

BOARD OF MAYOR AND ALDERMEN

May 13, 2013

A regular meeting of the Board of Mayor and Aldermen was held on Monday, May 13, 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, George Brogdon, Andy Pouncey, Butch Eder, Tim Gwaltney, Tim Bierdz, Bo Mills, Chief John Selberg, Asst. Fire Chief Jeff Beaman, Chief Richard Hall, Susan Hopson, Tony Fischer, Pam Beasley, Ralph Gabb, Lisa Piefer, Reynold Douglas, Stacey Ewell and Dotty Johnson.

Call to Order

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

Invocation

Economic and Community Development Director Andy Pouncey gave the invocation.

Pledge of Allegiance

Alderman Forrest Owens led the Pledge of Allegiance.

Approval of Agenda

Mayor Goldsworthy stated during the executive session the Board had unanimously agreed to move number 7 (Certificate of Compliance, number 14 (Purchase of Automatic Cardiac Monitor/Defibrillators) and number 17 (GPAC Rental Revenue) to the consent agenda. The Board had also asked to move number 11 up to after number 6.

Staff asked to defer number 18 (New Riverdale Road Project Closeout).

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

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. Owens, to approve the minutes of the April 22, 2013 Board meeting and the May 6, 2013 Special Called Meeting.

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

Citizens to be Heard

Nick Morton, 2460 Fox Hill Dr., thanked the Board for the work they are doing on the FEMA flood plan that affects his neighborhood and Lateral G.

The following three women, Trudy Stamps 1801 Whatling St., Cathy Auxier of 10840 Boones Hollow and Lynn Moss of 1009 Boones Hollow, asked to update the Board on the MLG&W “Smart Meters” that MLG&W is planning to install all across Shelby County. They stated that the “Smart Meters” are not efficient or cost effective. Memphis is going to make the decision without any input from the county

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residents. They encouraged the citizens of Germantown to attend the June 6 Memphis City Council meeting when a decision will be made.

Certificate of Compliance – Poplar Pike Liquors - Moved to Consent

PUBLIC HEARING - Ordinance 2013-5 – Rezoning of Campbell Clinic from O to O-51 - Second Reading

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

Economic and Community Development Director Andy Pouncey stated this is the rezoning of 15 acres and consists of the existing clinic building, their surgery center and an undeveloped area that fronts Wolf River Blvd. The rezoning is from the “O” Office district to the “O-51” commercial district. This rezoning 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.

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

Motion by Mr. Owens, seconded by Mr. Drinnon, to approve on second 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.

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

Alderman Marcom returned to the dais.

Ordinance 2013-1 – Year-End Budget Adjustments - First Reading

Finance Director Ralph Gabb explained, a number of year-end budget adjustments are required to be made at the end of the fiscal year, in order to avoid budget and fund overruns in the various funds. Accounting transactions may cross separate funds and consequently require approval by ordinance.

All the expenditures being funded by the budget adjustments were approved under the City’s purchasing policies and adhere to Generally Accepted Accounting Principles (GAAP) guidelines.

Motion by Mr. Drinnon, seconded by Mr. Marcom, to approve Ordinance 2013-1 for year-end budget adjustments on first reading and set Monday, June 10, 2013 for second reading and public hearing.

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

Ordinance 2013-2 - FY14 Budget Ordinance – First Reading

Mr. Lawton stated the Board was asked to consider the FY14 Budget Ordinance on first reading and to set Monday, June 11, as the second reading and public hearing date. The consideration and adoption of the budget by the Board of Mayor and Aldermen is the single most important action taken by the Board on an annual basis. It authorizes the allocation of resources and establishes the direction for programs and services for our Triple A rated city for the coming year and during the five-year planning period.

The proposed FY14 budget is balanced and totals \$70,151,899 for all funds. The general fund, which is the largest city fund, totals \$40,659,937. The balanced budget is the result of ongoing departmental cost controls and efficiency measures implemented before the start of the recession and a fundamental shift in

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cost control measures during the five-year planning period and a proposed property tax adjustment of .445.

The budget represents hundreds of hours of review and analysis by City departments and the Financial Advisory Commission. The Board has had several work sessions regarding the budget to consider these major governmental funds and key policy areas. On Wednesday, May 8, the Board conducted an extensive work session on the entire budget document. Prior to the public hearing on June 10 an informational brochure entitled "The Budget in Brief" will be mailed to every household in Germantown. The Budget in Brief highlights the major revenue and expenditure categories in the proposed budget and the Board of Mayor and Aldermen's funding priorities.

The FY14 proposed budget continues to support the Vision 2020 plan adopted by Board of Mayor and Aldermen. In January the Board revisited and refined the strategic plan and vision for our community, including a stronger emphasis on economic development, the development of a municipal school system and an in-house ambulance program. That effort reinforced our triple bottom line commitment to economic, environmental and social sustainability. These programs and services included in this year's budget continue to support this policy direction given by the Board of Mayor and Aldermen.

Motion by Mr. Janda, seconded by Mr. Drinnon, to direct Administration to submit on second reading, the budget with the following amendments: Funding for the Art Alliance to \$40,000, funding for the Germantown Community Theater to \$45,000 and allocate funding to the GHS-TV Foundation in the amount of \$100,000 under the condition \$50,000 be made available to the GHS-TV Foundation after July 1, 2013 and \$50,000 to be made available to the GHS-TV Foundation after January 1, 2014 provided GHS-TV has raised an additional \$50,000 for GHS-TV Foundation.

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

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to approve on first reading Ordinance 2013-2, as amended, establishing the FY14 Proposed Budget, and set Monday, June 10, 2013 for second reading and public hearing.

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

Ordinance 2013-3 – Real & Personalty Property Tax - First Reading

Finance Director Ralph Gabb stated this ordinance was intended to adopt a real and personalty property tax rate. The recommended property tax rate on first reading is \$1.93 per \$100.00 of assessed valuation.

Mr. Gabb explained that by law the certified tax rate is the rate which, applied to the reappraisal tax base (adjusted for new property), will yield the same revenue as was "levied" the previous year. In addition, an appeals allowance will be calculated and added to the tax rate should it be determined that sufficient appeals will affect the assessed value of property.

The tax increase is tied to operation service levels and needs of the community. Justification for a property tax increase results from in-depth discussions with the City's Financial Advisory Commission and the Board of Mayor and Aldermen during deliberations of the FY14 Budget.

Motion by Mr. Palazzolo, seconded by Mr. Marcom, to approve Ordinance 2013-3 on first reading, and set Monday, June 10, 2013 for public hearing.

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

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Ord. 2013-6 – Revoking Ord. 2012-10 – Establishing Municipal School System. – Second Reading

Mr. Lawton stated that in November 2012, a federal judge declared that the legislative action authorizing the establishment of municipal school systems unconstitutional and therefore made null and void the previous vote on municipal school systems. The Board must now take the appropriate action and revoke this previous action.

Motion by Mr. Marcom, seconded by Mr. Drinnon, to approve on second reading, Ordinance 2013-6- An ordinance to revoke Ordinance 2012-10 – An ordinance establishing a municipal school system within the City of Germantown.

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

Ord. 2013-7 – Ord. Authorizing Creation and Funding of Municipal School System – Second Reading

Mr. Lawton explained this was the first step in establishing a municipal school system and can only be initiated by the Board. The ordinance recounts previous legislative action in Nashville that has enabled this ordinance to be considered by the Board as well as the fulfillment of the State of Tennessee statutory requirements in creating a municipal school system and the rules established by the State Board of Education.

The State statutes are very clear and require that the City, through the adoption of an ordinance, place before the citizens of Germantown, the question in the form of a referendum and let the public decide if they want a municipal school system.

The ordinance also asks the Shelby County Election Commission to place this referendum at a special called election on July 15, 2013. The Board has set May 23, 2013 at 5p.m. as the public hearing date to consider this ordinance.

Motion by Mr. Owens, seconded by Mr. Janda, to approve on second reading Ordinance 2013-7 – An ordinance to add a new section 18-76 to the Code of Ordinances of the City of Germantown authorizing the creation and funding of a municipal school district in the City of Germantown and to submit the proposed ordinance to the qualified voters of the City at a referendum to be held on July 16, 2013, or on another appropriate date.

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

Purchase of Automatic Cardiac Monitor/Defibrillators and Automatic CPR Devices – Moved to Consent

Poplar Pike Drainage Diversion Improvements

This contract approval will award B & C Construction to begin construction on the collapsed culvert under Norfolk Southern Railroad in the amount of \$159,050.00.

Viktorhall Construction was the low bid but was unable to demonstrate they had the necessary experienced personnel on-hand to provide the City with assurance they could perform a quality finished project on time and within budget. They mentioned they planned to use the same project manager that is currently overseeing the City's Fleet Services Facility project which was not acceptable.

The project involves heavy volumes of traffic on a narrow roadway in residential and commercial areas which add to the construction difficulty. B & C Construction recently completed the Arthur/Riggs Road

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Improvements project for the City which is very similar in nature to the Poplar Pike Drainage Improvements and staff was pleased with their performance on that project.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to authorize the Mayor to enter into a construction contract with B & C Construction in the amount of \$159,050.00 for the Poplar Pike Drainage Improvements project related to the collapsed culvert under Norfolk Southern Railroad near West Street and to approve Budget Adjustment No. 13-91.

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

Emergency Contract – Poplar Ave. Pavement Repair - Moved to Consent

GPAC Rental Revenue

Mr. Lawton explained that under the current agreement between the GPAC Foundation and the City, rental revenue collected through the rental of the GPAC facility up to \$120,000 will be used by the GPAC Board to make grants to area arts organizations.

Motion by Mr. Palazzolo, seconded by Mr. Owens, to authorize the Mayor to approve payment of funds collected from rentals or leases of the Centre from July 1, 2012 through June 30, 2013 to GPAC consistent with the terms of Amendment No. 2 to the Cooperative Performing Arts Agreement between the City and GPAC.

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

New Riverdale Road Project Closeout - DEFERRED

CONSENT

Recognition of Donations – GPAC

GPAC is recognizing donations totaling \$75,853.00 in cash contributions and \$93,935.00 in-kind donations in support of the 2013 GPAC Gala.

MOTION: To acknowledge contributions made in support of the GPAC Gala totaling \$75,854.00 in cash contributions and \$93,935.00 in-kind donations.

Recognition of Donations – Farm Park

Donations totaling \$655.00 were made by Germantown Woman’s Club and Memphis Herb Society Grant.

MOTION: To recognize donations made to the Parks and Recreation Department for the Bobby Lanier Farm Park totaling \$655.00 and to approve Budget Adjustment No. 13-93.

GPAC Lobby Lighting

Since the original construction of GPAC in 1994, technology in the lighting industry has provided long-lasting, energy efficient, and better lighting that will help reduce operations cost at this facility. Some of the benefits that will be achieved by this project are: replacement lamp inventory reduction, reduction in kilowatt usage, and GPAC staff will have better control of which lights to be used.

MOTION: To authorize the Mayor to enter into a contract with Advance Electric Company, Inc. in the amount of \$28,305.00 for the installation of the energy efficient LED light fixtures in the GPAC Lobby.

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Fire Department Mobile Data Terminals

These MDT systems are replacement units of outdated MDTs which are installed in existing apparatus and vehicles. The Brite MDT system will utilize the latest technology with touch screen and removable key boards. Old MDTs will be recycled ensuring maximum benefit to the City and to the environment.

MOTION: To approve the purchase of mobile data terminal systems and tablet computers from Brite Computers in the amount of \$43,360.42, and declare the old Panasonic CF-29 and CF-30 mobile data terminals as surplus.

Fire Department Station 3 Kitchen Renovation

This project will renovate the kitchen area by providing additional space and new cooking appliances, as well as improvements to the lounge and refurbishments of the existing terrazzo tile flooring.

MOTION: To authorize the mayor to enter into a contract with Donald G. Austin General Contractor in the amount of \$105,944.00 for the construction of kitchen renovations at Fire Station 3 and approve Budget Adjustment No. 13-96.

Fire Department Turnout Gear

This is the annual purchase of replacement turnout gear. The Fire Department is replacing turnout coats and pants purchased in 2006 or before.

MOTION: To purchase twelve (12) turnout coats, twelve (12) pairs of turnout pants, sixty (60) suspenders and (12) extra name tags from NAFECO in the amount of \$26,856.12; five (5) pairs of firefighter boots from EVS Mid-South in the amount of \$1,500; for a grand total of \$28,356.12.

Purchase of Weather Station

Currently, the City activates the Tornado Warning Sirens in Germantown whenever the National Weather Service issues a Tornado Warning for Shelby County. This new station would allow Dispatch to immediately ascertain if a Tornado Warning for Shelby County included Germantown, thereby providing a means to not sound the Tornado Warning Sirens in Germantown if Germantown is not included in the warning.

MOTION: To purchase a weather station and weather monitoring service from Earth Networks in the amount of \$15,995.00.

Recognition of Donations – Fire Dept. LAFS Troupe

The Assisi Foundation has made a donation in the amount of \$500.00 that will be used for the LAFS troupe to replace the computer used for music and sound effects.

MOTION: To recognize a donation to the Fire Department's LAFS Program totaling \$500.00.

The Lawrence Group Supplemental Agreement

The Board approved a professional services agreement with The Lawrence Group for the development of a small area plan for the western entrance to the City. The total project cost was \$98,500.00 with the property owners in the area paying 50% of this fee. The contract included an additional cost for regular and customary expense reimbursables estimated at 10% of the total project fees including travel, delivery services and document reproduction that were not part of the original contract. The request is for \$9,850.00 to be added to the original contract amount.

MOTION: To amend the professional services agreement with The Lawrence Group approved by the Board of Mayor and Aldermen on December 19, 2012 in an amount not to exceed 10% of the total project fee, or \$9,850.00 for regular and customary reimbursable expenses and Budget Adjustment No. 13-90.

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Southern Ave. Aeration Tower Refurbishment – Bid Rejection

Staff is requesting the Board to reject the bids that were received for this project due to the unanticipated cost which exceeded the FY13 Budget Projection. Staff and the engineers would like to review the contractor submittals and seek alternative options that may be more economically feasible and operationally beneficial before proceeding with the seismic retrofit of the towers.

MOTION: To reject the four bids received for the Southern Ave. Aeration Tower Refurbishment Project.

Secondary Sanitation System – GAC Indoor Pool

This secondary disinfection system will help improve the air and water quality at the indoor pool. The project will be coordinated for minimal impact and downtime for completion. Two to three days has been suggested as the required time with a date of middle to end of June 2013.

MOTION: To approve a construction contract with Memphis Pools in the amount of \$23,410.00 for construction of secondary disinfection for indoor pool.

Lateral D Supplemental for Design of Laterals D & E

In February another bank failure occurred along Lateral D. The area is approximately 250 feet south of the new Wolf River Blvd. outside the limits of construction for the proposed Wolf River Blvd. If this failed area is not repaired soon it will begin to threaten the recently completed ditch work downstream and eventually the new WRB bridge over Lateral D. The request is to add a supplement to the existing Professional Services Agreement with Barge Waggoner Sumner & Cannon, Inc in the amount of \$36,000.00.

MOTION: To authorize approval of a design supplement in the amount of \$36,000.00 with Barge Waggoner Sumner & Cannon for additional design services related to Lateral D Repairs and to approve Budget Adjustment No. 13-94.

Certificate of Compliance – Poplar Pike Liquors - Moved from Reg. Agenda

Ms. Joan Jekels, owner of Poplar Pike Liquors, has requested a Certificate of Compliance from the City of Germantown. Every two years, the State of Tennessee Alcohol Beverage Commission (TABC) requires the Retail Package Stores to notify the municipality for approval.

MOTION: To authorize the Mayor to sign the Certificate of Compliance to Mrs. Joan S. Jekels, owner of Poplar Pike Liquors, 9330 Poplar Pike #103.

Purchase of Automatic Cardiac Monitor/Defibrillators and Automatic CPR Devices - Moved from Reg. Agenda

The Fire Department uses cardiac monitor/defibrillators to diagnose and treat patients suffering from cardiac emergencies, including heart attacks and cardiac dysrhythmias. This purchase is for three monitor/defibrillators.

The two automated CPR devices mechanically take the place of manual CPR on cardiac arrest victims and free up personnel to assist with other patient care, including advanced life support efforts.

MOTION: To authorize the purchase of three (3) monitor/defibrillators from Zoll Medical in the amount of \$74,685.25 and two (2) Automated CPR devices from Physio Control, Inc. in the amount of \$24,761.60 for a grand total of \$99,446.85, and approve Budget Adjustment No. 13-95.

Emergency Contract – Poplar Ave. Pavement Repair - Moved from Reg. Agenda

There was a water main break and large street failure at 7811 Poplar and Pete Mitchell. Due to the amount of street damage and considerations for the location, safety and traffic volume on Poplar, City

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staff agreed that the most effective solution was to request a bid from Standard Construction Co. to repair the section of pavement. Standard Construction Co. was the resurfacing subcontractor for TDOT during the Poplar Widening Project and had a complete understanding of the scope of the TDOT specifications. The estimate was \$85,559.20 but after repairs were completed it was less than anticipated resulting in an amount of \$68,883.29.

MOTION: To authorize payment to Standard Construction Company, Inc. for emergency repairs on Poplar Avenue in an amount of \$68,883.29.

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

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.

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder