

BOARD OF MAYOR AND ALDERMEN

October 22, 2012

A regular meeting of the Board of Mayor and Aldermen was held on October 22, 2012 at 6:00 p.m. in the Council Chambers of the Municipal Center.

Mayor Sharon Goldsworthy was present and presiding.

The following Aldermen were present: Mark Billingsley, John Drinnon, Greg Marcom, Mike Palazzolo, and Ernest Chism. Staff present: Patrick Lawton, George Brogdon, Kristen Geiger, Andy Pouncey, Ralph Gabb, Chief Richard Hall, Chief John Selberg, Butch Eder, Michael Stoll, Tim Gwaltney, Tim Bierz, Paul Chandler, Phil Rogers, Lisa Piefer and Dotty Johnson.

Call to Order

Mayor Sharon Goldsworthy called the meeting to order at 6:00 p.m.

Invocation

Finance and General Services Division Director Kristen Geiger gave the invocation.

Pledge of Allegiance

Alderman Drinnon led the Pledge of Allegiance.

Approval of Agenda

Mayor Goldsworthy noted that the Board had agreed, during the executive session, to move number 15 (Professional Services Agreement – Culvert Collapse under Norfolk Southern RR) to the consent agenda.

Also noted was number 10 (Lease Agreement – Germantown Municipal School District Central Office) and number 17 (Professional Services Agreement – Medical District Transportation Study) had been deferred to the next meeting.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to approve the agenda as amended.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

Approval of Minutes

There were no corrections or additions to the minutes.

Motion by Mr. Drinnon, seconded by Mr. Marcom, to approve the minutes of the Board of Mayor and Aldermen meeting held October 8, 2012 as written.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

Citizens to be Heard

No citizens came forward to speak.

Beautification Commission Business Award

Alderman Palazzolo, Commission member Sylvia Poll and chairman Jacque Clift stepped forward to present the Beautification Commission Business Award to Mr. Tim Hudson, General Manager of the Mesquite Chop House located at 3165 Forest Hill Irene Road. Alderman Palazzolo stated the property owners had gone to great lengths to restore the site to one worthy of a fine dining establishment.

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BEER BOARD

Mayor Goldsworthy recessed the Board of Mayor and Aldermen and stated it would now sit as the Beer Board.

Public Hearing – Beer Permit Application – The Solana Germantown

Alderman Marcom stated he would be recusing himself because his company had done business with Solana.

City Administrator Patrick Lawton explained that The Solana Germantown, a senior living facility located at 8199 Poplar Ave., was requesting a beer permit to sell beer for on-premise consumption and is awaiting approval of a liquor license from the Alcohol Beverage Commission. Since there was no one person owning 5% interest in the facility a background check was done on the Director, Mr. David Williams, and there was nothing found to discredit him. The application is in compliance with the City's ordinance.

Alderman Drinnon stated that he had voiced his concerns regarding the site of this facility and the safety of people getting in and out onto Poplar Avenue but the Board had decided to approve the site. Now the facility was asking for a permit to sell beer and he felt this would compound the problems.

A public hearing was opened.

Mr. Mark Mabry, one of the owners, came forward and expressed his appreciation to the Board. He stated they had a wonderful reception from the city and already had over 100 people make deposits to move in. The construction is expected to be completed in December. He stated he felt being able to drink on the property would keep the traffic problems down since the residents would not have to drive to have alcoholic beverages.

Having no one else come forward, the Mayor declared the public hearing closed.

Motion by Mr. Palazzolo, seconded by Mr. Billingsley, to approve the request from The Solana Germantown for a permit to sell beer for on-premise consumption at the Solana Germantown at 8199 Poplar Ave.

ROLL CALL: Marcom–recused, Drinnon–no, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

The Beer Board was adjourned and the Mayor then reconvened the Board of Mayor and Aldermen.

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Professional Services Contract – SES Superintendent Recruitment

Mr. Lawton explained this was an agreement with Southern Educational Strategies (SES) to conduct an executive search for the superintendent of the Germantown Municipal School District (GMSD).

The State Board of Education Rules and Regulations require that GMSD must employ a full time superintendent who shall meet the legal and regulatory requirements for city and county superintendents as defined by the State. The superintendent will be hired by the newly elected GMSD school board. The superintendent will conduct the operations of the GMSD organizational functions. In addition to being a competent manager of human resources, information technology and fiscal resources, he or she must also be an effective leader. As a leader the superintendent must be prepared to advance the opportunities for academic and career success for students, work through and with parents, the public, communicate with all stakeholders, foster an educational experience that maximizes the effective delivery of instructional program, and demonstrate a commitment to excellence.

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Because of the unique requirements for this position and in the interest of time, the Administration is recommending that the City contract with SES for the recruitment of our new GMSD superintendent.

SES will work closely with the City administration in this recruitment process. However, the final selection of the superintendent is the responsibility of the GMSD school board. In mid-December 2012 SES will deliver the names of up to five qualified semi-finalist superintendent candidates to the GMSD school board who can ultimately decide among this group of semi-finalists or continue the search process.

SES conducted the original municipal school feasibility study and the Administration is confident in their abilities to assist in this selection process.

A discussion followed on the scope and recruitment of the superintendent.

Motion by Mr. Marcom, seconded by Mr. Drinnon, to authorize the Mayor to execute a contract with Southern Educational Strategies, LLC at such time as she deems appropriate to conduct an executive search for the position of School Superintendent for the Germantown Municipal School District in an amount not to exceed \$24,900.00.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

Lease Agreement – Germantown Municipal School District - DEFERRED

Ordinance 2012-13 – Amendment to Ordinance 2012-8 (2012-13 Budget) Third and Final Reading

Mr. Lawton explained that the City's budget was adopted in June, 2012 and, after the approval of the Local Option Sales Tax, the Board was in a position to amend the budget to create a separate fund for the Germantown Municipal School System.

The total budget amendment is \$2.8 million and is based on the Southern Educational Strategies (SES) recommendations regarding staffing and what Administration anticipates between now and June 30, 2013 such as fixtures, furniture and equipment (FF&E), computer and telephone requirements and securing space for the superintendent for his/her staff in addition to the staff that will be present and make up the central office space.

The budget amendment recognizes the ½ cent sales tax that was approved and by pulling \$1.1 million from General Fund Reserves to address the gap that exists. The amendment will create a separate fund for the schools

There are two other adjustments to this amendment. The budget adjustment of \$10,000 is to pay for research to develop documents to portray the history of Germantown. The \$10,000 is being transferred from interest earned on the \$250,000 endowed to the Germantown Community Library from the Germantown Civic Club. The other budget adjustment is for the transfer of \$15,000 to the Germantown Athletic Club to fix the broken ADA doors.

Motion by Mr. Billingsley, seconded by Mr. Drinnon, to adopt Ordinance 2012-13 – and Amendment to Ordinance 2012-8 (2012-13 Budget) on Third Reading.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

Property & Casualty Insurance Renewal

Alderman Marcom recused himself because he had a working relationship with McDonnell Insurance.

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Treasurer/Risk Manager Michael Stoll explained the City's property and casualty insurance renewal for the coming year. This coverage includes property insurance, liability insurance and workers compensation insurance.

City coverage has been provided primarily by the TML Risk Management Pool, a profit risk-sharing pool that is professionally operated for governmental and non-profit entities. Mr. David McDonnell of McDonnell Insurance continues to provide us with professional advice, access to industry resources and organizational back-up for our risk management function.

With the exclusion of the underground assets (water and sewer lines), the property premium reflects a 35.6% decrease due to the reduction of the real and personal property insured values. The insured value of the covered property is about \$150 million. This includes maximum earthquake coverage provided by the TML Pool (\$15 million).

Our Worker's Compensation premium reflects a 18.2% increase. This coverage includes statutory coverage for our volunteer firefighters and reserve police officers. The higher premium is partially due to the significant increase in volunteer firefighters (new class graduated), a higher level of covered wages, and the increase in rates for certain work classifications (such as street maintenance employees and police).

The liability insurance premium reflects a 4.0% reduction from last year. The City's claim experience in the general liability and auto liability categories have continued to improve over recent years.

A breakdown of the cost of the insurance, less the applicable paid dividend for the TML Pool, is as follows: Property Insurance - \$197,480.00; Liability Insurance - \$297,294.00; Workers Compensation - \$278,565.00. The total expenditure for the various line items is \$770,339.00 a decrease of 9.3% from the previous year.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to approve the renewal of insurance coverage and payment of premiums (less the related dividends) to TML Risk Management Pool for property, workers compensation and general liability policies.

ROLL CALL: Marcom--recused, Drinnon--yes, Palazzolo--yes, Billingsley--yes, Chism--yes. Motion approved.

Public Hearing – Ordinance 2012-14 – Office Technology (O-T) Zoning District – Second Reading

Economic and Community Development Director Andy Pouncey explained that the Economic Development Commission recognized the need for changes to the City's ordinances to create opportunities for businesses requiring "flex" space and the need to adapt to emerging fields in biomedical technology. They are seeking to accommodate this currently unsupported use within the City and better position Germantown for business recruitment and retention in this high demand field.

This use supports the intent of the Forest Hill Corridor Overlay District developed in 2002 to foster economic development.

The basis for this ordinance is the "O-51" District to add the definitions for *research and development center, technology, laboratory, research and laboratory and support*, to better define the intent of the district and the uses that are allowed. The new district will allow biomedical testing and development of labs, computer and technological equipment associated with research and development and truck loading docks as accessory uses. The limits on storage will be increase from 25% to 30% of the building's area.

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Mr. Pouncey stated the Planning Commission had recommended approval and the Economic Development Commission discussions indicated strong support for this district.

The Mayor opened the public hearing.

Mr. Larry Jenson, president of Commercial Advisors, came forward and stated they had the privilege of working in the community for a long time and had previously worked with Campbell Clinic. He felt it was a great opportunity for the community.

Having no one else come forward, the public hearing was closed.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to adopt Ordinance 2012-14 on second reading.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

Ordinance 2012-15 – Permeable Parking Requirements within Smart Growth Districts – First Reading

Mr. Pouncey stated that one of the provisions in the parking regulations in the Smart Code is a requirement that all parking spaces in excess of the minimum number are to be constructed with permeable material. Local soil characteristics are not generally conducive to the subsurface drainage requirements of permeable pavement. Therefore, the Planning Commission recommended approval of this amendment.

The removal of the requirement for permeable parking will simplify the redevelopment process and remove the necessity of either requesting and justifying a warrant or constructing parking spaces that may not perform as the ordinance intended.

Motion by Mr. Marcom, seconded by Mr. Drinnon, to approve Ordinance 2012-15, which will delete the requirement for permeable parking in the Smart Growth zoning districts, on first reading and set a public hearing date of November 26, 2012.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

Professional Services Agreement – Norfolk Southern RR Culvert Collapse – Moved to Consent

Construction Contract – Lateral F & G Repairs

City Engineer Tim Gwaltney explained that Laterals F & G are major tributaries to the Wolf River and are natural unprotected streams. Due to urban development over the years the unprotected laterals have gotten considerably wider and deeper.

The laterals are positioned within a public drainage easement and the City is responsible for the maintenance. Public Services has provided continuous maintenance activities over the years with the placement of rip-rap in an effort to keep the laterals within the public easements. Recent flooding has caused several locations to erode at an accelerated rate and on-going maintenance efforts are not able to keep up with the rate of erosion.

The specific area of concern for Lateral F is approximately 1,250 feet north of Wolf River Blvd. and 200 feet east of Enclave Green Cove. The Lateral G specific location is approximately 2,350 feet north of Wolf River Blvd. and 200 feet east of Dogwood Creek Cove. The stream banks at each location are severely eroding and encroaching onto private property.

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Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to authorize the Mayor to enter into a contract with Rose Construction in the amount of \$1,059,212.01 for construction of bank stabilization repairs to Laterals F & G and approve Budget Adjustment Number 13-22.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo-yes, Billingsley-yes, Chism-yes. Motion approved.

Professional Services Agreement – Medical District Transportation Study- DEFERRED

CONSENT

Donation – Fire Department

Dr. and Mrs. Donald Gallant donated \$500.00 and Mr. Jerry Rekosh donated \$100.00 to the Fire Department to be used to obtain emergency equipment for the Fire Department.

MOTION: To recognize donations to the Fire Department totaling \$600.00, and approve Budget Adjustment Number 13-19.

Chamber of Commerce Grant

Over the past several years, the City’s financial support has taken the form of an annual sponsorship to support the Chamber’s activities. The request from the Chamber for FY13 is \$12,750.00 and reflects the 15% reduction placed on other civic support agencies receiving financial assistance from the City.

MOTION: To approve a grant in the amount of \$12,750.00 to the Germantown Area Chamber of Commerce.

Professional Services Agreement – Norfolk Southern RR Culvert Collapse – Moved from regular agenda

The City entered into a Professional Services Agreement with Fisher & Arnold to evaluate technical and economical alternatives to correct the drainage and structural issues related to the collapsed culvert. Out of four scenarios only one would eliminate the need for construction easements on private property and by far provide the City the most long-term benefit. It eliminates the need for the culvert under the railroad and it also provides easy access to all new drainage infrastructure for any needed future maintenance.

MOTION: To authorize the Mayor to enter into a professional services agreement with Fisher & Arnold, Inc. in the amount of \$21,300.00 for design of drainage improvements related to the collapsed culvert under Norfolk Southern Railroad near West Street.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to approve the consent agenda as stated.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo-yes, Billingsley-yes, Chism-yes. Motion approved.

Mayor Goldsworthy welcomed back Mr. Paul Chandler, new Director of Germantown Performing Arts Centre. Mr. Chandler was at one time the Assistant Director of GPAC.

ADJOURNMENT

There being no further business to be brought before the Board, the meeting was adjourned.