

BOARD OF MAYOR AND ALDERMEN

December 14, 2009

A regular meeting of the Board of Mayor and Aldermen was held on December 14, 2009 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, Ernest Chism, John Drinnon, Carole Hinely and Mike Palazzolo. Staff present: Patrick Lawton, Andy Pouncey, Kristen Geiger, George Brogdon, Tom Cates, Jerry Cook, Chief Richard Hall, Pat McConnell, Bo Mills, Chief Dennis Wolf, Michael Saddler, Butch Eder, Tim Gwaltney, Ralph Gabb, and Dotty Johnson.

Invocation

Assistant City Administrator George Brogdon gave the invocation.

Pledge of Allegiance

Alderman Mark Billingsley led the Pledge of Allegiance.

Approval of Agenda

Mayor Goldsworthy asked to add to the agenda the recognition of Shelby County Sheriff Mark Luttrell for his remarks and at the end of the meeting to add a concise summary of some of the accomplishments during the 2009 calendar year.

City Administrator Patrick Lawton stated administration requested to add to the agenda "Employee Compensations.

Alderman Billingsley asked to move "Video Streaming from the consent agenda to the regular agenda.

Motion by Mr. Palazzolo, seconded by Mr. Billingsley, to approve the agenda as revised.

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

Approval of Minutes

Alderman Palazzolo noted on page three, second paragraph last sentence under Resolution 09R15, after the word appears the word *to* should be deleted. On page four the last sentence on the page, the sentence should read *he would vote yes*, and delete the word *be*.

Motion by Mr. Drinnon, seconded by Palazzolo, to approve the minutes of the Board of Mayor and Aldermen meeting held November 23, 2009 as amended.

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

Shelby County Sheriff Mark Luttrell

Sheriff Luttrell gave an update on crime in the county, specifically near the Germantown area.

Youth Excellence Award

Ms. Corie Walker, a senior at St. Agnes Academy was awarded the Youth Excellence Award winner for the month of November. Mayor Goldsworthy, Alderman Hinely, the alderman liaison and members from the Education Commission presented her with the award.

Teacher of the Month

Mayor Goldsworthy, Alderman Hinely and members of the Education Commission presented Mr. Lou Carmichael, a third grade teacher at Dogwood Elementary School with the award for November. Mr. Ron Poe, Esquire was the sponsor of this month's award and presented Mr. Carmichael with a check.

Citizens to be Heard

There were no citizens to come forward.

BEER BOARD

PUBLIC HEARING – Beer Permit Application – Soul Fish Café – 3160 Village Shops Drive

City Administrator Patrick Lawton noted that the applicants, Mr. James Raymond Williams and Mr. John Mathis Bryant, owners of Soul Fish Café located at 3160 Village Shops Drive requested a permit to sell beer for on-premise consumption. According to the police report, nothing had been found to discredit the applicants.

Motion by Mr. Billingsley, seconded by Mr. Chism, to approve the request from Mr. James Raymond Williams and Mr. John Mathis Bryant for a permit to sell beer for on-premise consumption at Soul Fish Café, located at 3160 Village Shops Drive.

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

BOARD OF MAYOR AND ALDERMEN

New Fire Station #4 Construction Contract

Fire Chief Dennis Wolf gave a detailed presentation on the history of Fire Station Number 4 and why there were changes and additional costs to the contract. Changes to the contract had been brought to the Board and approved on June 8, 2009. These changes had increased the architect's construction estimate from \$1,900,000.00 to \$2,200,000.00. On October 23, 2009, ten contractors submitted bids and the low bid was Belz Investco GP at \$3,024,468.00.

Chief Wolf stated the scope of the proposed fire station is not representative of other local fire stations because of the LEED components that will result in a life cycle and energy cost efficient facility and the presence of an Alternate Emergency Operation Center and a training facility. These uses have special electrical requirements not normally found within fire stations. Other items unique to the project include construction around a cell tower, demolition of the existing facility and the requirement to maintain exiting fire department operations during construction.

Motion by Ms. Hinely, seconded by Mr. Chism to authorize the Mayor to enter into a contract with Belz Investco GP for the construction of a new LEED Certified Fire Station Number 4 in the amount of \$3,024,468.00 and approve Budget Adjustment No. 10-63.

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

Competitive Soccer and Girls Softball Programs - REMOVED

Oak Manor Sewer Change Order and Contract Close Out

Director of Public Services Bo Mills stated this was a change order request for \$3,913.80 to cover the costs of repositioning a man hole into the street. With the approval of this request the City will release the contract retainages and close the contract out.

Motion by Mr. Chism, seconded by Ms. Hinely, to approve Change Order #1 and the final close-out of the contract with Ensco, LLC for the installation of a sanitary sewer extension on Oak Manor Cove in the amount of \$3,913.80 and approve Budget Adjustment #10-62.

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

Howard Road/Mimosa Gardens Drainage Improvement Construction Contract

City Engineer Tim Gwaltney gave a history of this project and the four phases the consultant had recommended. Phase 1, removal of utility conflicts was completed in 1997. Phase 2, detention at McVay park was completed in 2000. Phase 3, detention at Wildwood Farms has not been constructed due to opposition from the Wildwood Farms property owners as well as opposition from residents within Mimosa Gardens subdivision. Phase 4, Mimosa Gardens Neighborhood Drainage Improvements, is the subject of this agenda item. This project includes the installation of approximately 11,000 feet of storm drain pipe ranging from 15” – 48” diameter and associated surface inlets.

There were eight qualified bids received and Neibel Construction Company, LLC was the acceptable low bidder at an amount of \$738,157.50.

Mr. Gwaltney stated a public meeting had been held with the area residents on October 15, 2009 to introduce the planned neighborhood improvements and to inform them of required easements. All responses had been positive.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve a construction contract with Neibel Construction Co., LLC in the amount of \$738,157.50 for the Howard Rd/Mimosa Gardens Improvements Project and an additional amount not to exceed \$25,000.00 to cover potential expenditures related to work within the proposed drainage easements.

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

Civic Support – Germantown Education Foundation

Assistant City Administrator George Brogdon stated in 2007 the Board decided to form the Germantown Education Foundation as a way to direct funds through the Foundation to the schools to assist them in implementing academic and educational projects to our schools. The Foundation is presently working to raise additional dollars.

Mr. Greg Noonan, President of the Education Foundation came forward and gave a brief description of what they will be doing in the coming year.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to approve a grant to the Germantown Education Foundation in the amount of \$100,000 to fund grants to Germantown public schools for academic and educational projects to improve our schools.

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

Video Streaming Services – MOVED FROM CONSENT AGENDA

Assistant City Administrator Kristen Geiger stated this contract with Granicus, Inc. would provide video streaming services for the City. The contract would be for one year with two one-year options for a total of \$24,693.57. Granicus is allowing a 30% discount to the first eleven cities to contract for their services.

Ms. Geiger explained this would be a creative way for staff to get information out to the public. It would offer interested parties the ability to view or review Board of Mayor and Aldermen meetings on the City web site whether live or in an archived format.

A discussion followed on the abilities of video streaming and who would be handling the web site.

Alderman Palazzolo asked for staff to look into the MinutesMaker solution.

Alderman Chism and Alderman Billingsley felt that there should be dedicated staff, on a daily basis to ensure there would be enough time to keep this tool and the City website up-to-date.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve funding to enter into an agreement with Granicus, Inc. to provide video streaming services in the amount of \$8,399.83 per year and to authorize the initial start up cost of \$8,885.57, for a total of \$17,285.40.

ROLL CALL: Billingsley–yes, Chism-no, Drinnon-yes, Hinely-yes, Palazzolo–yes. Motion approved.

Employee Compensation

Mr. Lawton stated that the City had to make severe budget decisions over the past two fiscal years to balance the budgets and be responsible. The economic downfall had impacted all. The administration had to make salary adjustments and cut backs in benefits, travel, education and other benefits. In light of this, administration suggested that employees be given a \$100 net bonus check to all full-time employees prior to December 24, 2009.

In response to a question from Alderman Hinely, Mr. Lawton stated because of putting a freeze on travel and meeting expenses, some infrastructure replacement items had come in under what had been anticipated so administration is confident the money is available.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve bonus compensation to all full-time employees employed prior to December 31, 2009.

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

CONSENT AGENDA

Change Order #1 – Engine Overhaul for Pumper F-127 – Fire Department

The Board approved the removal and overhaul of the engine in unit F-127 in October. When G&W Diesel Service removed and disassembled the engine and tested all components required for a complete overhaul the test showed both cylinder heads were cracked and could not be rebuilt. New cylinder heads are required to complete the engine overhaul at an additional cost of \$2,379.24.

MOTION: To authorize additional funding totaling \$2,379.24 for G&W Diesel Service Inc. to install two new cylinder heads on unit F-127, a Fire Department Pumper.

Public Educational and Government (PEG) Revenue and Disbursement FY10

This is the first PEG payment to be received from AT&T. This represents the time period from July 1, 2009 through September 30, 2009.

MOTION: To approve budget adjustment number 10-58 increasing the budget in the amount of \$53.30 for FY10 and to remit to the PEG station, Germantown Community Television Foundation, a payment as outlined in the state franchise agreement in the amount of \$53.30. Also, to allow the City in the future to remit the PEG payment received from AT&T to the Germantown Community Television Foundation, PEG station, for Capital Contribution via City check without requiring approval of the Board.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to accept the consent agenda as presented.

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

Mayor Goldsworthy gave a brief report on the progress of the City over the year.

She stated that the citizens as well as the City had felt the impact of short fall on revenues while the expenses continue to rise, but she wanted to celebrate all the good things that happened.

We balanced the budget. The budget is responsive to the needs of the citizens and it is fiscally responsible.

We have managed financial resources against the worst recession since the great depression. In spite of this, twice this year we had affirmed our Triple A bond rating with Standard and Poor's and Moody's.

The assistance and oversight of our financial resources and budget by the Financial Advisory Commission has allowed us to use the wisdom of people in our community to help to manage the finances and make recommendations.

We continue to have the lowest crime rate for a city our size in the State of Tennessee. Our Police Department has given us the ability to assure a sense of safety and security in the community.

She commented on the exemplary effort of the Germantown Fire Department in dealing with a major house fire this past weekend. It speaks to the competency, excellence; the resources the Board has invested in making certain the people know that their property will be protected.

We have passed another year with no fire fatalities. We have completed the design for a new fire hall.

We made progress on the road project, Wolf River Blvd. We are in the final design phase for a project that has been a long time coming.

The Library Board and the Senior Citizen Advisory Commission developed the Book by Mail program which makes our library resources much more available to people who cannot regularly come to the library.

A Great Hall Task Force has been formed to make recommendations to the Board about how to bring things that would bring fiscal stability to the operation of the Great Hall.

The work of the Education Foundation with the Board's support provides tools to our schools through grants.

The work of the Education Commission in the development the "Battle of the Brains" first time competition.

The web site that we hope to launch in January with not only a new look but a very important source of greater accessibility and more convenience to the citizens of Germantown who need to interact with City Hall.

The success of programming for the Germantown Performing Arts Center and its success in their fund-raising.

All the City personnel and elected officials have undergone ethics training.

She stated it was time to celebrate even though it is hard times to celebrate our achievements that are very important to the quality of life and quality of services that the Board enabled to take place in the community.

Alderman Drinnon commented that the Board was very appreciative of the accomplishments that had been made this year and it all points to the leadership that Mayor Goldsworthy had given as Mayor and Patrick Lawton had given as City Administrator, and the department heads and employees who had made the Board look better than what they were.

ADJOURNMENT

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

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder