in the general fund IRP to be funded by the grant awarded by the State of Tennessee for The Grove project: The Watkins Lobby at \$100,000.00, the simulcast room at \$30,000.00 and the security system at \$10,000.00.

Add a generator to the FY20 IRP at \$270,000.00 to be funded by the grant awarded by the State of Tennessee for The Grove project.

Change the funding source for the CIP in FY20 to be funded by the grant awarded by the State of Tennessee for The Grove project for GPAC Grove fencing at \$300,000.00, and the landing pad and sidewalk at \$50,000.00.

Add to the FY20 CIP to be funded by the grant awarded by the State of Tennessee for The Grove project: Sidewalk from the library at \$40,000.00 and contract closeout of The Grove at \$175,000.

Raise the general fund revenues in FY20 by \$410,000.00 due from the grant awarded by the State of Tennessee for The Grove project.

Motion by Mr. Sanders, seconded by Mr. Owens, divide the question and vote separately on items under #1 and those under #2.

ROLL CALL: Sanders-yes, Gibson-yes, Massey-absent, Owens-yes, Janda-yes. Motion approved to divide the question approved.

First part of divided question amend.

Motion by Mr. Sanders, seconded by Mr. Owens, to restore funding for the Oaklawn Garden Phase 1 parks project in the amount of \$300,000 and restore funding to the general fund transfer to state street aid in the amount of \$200,000.00 Further, the \$500,000.00 for additional school security be moved to the FY21 capital budget and that the administration be directed to apply for grant funding through the school violence prevention grant.

Sanders-no, Gibson-yes, Massey-absent, Owens-yes, Janda-yes. Motion approved.

Second part of divided question amend.

Motion by Mr. Sanders, seconded by Gibson, to change the funding source in the general fund IRP to be funded by the grant awarded by the State of Tennessee for The Grove project: The Watkins Lobby at \$100,000.00, the simulcast room at \$30,000.00 and the security system at \$10,000.00;

Add a generator to the FY20 IRP at \$270,000.00 to be funded by the grant awarded by the State of Tennessee for The Grove project;

Change the funding source for the CIP in FY20 to be funded by the grant awarded by the State of Tennessee for The Grove project for GPAC Grove fencing at \$300,000.00, and the landing pad and sidewalk at \$50,000.00;

Add to the FY20 CIP to be funded by the grant awarded by the State of Tennessee for The Grove project: Sidewalk from the library at \$40,000.00 and contract closeout of The Grove at \$175,000.00; and

Raise the general fund revenues in FY20 by \$410,000.00 due from the grant awarded by the State of Tennessee for The Grove project.

Sanders-yes, Gibson-yes, Massey-absent, Owens-yes, Janda-yes. Motion approved.

ROLL CALL on second part of divided question to amend: On original motion by Mr. Janda, seconded by Ms. Gibson, to approve on first reading Ordinance No. 2019-1 establishing the FY20 Proposed Budget and set Monday, June 10, 2019, for the second reading and public hearing.

Sanders-yes, Gibson-yes, Massey-absent, Owens-yes, Janda-yes. Motion to amend approved.

Ordinance No. 2019-2 - Year-End Budget Adjustments - First Reading

At the end of the fiscal year, a number of year-end budget adjustments are required to be made in order to avoid budget and fund overruns in the various funds. Typically at year-end, a number of budget adjustments are made to the various City funds, which realign operating expenses/expenditure accounts with actual activity. They recognize various overruns, underruns, project acceleration and deferrals that have already received the Board of Mayor and Aldermen's approval.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve Ordinance No. 2019-2 for year-end budget adjustments on first reading and set Monday, June 10, 2019, for second reading and public hearing.

ROLL CALL: Sanders-yes, Gibson-yes, Massey-absent, Owens-yes, Janda-yes. Motion approved as amended.

Ordinance No. 2019-3 - Real and Personalty Property Taxes – First Reading

The recommended property tax rate of \$1.95 per \$100.00 of assessed valuation will generate approximately \$33.8 million in property tax and represents 56.7% of the FY20 General Fund revenues. After a careful review of the proposed FY20 budget in consideration of our commitment to provide adequate resources to support defined service levels and provide financial resources that are consistent with City financial policies, a tax increase is not recommended in the FY20 budget.

Motion by Mr. Sanders, seconded by Mr. Janda, to adopt Ordinance No. 2019-3 establishing the certified tax rate of \$1.95 on first reading, and set Monday, June 10, 2019, for public hearing.

ROLL CALL: Sanders-yes, Gibson-yes, Massey-absent, Owens-yes, Janda-yes. Motion approved.

Ordinance No. 2019-4 - Germantown Municipal School District Year-End Budget Adjustments - First Reading

At the end of the fiscal year, a number of year-end 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 yearly budget adjustments have been approved by the Germantown Municipal School Board. However, the GMSD is a Special Revenue Fund of the City of Germantown and will appear in the Comprehensive Annual Financial Report as of June 30, 2019. Therefore, the Board of Mayor and Aldermen must approve any yearly budget adjustments.

Motion by Ms. Gibson, seconded by Mr. Sanders, to approve Ordinance No. 2019-4 for Germantown Municipal School District year-end budget adjustments on first reading and set Monday, June 10, 2019, for second reading and public hearing.

ROLL CALL: Sanders-yes, Gibson-yes, Massey-absent, Owens-yes, Janda-yes. Motion approved.

Ordinance No. 2019-10 - Rezoning of a 15.229 Acre Portion of the Fulmer Property (South Side of Wolf River Blvd.) from “R” Residential to “O” Office Zoning - First Reading

The proposed rezoning site consists of only a portion of the full 190.62-acre parcel known as Fulmer Farms, which is owned by the Fulmer family. The family’s home sites will continue to be located to the south of this newly rezoned office area and will remain in the R district. The rezoning request is due to the applicant’s desire to replicate the development of the existing medical office complex located on the north side of Wolf River Blvd. The project site is located within the boundaries of the approved 2014 Medical District Traffic Study, in which the Land Use Scenario Map reflects that this area along Wolf River Blvd. could be redeveloped with office uses consistent with the existing uses east of the site.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve on first reading Ordinance 2019-10, the rezoning of a 15.229-acre portion of the Fulmer property (south side of Wolf River Blvd.) from “R” Residential to “O” Office zoning, and set a Public Hearing for June 10, 2019.

ROLL CALL: Sanders-yes, Gibson-yes, Massey-absent, Owens-yes, Janda-yes. Motion approved.

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder