

BOARD OF MAYOR AND ALDERMEN

April 22, 2013

A regular meeting of the Board of Mayor and Aldermen was held on Monday, April 22, 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, and Rocky Janda. Alderman Forrest Owens was absent. Staff present: Patrick Lawton, George Brogdon, Andy Pouncey, Butch Eder, Tim Gwaltney, Bo Mills, Chief John Selberg, Michael Stoll, Susan Hopson, Tony Fischer, Pam Beasley, Ralph Gabb, Lisa Piefer, Reynold Douglas and Dotty Johnson.

Call to Order

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

Invocation

Public Services Director Bo Mills gave the invocation.

Pledge of Allegiance

Alderman Mike Palazzolo led the Pledge of Allegiance.

Approval of Agenda

During the Executive Session the Board unanimously agreed to reverse the order of #10 and #11 and to move #15 – Expenditure Reimbursement Resolution 13R01 to the consent agenda.

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

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

Approval of Minutes

There were no corrections or additions to the minutes.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to approve the minutes of the regular meeting held April 8, 2013.

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

Beautification Commission Business Award

Alderman Palazzolo presented The Village of Germantown with the Beautification Business Award for the month of April. Ron Rukstad, Executive Director, Jim Moore, Resident Council President, Pam Leite, Marketing Director of The Village of Germantown and Commission member Tricia Enyart came forward for the presentation. Alderman Palazzolo read an excerpt from the agenda sheet that described the landscaping and plantings of the area.

Youth Excellence Awards

Alderman Janda came forward to present the two Youth Excellence Awards.

Mr. Andrew Raves, a senior at Memphis University School, was to receive the award for the month of March but was not able to attend. The April award was presented to Ms. Tierney Linville, a senior at Houston High School.

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Teacher of Month Awards

Alderman Janda presented the two Teacher of the Month Awards.

Mr. Patrick Ashbee, a film and video teacher at Germantown High School was presented with the March award and Mr. Shane Cole, a music and choir teacher at Our Lady of Perpetual Help School was presented with the April award.

Citizens to be Heard

No citizens came forward to speak.

Mayor Goldsworthy recessed the Board of Mayor and Aldermen and reconvened as the Beer Board.

BEER BOARD

Public Hearing – Temporary Beer Permit – Germantown Festival

City Administrator Patrick Lawton stated Mr. Howard Giffin, Chairman of the Germantown Festival, had requested a temporary permit to sell beer at the 2013 Germantown Festival to be held on Saturday, September 7 and Sunday, September 8, 2013.

Mayor Goldsworthy opened the public hearing. Having no one come forward, the public hearing was closed.

Motion by Mr. Palazzolo, seconded by Mr. Janda, to approve a temporary beer permit allowing the sale of beer on publicly owned property at the 2013 Germantown Festival on Saturday, September 7, 2013, during the hours of 9:30 a.m. until 6:00 p.m. and on Sunday, September 8, 2013, from noon until 6:00 p.m.

ROLL CALL: Marcom–yes, Drinnon–no, Palazzolo-yes, Owens -absent, Janda–yes. Motion approved.

Public Hearing – Beer Permit – Hyatt Place Hotel

Alderman Marcom recused himself from this agenda item and left the dais.

Mr. Lawton stated the new owner of Hyatt Place Hotel, Moody National HP G-Town MT, LLC, has requested a permit to sell beer on-premise. Mr. Brett C. Moody is the principal owner. The Hyatt is located at 9161 Winchester Road.

Mayor Goldsworthy opened the public hearing. Having no one come forward, the public hearing was closed.

Motion by Mr. Palazzolo, seconded by Mr. Janda, to approve the request from Brett Carter Moody for a permit to sell beer for on-premise consumption at Hyatt Place Memphis/Germantown location at 9161 Winchester Road.

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

Mayor Goldsworthy concluded the meeting of the Beer Board and reconvened the Board of Mayor and Aldermen Meeting.

BOARD OF MAYOR AND ALDERMEN

Ordinance 2013-4: Rezoning of Baptist Memorial Healthcare Property from SC-1 Shopping Center District to C-2 Commercial District – Third and Final Reading

Alderman Marcom recused himself from this agenda item.

Economic and Community Development Director Andy Pouncey stated that Baptist Memorial Health Care Corporation (BMHC) had requested the rezoning of 1.419 acres in order to provide a single, consistent zoning district for the property, which they own in this subdivision, which is part of the site of the former Wal-Mart store. A consistent zoning district on all the property would avoid possible issues with permitted uses and building requirements.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to approve on third reading the rezoning from “SC-1” Shopping Center District to the “C-2” Commercial District of 1.419 acres on the north side of Wolf River Blvd., east of Germantown Road.

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

Ordinance 2013-5 – Rezoning of Campbell Clinic from O to O-51 – First Reading

Alderman Marcom recused himself from this agenda item.

