

## **BOARD OF MAYOR AND ALDERMEN**

January 14, 2013

A regular meeting of the Board of Mayor and Aldermen was held on January 14, 2013 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: Greg Marcom, John Drinnon, Mike Palazzolo, Forrest Owens and Rocky Janda. Staff present: Patrick Lawton, Tom Cates, Kristen Geiger, George Brogdon, Andy Pouncey, Bo Mills, Tim Gwaltney, Wade Morgan, Butch Eder, Jonathan Smith, Chief Richard Hall, Chief John Selberg, Michael Stoll, Tony Fischer, Susan Hopson, Pam Beasley, Marie Burgess, Ralph Gabb, Lisa Piefer and Dotty Johnson.

### **Call to Order**

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

### **Invocation**

Parks & Recreation Director Pam Beasley gave the invocation.

### **Pledge of Allegiance**

Alderman Greg Marcom led the Pledge of Allegiance.

### **Approval of Agenda**

The Board unanimously agreed to move Number 9 (Fireworks Display – July Family Fourth Event), Number 11 (FY14 Budget Calendar) and Number 14 (Purchase- Twelve Mobile Vision In-car Video Systems).

Alderman Palazzolo asked to add-on the appointment of a teen position to the Parks & Recreation Commission, Mr. Kellen M. Young, a tenth grader at St. George's Independent School.

Motion by Mr. Drinnon, seconded by Mr. Owens, to approve the agenda as printed.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens –yes, Janda–yes. Motion approved.

### **Approval of Minutes**

There were no corrections or additions to the minutes.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to accept as printed, the minutes of the regular meeting on December 14, 2012.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens–abstain, Janda–abstain. Motion approved.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to accept as printed, the minutes of the special called meeting held on December 19, 2012.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens –yes, Janda–yes. Motion approved.

### **Citizens to be Heard**

No citizens came forward.

### **Teacher of the Month Award**

Mayor Goldsworthy and Alderman Janda stepped forward and presented Mr. Lanny Byrd, a 37 year veteran teacher and long-time band director at Germantown High School, with the Teacher of the Month Award for December 2012. The award was sponsored by Wolfchase Toyota.

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**Public Hearing – Ordinance 2012-16 – Amendment to the Flood District Regulations of the Zoning Ordinance**

City Engineer Tim Gwaltney stated this was the second reading and public hearing on a Zoning Ordinance which will amend the City's existing flood regulations of the Zoning Ordinance to comply with the recently revised National Flood Insurance Maps issued by FEMA.

The purpose of the National Flood Insurance Program (NFIP) is to allow property owners in participating communities to purchase insurance protection against losses from flooding. Participation in the program is based on an agreement between local communities and the federal government and states if a community will adopt and enforce a floodplain management ordinance to reduce future flood risks to new construction in identified flood hazard areas, the federal government will make flood insurance available within the community as a financial protection against losses.

The most significant change from the 2007 Flood Insurance Rate Maps (FIRM) is along Wolf River Lateral G in the eastern part of the City, south of Wolf River Boulevard southward to Johnson Park.

A meeting was held on January 9 with residents that will be affected by this change in the flood area.

Mayor Goldsworthy opened the public hearing.

Sherry Hicks, 2040 Spring Hollow Lane, spoke on behalf of Dogwood Grove Homeowners Association. She thanked the Board for all the many wonderful things that Germantown is known for. She explained that the neighbors were upset because of the rates for flood insurance on the homes that are in the 100-year floodplain. She asked the Board to please do everything possible, including Lateral G improvements, to help them get out of the floodplain.

Dick Morton, thanked the City for keeping the neighbors informed. He stated Lateral G is clogged with trees, concrete, and grass clippings and since it is part of Collierville and Germantown, this is an issue as to who is to maintain the Lateral. He stated the pipes under Wolf River Blvd. are large enough to carry enough water and that is not an issue, it is getting the water to those pipes that cause their houses to be in the floodplain. He asked the City to look outside the box to find a remedy to make the water flow more freely into the Wolf River and keep their houses out of the Flood District.

David Lorange, 2092 Spring Hollow Lane, stated he was one of the real estate attorneys that is affected by this Ordinance. He stated that some of the neighbors were going to do a Letter of Map Amendment (LOMA). He appreciated that the City had notified the neighborhood and commended the City for their actions. He urgently requested the City go forward with the work on Lateral G.

William Johns, 9685 Gotten Cove, wanted to emphasize what the others had stated and asked the Board to take this matter seriously and put this at the top of the agenda because of the impact on the citizens.

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

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to approve Ordinance No. 2012-16 on second reading.

In response to a question from Alderman Palazzolo, Mr. Cates stated if the Ordinance is not approved, no one in Germantown could get flood insurance.

Mr. Gwaltney stated that Lateral G was not in the current 5-year CIP. The design phase was initiated in 2004 and was 75-80% complete. There were some issues that came up with Houston High School and

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losing a portion of their practice field. The project has just not moved forward. With the Board's direction, staff would fill out a CIP direction sheet for the coming fiscal year.

Alderman Palazzolo stated this item could be discussed at the Board retreat later this month. The CIP forms had already been completed for this budget year.

A discussion followed on why and when the Laterals are studied by FEMA and the restrictions that TDEC place on a project.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens –yes, Janda–yes. Motion approved.

**Fireworks Display – July Family Fourth Event – MOVED TO CONSENT**

**Gardens of Oakleigh PUD – Final Approval of the Conversion of Streets and Infrastructure from Private to Public**

Alderman Marcom recused himself from hearing this item and stepped down from the dais.

Chief Planner Wade Morgan stated the Gardens of Oakleigh is a Planned Unit Development that is requesting final approval of the conversion of their private streets, curbs, water system, storm sewers and sanitary sewers to public streets and infrastructure. The streets were designed to be private streets from the initial planning stage and were approved as private streets, although they are built to City standards for public streets.

The applications had been before the Planning Commission for final approval and a diagnostic review of the infrastructure was called for. The diagnostic analysis concluded that repairs were needed to some sections of the storm drains. All repairs described in the analysis have been performed to the City's satisfaction.

The Agreement and deed transferring the facilities from the HOA to the City has been reviewed and approved by City Attorney Tom Cates.

Motion by Mr. Drinnon, seconded by Mr. Owens, to approve the agreement regarding Conversion of Private Streets and Appurtenances to Public for the Gardens of Oakleigh PUD.

ROLL CALL: Marcom–recused, Drinnon–yes, Palazzolo–yes, Owens –yes, Janda–yes. Motion approved.

Alderman Marcom returned to the dais.

**FY14 Budget Calendar – MOVED TO CONSENT**

**Wireless Transmission Facility Agreements – Crown Castle**

Finance and General Services Director Kristen Geiger stated Crown Castle approached the City requesting extensions on four Wireless Transmission Facilities (WRF) lease agreements. After staff reviewed the leases, it was decided that Lease No. 4 with an expiration date of March 1, 2036 be left as is. The other three proposals were negotiated, were discussed and reviewed. The original proposal offered a 7% increase. The final agreed upon lease represents a 29% increase. The agreements were reviewed by the City Attorney's office and it was deemed, that because the initial lease agreements were quite dated, there would be a new and restated lease agreement with newer terms that were developed in 2007 with a template the City adopted at that time.

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Motion by Mr. Marcom, seconded by Mr. Janda, to approve the three (3) amended and restated lease agreements with Crown Castle.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens -yes, Janda–yes. Motion approved.

**Professional Services Agreement – Economic Development Director**

Mr. Lawton explained that in 2012 the Board of Mayor and Aldermen provided direction to the administration to develop an economic development plan, present this plan for adoption and secure the services of an Economic and Community Development Director. The proposal before the Board is a proposal to secure the services of the Rose & Associates firm to execute that Strategic Plan by moving from the planning phase to the “doing” phase. The administration made the recommendation early in the recruitment process to contract for these services rather than hire a full time City employee in order to have someone fully dedicated and focused on this activity.

Funding for this activity is included in the FY13 approved budget. The recommended expenditure represents five months of service based on the monthly retainer and reimbursables. The city administrator will monitor the contract and the activities of the firm. Monthly reports will be provided to the administration, the Board of Mayor and Aldermen and the Economic Development Commission.

Motion by Mr. Drinnon, seconded by Mr. Janda, to authorize the Mayor to enter into a professional services agreement with Rose and Associates for a period of twelve (12) months effective February 1, 2013 in the amount of \$90,000.00 and reimbursable expenses not to exceed \$30,000.00 with an annual review and renewal of this agreement for up to two consecutive terms of twelve months each.

Alderman Marcom and Alderman Owens expressed their concerns with having someone, however capable, that was not from the area and was not familiar with the businesses in the community. They felt Ms. Rose was very capable but asked for some sort of measurement for her services.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens -yes, Janda–yes. Motion approved.

**Purchase – Twelve Mobile Vision In-car Video Systems – MOVED TO CONSENT**

**E-Mail System Replacement**

IT Director Tony Fischer explained the City’s email software was over 10 years old. The new system will provide e-mail accounts to all full-time City employees. Google Apps for Government is a robust, secure “Cloud” based product developed specially for governments. It provides secure access from anywhere without the requirement of a mobile device.

Onix Networking will provide a complete turnkey project that includes the first year’s licensing, implementation, data migration, configuration and training at a cost of \$38,874.00.

Motion by Mr. Palazzolo, seconded by Mr. Janda, to approve the purchase of Google Apps for Government from Onix Networking in the amount of \$38,874.00, and declare the old e-mail system as surplus.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens -yes, Janda–yes. Motion approved.

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**CONSENT**

**Recognition of Donation – Education Commission**

Funds were donated to the Education Commission Battle of the Brains Competition. William and Michelle Johns donated \$100.00, Dogwood Grove Homeowners Association donated \$500.00, and Crye-Leike Realtor Allyson Avera donated \$100.00.

MOTION: To accept donations to the Germantown Education Commission totaling \$700.00 and approve Budget Adjustment No. 13-47.

**Recognition of Donation – Neighborhood Preservation Commission**

The Neighborhood Preservation Commission each year conducts a Neighborhood Leaders Conference. Sponsorship donations were received this year from Leadership Germantown Alumni Association (\$300.00) and Lane Music (\$100.00). In-kind donations were also received from Allyson Avera - Crye-Leike Realtors and Kroger Floral Shop.

MOTION: To accept two donations to the Neighborhood Preservation Commission totaling \$400.00, and approve Budget Adjustment No. 13-48.

**Professional Sports Partnership with Memphis Junior Grizzlies**

Memphis Grizzlies proposed a partnership for the upcoming youth basketball league. The key to pursuing the partnership was a result of a quality reversible jersey with a pair of shorts for each participant to include the Junior Grizzlies logo as well as other amenities. The Junior Grizzlies program is in their second year and is supported by the NBA.

MOTION: To authorize the Mayor to enter into a professional services agreement with the Memphis Junior Grizzlies in the amount of \$11,887.00 for the youth basketball program.

**Appointments to Public Safety Education Commission**

There are two vacancies on the Public Safety Education Commission. Mr. Al Gabriel and Mr. Todd Shapiro are requesting appointments.

MOTION: To approve the appointment of Mr. Al Gabriel and Mr. Todd Shapiro to serve on the 2013 Public Safety Education Commission.

**TDOT – Railroad Crossing Approach Agreement**

Tennessee Department of Transportation (TDOT) is proposing improvements for the West Street Grade Crossing. Upon completion of the project, TDOT will reimburse the City for 100% of the design and construction costs.

MOTION: To authorize the Mayor to enter into an agreement with the Tennessee Department of Transportation (TDOT) for the preparation of plans and construction of improvements to the railroad approach at West Street Grade Crossing, DOT No. 732-154G.

**Sale of Confiscated Firearms**

The Germantown Police Department, in the course of enforcing the laws of Tennessee, confiscates firearms. Those firearms are declared contraband by the court of record exercising criminal jurisdiction. When those firearms are clear of all court proceedings, they can be sold or utilized by the law enforcement agency that confiscated the firearms. The proceeds from the sale of the firearms shall be placed into the general fund and shall be allocated solely for law enforcement purposes.

MOTION: To accept the bid on the sale of confiscated firearms and to approve Budget Adjustment No. 13-49.

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**Fireworks Display – July Family Fourth Event**

Pyro Shows, Inc. provided an exceptional fireworks display with great visual effects per the contract agreement for last year's event. The company will again work with staff to provide the music and computer firing system for the 2013 fireworks show at no additional cost. The City has the option to extend the contract for two additional fireworks display performances, one this year and one next year. The performances, at the option of the City, will be provided under the same terms and conditions of the contract and at the price therein specified (\$16,500.00).

MOTION: To authorize the Mayor to enter into a contract with Pyro Shows, Inc. in the amount of \$16,500.00 for the July 4, 2013 fireworks display.

**FY14 Budget Calendar**

The Budget Calendar is developed each year for the timely completion of the City's annual operating and capital budgets for the forthcoming fiscal year. The calendar identifies the major reviews in preparing the annual budget, the meetings scheduled for the Financial Advisory Commission and the three readings of the budget for adoption by the Board.

MOTION: To approve the Fiscal Year 2014 Budget Calendar.

**Purchase – Twelve Mobile Vision In-car Video Systems**

In-car video systems allow the Police Department to use video technology in daily field operations. The video from the camera system will be uploaded wirelessly and stored on a standalone workstation with DVD backup. The equipment will enhance the ability of the department to review probable cause for arrest, arrest procedures, officer performance, and either substantiate or exonerate officers accused of inappropriate conduct or behavior.

MOTION: To approve the purchase of twelve (12) Mobile Vision Flashback 2 digital in-car video surveillance systems from L3 Communication, Mobile Vision Inc. in the amount of \$57,540.00.

Motion by Mr. Drinnon, seconded by Mr. Marcom, to accept the consent agenda as read.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens -yes, Janda–yes. Motion approved.

**ADJOURNMENT**

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

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Sharon Goldsworthy, Mayor

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Dotty Johnson, City Clerk/Recorder