

BOARD OF MAYOR AND ALDERMEN

October 14, 2013

A regular meeting of the Board of Mayor and Aldermen was held on Monday, October 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: John Drinnon, Mike Palazzolo, Forrest Owens and Rocky Janda. Alderman Greg Marcom was absent. Staff present: Debra Wiles, Patrick Lawton, George Brogdon, Andy Pouncey, Tim Gwaltney, Bo Mills, Susan Hopson, Chief John Selberg, Chief Richard Hall, Pam Beasley, Reynold Douglas, Butch Eder, Ralph Gabb, Paul Chandler, Lisa Piefer and Dotty Johnson.

Call to Order

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

Invocation

Parks and Recreation Director Pam Beasley 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 an add-on: Recognition of Donation - Memphis Thunder Racing; defer number 15 – Western Gateway Small Area Plan Approval; and to move number 18 – Ammunition for the Police Department to the consent agenda.

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

ROLL CALL: 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. Janda, seconded by Mr. Palazzolo, to approve the minutes of the Beer Board held September 16, 2013.

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

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to approve the minutes of the Board of Mayor and Aldermen meeting September 23, 2013.

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

Teacher of Month Award

Alderman Janda, alderman liaison to the Education Commission, presented Mr. Wayne Luellen, a seventh grade language arts teacher at Houston Middle School with the Teacher of the Month award for September. Wolfchase Toyota was the sponsor.

Youth Excellence Award

Ms. Sandy Smith, a senior at Hutchison School, was presented as the Youth Excellence Award winner for the month of September.

ADD-ON – Recognition of Donation – Bicycle Safety

Alderman Owens stepped down to receive a check from Mr. Mike Fahy representing Memphis Thunder Racing, Inc. The check was for \$2,500.00 to promote bicycle safety in the City of Germantown.

The Bicycling Club participates in bicycle safety by promoting a Kids Triathlon to educate the children about bicycle safety and holds a charitable fundraising cycling event every spring.

Board of Mayor and Aldermen

October 14, 2013

Page 2

Citizens to be Heard

Ms. Trudy Stamps, 1801 Whatling, came forward and spoke in regard to the Smart Code. She felt the Code would have an impact on the citizens and the Board and it needed a further explanation. She was afraid the Code would give powers to unaccountable committees and councils of unelected officials.

Ms. Mary Hill, 1581 Bubbling Brook Dr., stated she was vice president of Farmington Meadows Homeowners Association and voiced her concerns with Smart Growth and asked the Board to not vote for it. She felt that the Smart Code only allowed for small shops because the larger businesses would be limited by building space and customer access.

Ms. Maureen Wamble, 8059 Neshoba Rd, expressed her concerns regarding Smart Growth and that it was going to take away the rights of the people.

Public Hearing – Ordinance 2013-12 – Amendment to OSHA Plan – Second Reading

Human Resources Director Susan Hopson stated that this ordinance provides guidelines and procedures for implementing the Occupational Safety and Health Program (OSHA) for the employees of the City. The City's plan for providing a safe work environment, as well as how it will handle accidents and unsafe situations, are outlined in the document. This amendment will ensure that an updated plan is on file with OSHA and also available for employees to review as required by law.

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

Motion by Mr. Owens, seconded by Mr. Palazzolo, to adopt Ordinance 2013-12 on second reading, amending the City of Germantown Occupational and Safety and Health Program.

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

Germantown Community Theatre FY14 Agreement

Parks and Recreation Director Pam Beasley stated that \$45,000.00 was included in the Parks and Recreation Department's budget for the Germantown Community Theatre. The youth theater provides programming to the Germantown community. This will be the ninth year for the collaborative effort between the City and GCT. All terms of the agreement have been met and GCT had provided all documentation required.

Brent Davis, Executive Director for GCT came forward and gave an overview of the programming for the youth theatre. Mr. Davis and Ms. Leigh Echt, Director of Education and Development for the Theatre, thanked the Board and the City for their support.

Motion by Mr. Janda, seconded by Mr. Palazzolo, to authorize the Mayor to execute an agreement for the FY14 Budget between the City of Germantown and the Germantown Community Theatre and to authorize the budgeted payment of \$45,000.00 for this purpose.

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

Municipal School Office Lease Agreement

City Administrator Patrick Lawton stated, with the Board's approval of this item, the Mayor will be authorized to execute a lease agreement with Sheriff LLC for office space for the Germantown Municipal School District (GMSD) central office staff.

Mr. Lawton explained that City Administration and the Board had been working diligently over the past several years to put in place all of the necessary requirements to form a municipal school. Some are legal and procedural while others are logistical. The lease agreement represents one of the logistical items to be addressed.

Board of Mayor and Aldermen

October 14, 2013

Page 3

The proposed lease agreement is for the GMSD central office. The location of this lease space is on the second floor of the Carrefour Mall and consists of approximately 8,500 sq. ft. of office space. The lease is for two years and one month, commencing December 1, 2013 to December 31, 2015. With the execution of the lease the landlord will begin the renovation work necessary, including minor demolition, paint and carpet, to accommodate the GMSD central office staff.

The cost for these improvements is \$43,117. If we terminate the lease in May 2014 or December 2014, the City will be responsible for reimbursing the landlord for these improvements.

Including the superintendent, there will be a total of 37 employees occupying this central office space. This staffing level is based on the feasibility study provided by Southern Educational Strategies (SES) in January 2012. Funding for this lease is included in the special revenue fund established for the municipal school district with the adoption of this year's budget.

In response to a question by Alderman Owens, Mr. Lawton stated this rate is very competitive for the surrounding area, the utilities will be included and the landlord has been very generous in terms of working with us over the past couple of years and keeping that space available.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to authorize the Mayor to execute a lease agreement with Sheriff, LLC for the GMSD central office commencing November 1, 2013 to December 31, 2015.

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

School Office Furnishings

Mr. Lawton explained that City staff had worked with Memphis Business Interiors (MBI) to design the various work space requirements per the original Southern Educational Strategies (SES) feasibility study.

The City is authorized under state law to use purchasing cooperatives. The National Joint Purchasing Alliance (NJPA) is an approved cooperative and offers substantial savings and buying efficiencies for its members such as the City of Germantown. MBI is an approved vendor with NJPA and therefore their pricing structure for the various office furniture purchases was extremely competitive.

Mr. Lawton stated the total purchase price for all of the furniture, fixtures and equipment (FF&E) for the Germantown Municipal School District (GMSD) central office space is \$158,275.99. Funding for this purchase was allocated in the GMSD special revenue fund established with the adopting of this year's budget.

The furnishings are flexible and can be easily reconfigured to accommodate different positions or office space. The pieces are high quality and come with a limited lifetime warranty. The proposed contract includes delivery and installation of all material.

Motion by Mr. Drinnon, seconded by Mr. Owens, to authorize the Mayor to execute 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 \$158,275.99.

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

Fiscal Analysis Update – SES

Mr. Lawton stated that in January 2012, Southern Educational Strategies (SES) delivered to the Board and City Administration a feasibility study regarding the establishment of a municipal school system. The study revealed that Germantown could meet all of the statutory and regulatory requirements necessary to operate a municipal school system. The study also identified the various revenue streams and projections based on the current Basic Education Program (BEP) formula, county tax rate and local contribution. Projections were also made on the number of students entering the system as well as staffing levels.

Board of Mayor and Aldermen

October 14, 2013

Page 4

There is a new BEP formula and county tax rate that will impact our state allocation and Average Daily Attendance share. Questions regarding the ultimate number of students entering our school system in August 2014 will also impact our revenue projections. In an effort to provide the most accurate revenue and expenditure projection on which to base the FY15 GMSD budget, SES is proposing to update the fiscal requirements of the original feasibility study. Funding for this update is available in the special revenue fund established for municipal schools as part of the FY14 approved budget.

In response to a question from Alderman Owens, Mr. Aikens, consultant, stated it was his recommendation to have the fiscal study updated due to the limited timelines that we are under.

Motion by Mr. Owens, seconded by Mr. Palazzolo, to authorize the Mayor to execute a City of Germantown professional services agreement with Southern Educational Strategies, LLC for the purpose of updating the fiscal requirements for operating a municipal school district in the City of Germantown in an amount not to exceed \$36,000.00.

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

Ordinance 2013-13 – Smart Code – First Reading

Economic and Community Development Director Andy Pouncey stated that we have been under the Smart Growth Code since 2007 which has been replaced in its entirety with the Smart Code. This ordinance will replace the original Smart Growth Code for the Central Business District, making it applicable to all five non-residential districts upon adoption of a Small Area Plan.

Mr. Pouncey stated this was not an amendment. It is to replace the old code, not change it. The replacement will give more opportunities to have a more sustainable community socially equal.

In response to a question from Alderman Drinnon, Mr. Pouncey stated this ordinance, after much discussion with the Planning Commission, won their approval, was reviewed several times by staff, as well as the City Attorney, and the attorney for the Planning Commission.

Alderman Janda stated that with the Verizon building there were exceptions made as they went along. He asked if exceptions can be made as they go along with the developments. Mr. Pouncey stated these are called warrants.

Mr. Pouncey responded to Alderman Palazzolo stating that the warrants are only granted by the Board of Mayor and Aldermen.

Motion by Mr. Owens, seconded by Mr. Palazzolo, to approve Ordinance 2013-13 – the “Smart Code” on the first reading and set November 11, 2013 as the public hearing date and replace the original “Smart Growth Code” for the Central Business District, making it applicable to all five (5) non-residential districts upon adoption of a Small Area Plan, per the Economic Development Strategic Plan adopted September 24, 2012.

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

Western Gateway Small Area Plan Approval - DEFERRED

Ordinance 2013-14 – Amend Great Hall Ordinance – First Reading

Community Services Division Director George Brogdon stated that there are basically four changes to the ordinance. The first is the name change from Great Hall Advisory Commission to Great Hall and Conference Center Commission. The commission would also like to expand from five members to seven members and add “Hospitality” to the areas of expertise. One of the two additional members may be a non-resident with expertise in one of the required areas.

Board of Mayor and Aldermen

October 14, 2013

Page 5

Motion by Mr. Janda, seconded by Mr. Palazzolo, to approve Ordinance 2013-14 on first reading and set November 11, 2013, for second reading and public hearing.

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

Shelby County Reappraisal Payment

Finance Director Ralph Gabb stated that Shelby County Government had provided to all municipalities a summary report of Continuous Cycle Reappraisal Program fiscal year expenses for the completed 2013 reappraisal. Germantown's portion of the sharable cost for the period is \$146,083.00. The cost is allocated based on the number of parcels within the municipality.

Motion by Mr. Palazzolo, seconded by Mr. Janda, to approve payment to Shelby County Government for Property Reappraisal for fiscal years 2010 through 2013 in the amount of \$146,083.00.

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

Ammunition for Police Department – MOVED TO CONSENT

Wolf River Blvd. – Change Order No. 2

Chief Engineer Tim Gwaltney stated this change order involves the August pay request in the amount of \$678,490.00. Approval of Change Order No. 2 will increase the contract ceiling from \$18,924,130.10 to \$19,602,620.10.

Motion by Mr. Owens, seconded by Mr. Palazzolo, to approve Change Order No. 2 in the amount of \$678,490.00 to the Construction Contract with Acuff Enterprises d.b.a. Scott Contractors increasing the contract amount from \$18,924,130.10 to \$19,602,620.10 for the Wolf River Boulevard project and to approve Budget Adjustment No. 14-20.

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

CONSENT

Senior Expo Booth Equipment Rental

The eighteenth annual Germantown Senior Expo will be held on Thursday, November 7. This year the expo has expanded and will be utilizing the facilities of both the Germantown Athletic Club and the Germantown Performing Arts Center. The low bid of \$10,742.50 from Hicks Conventions Services will provide all booths and specified equipment for the expo.

MOTION: Request authorization to secure Hicks Convention Services to provide all booths and specified equipment for the Senior Expo, in the amount of \$10,742.50.

Payroll Budget Transfer

This is a request for a budget transfer from Economic and Community Development to the Finance Department because of the need for an additional employee to provide administrative functions in the Finance Department. After careful review of the internal candidates, the decision was made to accept an internal candidate from within the City. This employee began working in Finance and the necessary budget moved from their current cost center (Economic and Community Development) to Finance.

MOTION: To approve a transfer of budgeted payroll from the Economic and Community Development Department to the Finance Department.

Extension of Ambulance Rental Agreement

The contract term for Ambulance Rental was for a period of one hundred twenty days with the option of two additional thirty day periods. Exercising these extensions will allow continued coverage for the

Board of Mayor and Aldermen

October 14, 2013

Page 6

City's ambulance service until December 17, 2013 when the purchased ambulances are received. A budget adjustment will be needed to provide sufficient funds for the extended period.

MOTION: To request authorization to exercise the City's option to extend the contract for the rental of four (4) ambulances with Eagle Medical Services, LLC for two (3) thirty (30) day extension periods in the total amount of \$20,000/month and approve Budget Adjustment No. 14-21.

Great Hall Budget Transfer

At the end of FY12, the working capital for the Great Hall ended at \$32,335.00. During FY13 the fund ended with a net loss of \$192,590.00. There was not sufficient working capital to cover the operating expenditures for the period. Therefore, \$70,000.00 needs to be transferred from the general fund as an operating transfer to the Great Hall.

MOTION: To approve an operating transfer of \$70,000.00 from general fund to the Great Hall for FY13.

Annual Maintenance Contract – Internet Filtering & Network Hardware

The maintenance contracts will provide security through firewall filtering as well as provide coverage for the entire City network. Presidio continues to hold the state-wide contract as a certified Cisco product provider. The cost to renew the maintenance contract is \$28,354.04.

MOTION: To authorize the Mayor to renew the maintenance contract with Presidio Networked Solutions in the amount of \$28,354.04 for the City's internet filtering and network hardware.

Ammunition for Police Department –Moved from Reg. Agenda

The Police Department is required by the POST Commission to qualify with their duty weapon, off duty weapon, shotgun and patrol rifles each year. Currently, the Police Department qualifies three times each year with their duty weapon and patrol rifle and once a year with the shotgun and off duty weapon. This ammunition will allow each officer the availability to be proficient with their weapon.

MOTION: To approve the purchase of ammunition from Craig's Firearm Supply, Precision Delta Corp. and Gulf States Distributors Inc. in the amount of \$37,082.82.

Motion by Mr. Palazzolo, seconded by Mr. Janda, to accept the consent agenda as presented.

ROLL CALL: 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