Mr. Pouncey stated this agenda item concerned the rezoning of the Campbell Clinic property from “O” to “O-51” which will permit buildings up to 3 floors and 51 feet in height. The concept plan prepared by the Reaves Firm envisions a 17,000 sq. ft. addition to the existing surgery center, a new 119,589 sq. ft., three-story medical building that will connect the existing surgery center and Campbell Clinic building and a parking garage on the Wolf River Blvd. frontage.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to approve on first reading the rezoning from “O” Office District to the “O-51” Office District of 15 acres owned by Campbell Clinic, and located east of Germantown Road and south of Wolf River Blvd. and set May 13, 2013 as the public hearing date.

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

Alderman Marcom returned to the dais.

Generator Installation – Germantown Center Complex

Reynold Douglas, Director of Facility Services, stated this agenda item would allow for the installation of a larger kilowatt (KW) emergency generator that was approved by the Board on December 19, 2012. The larger KW generator will adequately supply enough electrical power to run the entire complex, less the outdoor pool house and the outdoor pool pumps. Installation plans and specifications were developed by Canup Engineering and the low bid of \$109,380.00 was submitted by McCrory Electric.

Motion by Mr. Drinnon, seconded by Mr. Marcom, to authorize the Mayor to enter into a contract with McCrory Electric Company in the amount of \$109,380.00 for the installation of the emergency generator at the Germantown Centre Complex and approve Budget Adjustment No. 13-87.

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

Expenditure Reimbursement Resolution 13R01 - MOVED TO CONSENT

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CONSENT

Fuel Management System Upgrade

This is an upgrade of existing system technology with hardware and software infrastructure already in place. The upgrade is needed to maintain accurate inventory controls, monitor vehicle health and safety systems and maximize efficiencies for all City departments.

MOTION: To approve the purchase of the necessary hardware required to upgrade the City's fuel management system in the amount of \$39,752.00, from Fuelmaster Fuel Management Systems.

Compact Excavator Purchase

The compact excavator purchased under this authorization is a replacement and is used by all departments that require excavation in areas with limited space. The ZTS series machine provides unrestricted rotation and greater flexibility required when working in confined areas. This type machine is used for stormwater, sewer and water maintenance. The City will purchase the 2013 Bobcat E35 ZTS Compact Excavator from Clark Equipment Company in the amount of \$33,138.88.

MOTION: To approve the purchase of a 2013 Bobcat E35 ZTS Compact Excavator from Clark Equipment Company dba Bobcat Company, Government Sales in the amount of \$33,138.88 and declare unit 940, a 1997 Bobcat Compact Excavator, as surplus property.

Outdoor Movie Theatre – Rejection of Bid

After reviewing the bids, as well as the use of the theatre system package, staff identified the availability of renting the system for their outdoor movies. Staff is also pursuing sponsorships of movie nights that would cover the cost of the theatre system package.

MOTION: To reject the bid of an outdoor movie theatre system, console and screen, from Open Air Cinema in the amount of \$18,349.00.

Tennis Professional Services Contract Extension

The City currently has an agreement with Innovative Athletics to provide tennis services at Municipal Park tennis courts. The contract is for a period of 36 months (3 years) ending May 24, 2013 with the option to extend one (1) additional year under the same agreement.

MOTION: To authorize the Mayor to extend the contract with Innovative Athletics under the same financial plan for one (1) additional year.

Approval of Ground Lease for a Wireless Transmission Facility Compound

The proposed lease will enable C-Spire to erect the wireless transmission facility (WTF) within the Germantown Greenway, northeast of Miller Farms Rd., near that road's northern end. The WTF will consist of a 115-foot tall pole placed within the 105-foot tall transmission tower, and an equipment compound located at the base of the transmission tower. A 20 ft. by 30 ft. parking area will provide parking off the greenway walkway for maintenance vehicles. A six-foot wood fence will enclose the equipment compound and Dwarf Burford Hollies will provide a landscape screen on the north, east and west sides of the compound.

MOTION: To approve the site lease for the C-Spire/Miller Farms Wireless Transmission Facility.

Expenditure Reimbursement Resolution 13R01

Based on current financial projections the City intends to issue \$3.5 to \$4.0 million of General Obligation Bonds during FY14 to provide long-term financing for constructing roadway, greenway and stormwater drainage projects that are either just beginning construction or under consideration in the annual CIP review. Because it is certain that some project payments will be made much earlier than 60 days prior to

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the proposed debt issuance, it is necessary for the City's Board to declare (by formal resolution) that the payments associated with some major capital projects are intended to be funded by the debt issuance expected within the coming fiscal year.

MOTION: To adopt Resolution No. 13R01 establishing that certain capital expenditures will be reimbursed from a future City of Germantown debt issuance.

Motion by Mr. Janda, seconded by Mr. Drinnon, to accept the consent agenda as printed.

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

Alderman Palazzolo announced that recently the Tennessee Municipal League newspaper listed Germantown 55th safest cities in the top 100 in the country that is 25,000 or larger in population, which is around 60,000 cities and towns in this country. He asked to pass on to the Police Department that we are recognized nationally and we thank the department.

ADJOURNMENT

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

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder