

BOARD OF MAYOR AND ALDERMEN

November 12, 2012

A regular meeting of the Board of Mayor and Aldermen was held on November 12, 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, Kristen Geiger, Andy Pouncey, Ralph Gabb, Chief Richard Hall, Chief John Selberg, Butch Eder, Michael Stoll, Tim Gwaltney, Jonathan Smith, Paul Chandler, Lisa Piefer, Pam Beasley, Stacey Ewell and Dotty Johnson.

Call to Order

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

Invocation

City Administrator Patrick Lawton gave the invocation.

Pledge of Allegiance

Alderman Mike Palazzolo led the Pledge of Allegiance.

Approval of Agenda

During the executive session, the Board had agreed to move number 12, Contract Extension for Community and Employee Surveys, to the consent agenda.

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. Marcom, seconded by Mr. Drinnon, to approve the minutes of the Board of Mayor and Aldermen meeting held October 22, 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.

Teachers of the Month

Mayor Goldsworthy came forward and recognized Mr. Rob Thomas as the Teacher of the Month for the month of September. Mr. Thomas serves as the International Baccalaureate History teacher at Germantown High School.

Ms. Doreen Penrod received the Teacher of the Month Award for the month of October. Ms. Penrod teaches German at Houston High School.

Wolfchase Toyota was the sponsor for the awards.

Board of Mayor and Aldermen

November 12, 2012

Page 2

Youth Excellence Awards

Ms. Charlotte Nichols, a senior at Hutchison School, was presented with the Youth Excellence Award for the month of September.

The Youth Excellence Award for the month of October was presented to Ms. Emma Bartz, a senior at Hutchison School.

Ordinance 2012-14 – Office Technology (O-T) Zoning District – Third and Final Reading

Economic and Community Development Director Andy Pouncey stated the Economic Development Commission recognizes 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. The Commission is seeking to accommodate this currently unsupported use within the city and better position Germantown for business recruitment and retention in this high demand field.

Mr. Pouncey explained that the basis for the proposed ordinance is the “O-51” district onto which is added 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 would allow biomedical testing and development labs, computer and technological equipment associated with research & development and truck loading docks as accessory uses.

Motion by Mr. Marcom, seconded by Mr. Drinnon, to adopt Ordinance 2012-14 on third reading.

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

Telecommunications Franchise Agreement – The Zayo Group, LLC

Mr. Pouncey explained that the Zayo Group, Inc. proposes to install telecommunications cable in the City’s street rights-of-way above and below ground. A franchise gives a telecommunications carrier the non-exclusive right to operate a telecommunications system in the city for a 10 year period.

Debbie Wiles, our consultant and Attorney for the City, has written the franchise agreement. The request is in compliance with the ordinance and the fees have all been paid and the proof of insurance has been approved by the City’s Risk Manager.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to approve a Telecommunications Franchise Agreement for The Zayo Group, LLC, per Ordinance Sec. 19-Article III (Telecommunications).

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

Professional Services Agreement – Medical District Transportation Plan

Traffic Engineer Jonathan Smith stated that the Medical District of Germantown had recently experienced an increase in the number of medical service providers that are interested in expanding their existing facilities within the area and new providers that have shown interest in relocating to this area.

Kimley-Horn & Associates (KHA) will develop the evaluation framework and models, along with the initial analysis and recommendations, based on the proposed development or redevelopment of facilities within the study area. KHA will provide detailed traffic models for existing conditions, future conditions with no development, and future conditions based on full build out of the medical district. All studies, models, and a draft report will be received within six months of receiving a notice to proceed.

Board of Mayor and Aldermen

November 12, 2012

Page 3

Motion by Mr. Marcom, seconded by Mr. Drinnon, to authorize the Mayor to enter into a professional services agreement with Kimley-Horn & Associates in the amount of \$70,000.00 for professional transportation services.

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

Contract Extension for Community and Employee Surveys – Moved to Consent Agenda

Recognition of Donation – BL Farm Park

Parks and Recreation Director Pam Beasley stated the Farm Park is the home to the newly formed Germantown Community Garden Association whose members have logged over 2,500 hours and produced over 2,000 pounds of vegetables and food this summer.

Ms. Beasley stated that community partnerships are vital to the long-term success of the Farm Park. The Methodist Lebonheur Healthcare system had demonstrated their commitment to the mission of the project through their generous donation and interest in continuing their involvement in the program.

During the summer staff and members of the Farm Park Advisory Group met with hospital key executives to explore the possibilities for collaboration. Education and outreach was identified as a priority among the entire group. The \$14,000.00 donation from the healthcare group will be earmarked for training, community education programs and community special events.

Ms. Beasley publicly thanked the individuals that made the donation possible. William Kenley, the CEO of Methodist Lebonheur Healthcare – Germantown, for his commitment and for making this project work, Alderman Mark Billingsley for helping to open the door to begin the discussions and Program and Development Coordinator Michelle Johns who worked very closely with the hospital to make the partnership possible.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to recognize a donation to the Farm Park from Methodist Lebonheur Healthcare to support community events, educational programs and training totaling \$14,000.00 and to approve Budget Adjustment No. 13-21.

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

Lease Agreement – Germantown Municipal School District (GMSD) Central Office

Mr. Lawton explained with establishment of the Germantown Municipal School District (GMSD), adequate space is required to house the central office to manage the operations of our municipal school system. There is not space available in any of our municipal buildings to address the needs of the required positions necessary to manage the system as identified in the SES Feasibility Study.

Administration began earlier this year to find office space in Germantown. During our search, multiple locations were considered that could address our needs. However, the uncertainty posed by the pending judicial decision regarding the first trial and overall concerns by landlords regarding the term of the lease and upfront improvements narrowed our possible selections.

Board of Mayor and Aldermen

November 12, 2012

Page 4

In September, staff began discussions with Mr. Henry Cannon of Cannon Austin & Cannon, the owners of Carrefour Mall, about possible office space on the second level. Mr. Cannon has available 8,510 sq. ft. of commercial office space that will meet our immediate needs and possible future.

The lease is for two years and was negotiated between the City Administration, City Attorney and Mr. Cannon. The City has the option to terminate May 30, 2013 or December 31, 2013. The landlord will paint and carpet the space at their expense, however, the City will be required to repay this amount if the contract is terminated before the two years are up. The monthly rent is \$12,056.

Funding for the lease is included in the budget adjustment approved by the Board of Mayor and Aldermen earlier establishing the GMSD.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to authorize the Mayor to execute a lease agreement with Sheriff, LLC for the GMSD central office commencing November 12, 2012 to December 31, 2014 to be executed at such time as the Mayor deems appropriate considering any litigation.

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

Contract for FF&E for Germantown Municipal School District (GMSD) Central Office.

Mr. Lawton stated all of the FF&E under consideration is based on the 32 positions identified by SES necessary to run the business and administrative side of the GMSD.

The City Administration contracted with Memphis Business Interiors (MBI) to plan the work spaces for the GMSD central offices. This included understanding the various positions, their functions and the proximity relationships. MBI identified the type of office equipment and furnishings necessary from the superintendent and administrative team to the clerical support staff.

The FF&E request before the Board of Mayor and Aldermen does not include the phone system, computer hardware and software, fire proof file cabinets for student records, and office equipment such as copiers, faxes and printers. These items will be presented to the Board of Mayor and Aldermen in December.

Under state law, the City is authorized to purchase products under cooperative purchasing agreements and cooperatives such as the National Joint Powers Alliance (NJPA). The NJPA is a national municipal contracting agency whose members can take advantage of volume discount savings and, in the added case of our central office space, an expedited purchasing process. In addition, NJPA purchasing and bidding practices mirror the City of Germantown and state law.

Funding for the purchase of the FF&E was included in the budget adjustment approved earlier this year by the Board of Mayor and Aldermen establishing the GMSD budget for FY13.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to authorize the Mayor to execute, at such time as she deems appropriate, a contract with Memphis Business Interiors for the purchase of office furniture to equip Germantown Municipal School District offices in an amount not to exceed \$157,025.46.

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

Board of Mayor and Aldermen

November 12, 2012

Page 5

CONSENT

Overtime Reimbursement – Police

The Germantown Police Department has an officer assigned to the FBI Joint Safe Streets Task Force and the Secret Service Task Force. The officer usually works overtime in the performance of his duties. The FBI SSTF and the Secret Service TF reimburses any overtime that the officer receives while carrying out his duties.

MOTION: To recognize overtime reimbursement from the Federal Department of Justice the Department of Homeland Security and Shelby County Government and to approve Budget Adjustment No. 13-27.

Digital Voice Recorder - Police

The current digital recorder was damaged when lightning struck the tower at the Municipal Center. This recorder is utilized in the dispatch center and records all incoming and outgoing telephone calls, all 911 calls and all police and fire radio traffic.

The Shelby County 911 Board will reimburse the City after the purchase of the digital recorder. The cost of the replacement recorder is \$13,895.00 after trade-in and the cost of the back-up recorder will be \$9,673.00. Total cost is \$23,568.00.

MOTION: To approve the purchase of a replacement digital recorder and a back-up digital recorder from Rhodes Lauck & Associates in the amount of \$23,568.00.

Used GVWR Regular Cab Chassis W/Service Body & Aerial Lift

This vehicle will replace the City's 2005 Ford F-550 bucket truck that was damaged in a recent crash incident. The vehicle was declared a total loss and the City's insurer accepted our claim for the truck's insured value of \$67,700.00 less a \$5,000.00 deductible amount.

MOTION: To approve the purchase of a used 2008 Ford F-550 Bucket Truck from Utility Fleet Sales in the amount of \$61,626.08.

Appointment to Board of Directors – Germantown Television Foundation

Mr. George Walters, a long-time member of the Foundation and current President, recently tendered his resignation to the City administration. Pursuant to the bylaws of the Foundation, the Board of Mayor and Aldermen is to consider the appointment of Dr. Lyle Muller to serve as the member of the Germantown Community Television Foundation Board of Directors as recommended by the Foundation or choose to appoint another person not recommended by the Foundation.

MOTION: To consider the appointment of Dr. Lyle Muller to serve on the Board of Directors of the Germantown Community Television Foundation.

Recognition of Donation – Germantown Education Commission – Battle of Brains

The Battle of the Brains competition is a project of the Germantown Education Commission. Students from Germantown and Houston High Schools will compete with projects related to science, technology, engineering and math.

Wolfchase Toyota has donated \$1,500.00 and Drs. Roy and Stephanie VanArsdale have donated \$300.00 to be used to cover Battle of the Brains event expenses and as cash awards for the winning students.

MOTION: To accept donations to the Germantown Education Commission totaling \$1,800.00, and to approve Budget Adjustment No. 13-30.

Board of Mayor and Aldermen

November 12, 2012

Page 6

Court Clerk Office Renovations – Change Order No. 1

During the demolition phase of the contract to renovate the Court Clerk’s office area, existing electrical conduits that were in use from the mechanical room behind dispatch were discovered but not shown on the construction drawings. In order for the project to successfully move forward, the conduits will need to be relocated. The cost to reroute the electrical circuits is \$2,690.25 and work is to be performed after normal business hours so that workstations can remain in service for customers. The cost to reconfigure the millwork is \$1,632.18. The total amount requested for Change Order No. 1 is \$4,322.43.

MOTION: to approve Change Order #1 for the Court Clerk’s Office Renovation Project in the amount of \$4,322.43.

Municipal Center Radio Room Electrical Distribution

The new proposed radio room in the Municipal Center is required by Motorola to have 240-volts at 125-amp electrical service to sufficiently supply power to the new emergency radio equipment. This required circuitry is not readily available and must be configured and transformed from 480-volts at 100 amp. Motorola is requesting the electrical be in place by November 14th in order to have the radio system in service by December 10th.

MOTION: To authorize the Mayor to enter into a contract with Advance Electric, Inc. in the amount of \$12,900.00 for the installation of electrical distribution serving radio room inside of the Municipal Center.

Contract Extension for Community and Employee Surveys – Moved from Reg. Agenda

Surveying the community is a vital part of the City’s strategic planning and performance improvement model. It provides information regarding public opinion that is critical to the public policy decision making process. Employee surveys help administration keep a check on the pulse of the organization. The 2012 request for proposals included an optional extension for 2013 in the amount of \$21,000.00.

MOTION: To authorize the Mayor to execute a contract with Superior Data Works, LLC to conduct the Germantown community and employee surveys in an amount not to exceed \$25,000.00.

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

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

ADJOURNMENT

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

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder