

BOARD OF MAYOR AND ALDERMEN

March 22, 2010

A regular meeting of the Board of Mayor and Aldermen was held on March 22, 2010 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, and Carole Hinely. Alderman Mike Palazzolo was absent. Staff present: Patrick Lawton, Andy Pouncey, George Brogdon, Tom Cates, Chief Richard Hall, Jerry Cook, Pat McConnell, Bo Mills, Lisa Piefer, Ralph Gabb, Michael Stoll, Melody Pittman and Dotty Johnson.

Call to Order

Mayor Goldsworthy called the meeting to order.

Invocation

Director of Development Jerry Cook gave the invocation.

Pledge of Allegiance

Alderman Mark Billingsley led the Pledge of Allegiance.

Approval of Agenda

Mayor Goldsworthy asked the Board to approve the Add-on of a proclamation for Google Day.

Alderman Billingsley asked to add a discussion of the Tree Board responsibilities.

Mayor Goldsworthy noted that item 16 - Professional Services Agreement for Sustainability Plan, has been deferred.

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

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

Approval of Minutes

There were no corrections or additions to the minutes.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to accept the minutes of the March 8, 2010 meeting as read.

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

Beautification Commission Business Award

Mayor Goldsworthy presented the March Business Award to IberiaBank located at 7465 Poplar Avenue.

ADD-ON – Proclamation – Google Day

Mayor Goldsworthy read a proclamation urging the citizens of Germantown to recognize and support the continuing efforts to bring Google's "Fiber for Communities" experiment to Germantown and proclaimed Friday, March 20, 2010 as "Google Day."

Ms. Donna Newman, chairman of the Telecommunications Commission, stated the commission supported the application for this high-speed internet connection. She thanked the subcommittee

chairman Rik Ditter and the other subcommittee members. She also thanked Kristen Geiger and the staff who worked on the comprehensive questionnaire.

ADD-ON – Responsibilities of the Tree Board

Alderman Billingsley stated that during the process of remodeling the LandMark Bank several trees were cut down. He felt the Tree Board were not involved in the permit to cut down those trees and he asked the Board and the Mayor for consideration in working with the Tree Board's chairman Sidney Kuhn as well as its other members to work with staff to come up with additional policies and procedures that might better consider more authority for the Tree Board. He felt there were at least two trees on the property that were hundreds of years old that could have been saved.

Mr. Sidney Kuhn of 8779 Three Chimneys Drive West came forward and spoke as a member and standing chairman of the Tree Board. He stated that the entire Tree Board had made a valiant effort to preserve the historic trees in Old Germantown. It was his opinion and the opinion of some certified Arborists that these trees contributed greatly to the urban forest canopy of historic Germantown. They felt that if they had been involved earlier, that these trees could have been saved.

Mr. Kuhn stated that the Tree Board have plans to prepare a list of recommendations involving the process that is used in the review and decision making concerning our urban forests and present these to the Board and the staff for consideration. The Tree Board is also in the process of rewriting the Tree Ordinance for the Board's consideration.

Alderman Drinnon commented that being on the Planning Commission, the application that was referenced was quite involved in getting approved and had it not been for Mr. Pouncey getting involved and guiding it through, it may not have been approved. There was no intent on the part of the Planning Commission to approve something in contrary to the pleasure of the Tree Board.

Economic and Development Services Director Andy Pouncey stated the applicants came to the Planning Commission to review the site plan for many months. The one thing they do is to show the trees that are existing on the site and they show a site plan where adjustments can be made to a site to save trees. In this instance, this is a very small lot. He stated that because this is a property sharing lot, the intent was when the driveway was set up that it would serve more than just one lot. Since the lots were divided and built on about 30 or 40 years ago there are now standards for driveways, inlets, drainage and handicap access.

Mr. Pouncey stated that the responsibilities of the Tree Board do not include review of private properties, it is primarily for the public lands such as parks, streets, etc. and the Planning Commission had never had involvement from the Tree Board. The Planning Commission is always open to views of the Tree Board. He felt that due diligence was taken on this property and there are new standards which are used to develop the sites which have not been there in the past. In order to have good access to a site, the trees had to come down. There were several alternatives that were worked on but the final outcome was that the trees had to come down. New trees will be planted.

Mayor Goldsworthy asked Mr. Pouncey to respond to the reference by Alderman Drinnon regarding the role of the Planning Commission and the Design Review Commission in dealing with landscaping.

Mr. Pouncey stated the Planning Commission receives the site plan that shows the existing trees. The DRC looks at the aesthetics and with this building the aesthetics had to do with not only the landscaping but also the building. There were drainage conditions and other conditions that not only the DRC but the Planning Commission had to take into consideration as they approached the project.

Alderman Billingsley asked the Board's support and charged the administrator to work with the Tree Board as well as its chairman to review the duties and responsibilities of the Tree Board and to report

back to the Board. He was concerned that there were two trees remaining that were of significant size to the rear of the property that he felt could have been saved. He stated his point is not to argue about it but to save future trees from being removed in Germantown.

Alderman Drinnon stated that there had been a number of issues that had to be dealt with this property and had Mr. Pouncey not been involved it would not have been approved. He stated that on behalf of the Planning Commission he expressed his appreciation to him. He stated he agreed with Alderman Billingsley that at the proper time the Tree Board could be involved in the planning process so that something like this would not happen again.

The Board agreed that staff would work with the Tree Board to identify other responsibilities and rules that pertain to private projects, commercial projects and the preservation of trees.

Playground Demonstration Project with Baptist Rehabilitation Germantown and Playcore

Parks and Recreation Director Pam Beasley explained that after receiving word that Playcore Company was seeking participants across the country to implement *NatureGrounds*, a comprehensive program that provides best practice guidelines for combining manufactured play equipment and the living landscape to help reconnect children with nature and to stimulate play for children, families, and communities.

The City of Germantown Parks and Recreation Department was selected due to national accreditation status, being a Tennessee benchmarked department and the strong base of community involvement.

As this opportunity was unfolding, leadership from the Baptist Rehabilitation Hospital Germantown (BRHG) approached the Parks and Recreation Department interested in the development of an adaptive playground project that would be totally inclusive and serve children and families with special needs. An invitation was extended to partner on the Riverdale Park project. Staff from BRHG submitted a grant proposal to the Baptist Foundation for funding. A grant has been awarded in the amount of \$150,000.00 to be used for the purchase of additional playground equipment.

The Riverdale School Principal, Riverdale faculty and the parent support group have committed to provide volunteer and in-kind funding support. The plan is to construct the playground as a “community build” process, involving as many as 200 volunteers.

The total value of the two private donations is \$300,000.00 (\$150,000.00 of playground equipment from PlayCore and another \$150,000.00 of equipment from the Baptist Foundation Grant). The City is being asked to provide funding for the site preparation and other miscellaneous costs of the installation process estimated at \$80,000.00.

Ms. Beasley recognized Ms. Susan Stralka, CEO of Baptist Rehabilitation Hospital Germantown, Ms. Sharon Wheeler, Director of Advancement Services, Baptist Foundation, and Ms. Ann Smith, Senior Manager of Baptist Hospital Administration and Grants. She also recognized Ms. Sue Oelman, Assistant Principal at Riverdale Elementary who thanked everyone on behalf of the principal Mr. David Carlisle.

Ms. Beasley read a statement from Bob Farnsworth the CPO of Playcore stating his pleasure in being a partner in the NatureGround project being developed at Riverdale Park.

Motion by Ms. Hinely, seconded by Mr. Billingsley, to recognize and accept a contribution of new playground equipment to be donated for a *NatureGrounds* site at Riverdale Park from these two donors: the Playcore Company in an amount valued at \$150,000.00 and the Baptist Rehabilitation Hospital Germantown and Baptist Foundation in an amount valued at \$150,000.00; and to consider funding support of \$80,000.00 in the FY11 CIP Budget.

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

Citizens to be Heard

Mr. Ron Fittes of 2046 Woodcreek Drive stated he was a candidate for County Commission, District 4, Position 3. He stated he was against consolidation and promised to hear what the citizens were saying and would be available to Germantown.

Certificate of Compliance – Forest Hill Wine Merchants

Mr. Lawton explained that State law requires the holder of liquor store permits receive a Certificate of Compliance issued by the local municipality every two years. Mr. Latham Oates of 250 Spring Hollow representing Oates Investments, LLC is requesting a certificate. The appropriate background checks have been performed and the Certificate of Compliance is in order for Forest Hill Wine Merchants.

Motion by Mr. Billingsley, seconded by Ms. Hinely, to issue a certificate of compliance to Oates Investments, LLC, for a retail liquor store located at 9087 Poplar Ave., Ste 101.

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

Certificate of Compliance – Germantown Liquor

Mr. Lawton explained that Ms. Catherine G. Lunati had requested a Certificate of Compliance for Germantown Liquors. The appropriate background checks had been performed and the Certificate of Compliance was in order.

Motion by Mr. Billingsley, seconded by Mr. Chism, to authorize the Mayor to sign the Certificate of Compliance to Ms. Catherine G. Lunati for Germantown Liquors, 7645 Poplar Ave.

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

PUBLIC HEARING - Ordinance 2010 – 1 – Amendment to Chapter 7, Businesses, and Chapter 23, Zoning of the Germantown Code of Ordinances to allow Temporary, Outdoor Sales of Vegetables, Fruit, Produce and Baked Goods in the “C-1” Neighborhood Commercial, “C-2” General Commercial and “SC-1” Shopping Center Zoning Districts – Third and Final Reading

Economic and Development Services Director Andy Pouncey stated this was the third and final reading on the “Farmers Market” Ordinance. The ordinance had been changed since the second reading to include jams, jellies, honey, preserves. The Code Compliance officers will be out inspecting the areas and enforcing the ordinance.

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

Motion by Ms. Hinely, seconded by Mr. Billingsley, to approve Ordinance No. 2010-1 on Third and Final Reading.

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

Ordinance 2010 – 2 – Establishment of the Great Hall Commission – First Reading

Community Services Division Director George Brogdon came forward and explained that the Great Hall Task Force had recommended a Great Hall Commission be formed to serve as an advisory commission to the Board.

In response to a question from Mayor Goldsworthy, Mr. Brogdon stated the guidelines would be for this commission as the other commissions. The members would be appointed by the Board after applications are made and membership and liaison would be appointed as the process for the other commissions.

Motion by Mr. Billingsley, seconded by Mr. Chism, to form a Great Hall Advisory Commission and to set April 26th as the second reading and public hearing date.

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

Asphalt Paving and Milling Contract

Public Services Director Bo Mills stated this was the annual asphalt paving and milling contract. Each year they do an assessment on each of the streets and look at the condition of the streets. Each street is driven and rated and given a score. Based on the scores, the decision is made on which of the streets are most in need of maintenance. Most of the streets require milling before paving. This year there is just over six miles of streets to pave. The recommendation is the low bid of Lehman-Roberts Company.

Mr. Lawton stated the six miles was down slightly from previous years and one of the reasons for that were budgetary concerns and also the plans for the Farmington Road to be milled and repaved this year.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to contract with Lehman-Roberts Company for the annual FY10 Asphalt Paving and Milling Contract, in an amount not to exceed \$650,000.00.

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

Emergency Repair – Well #3

Mr. Mills explained that this well was located beneath the elevated water tanks off Poplar Pike and was constructed in 1990. Recently plan operators noticed some abnormal noise during the operation of the well and requested an inspection and analysis from Campbell Well Drilling, Inc. for a cost of \$8,500.00 that was approved by the Board on February 10. Once the well was pulled the contractor found significant damage to all the impellers, bowl assembly, well pump and shaft assembly. Campbell Well Drilling, Inc. was asked to pull, disassemble, inspect the damages and submit a proposal for operational restoration. The recommendations include the replacement of the Pump/Bowl Assembly, the water lube stainless steel inner column assembly and the 8" column. In addition, a recommendation and bid was submitted for a well bio-fouling treatment. Staff would like to expedite the necessary procedure for repairs, reinstallation and restoration of service.

In response to a question from Alderman Hinely, Mr. Mills stated this would interrupt service levels but it will only be temporarily. It is hoped it will be in full service by July.

Motion by Mr. Drinnon, seconded by Mr. Billingsley, to contract with Campbell Well Drilling, Inc. for emergency repairs and chemical treatment to Well #3 in the Southern Ave. Water Treatment Plant well field, in an amount not to exceed \$51,000.00.

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

Automated Enforcement Contract Amendment and Extension

Police Chief Richard Hall explained that the City would amend its contract with American Traffic Solutions, Inc. and to exercise the option to extend the contract for an additional twenty-four months.

Chief Hall gave some background on the Automated Enforcement program. The original contract which will end in November 15, 2010 was with Nestor Traffic Systems and could be extended for two additional twelve month periods for a cumulative total of sixty months. In October of 2009, American Traffic Solutions, Inc. acquired the assets of Nestor including the rights and interests in the City's contract. Staff recommended the following:

1. Amend to officially accept American Traffic Solutions, Inc., its assignment and assumption of rights and obligations of this contract.
2. Requirements of insurance, payment and performance bonds from American Traffic Solutions, Inc.
3. Authorize to exercise the two twelve month extensions which would extend the contract through November 15, 2012.

Motion by Mr. Billingsley, seconded by Ms. Hinely, to amend the existing contract to include American Traffic Solutions, Inc., and to exercise the option to extend the contract with American Traffic Solutions, Inc. for an additional twenty-four months.

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

Professional Services Agreement for Sustainability Plan - DEFERRED

CONSENT AGENDA

Reimbursement of overtime from Federal Department of Justice

The City has an officer assigned to the FBI Joint Safe Streets Task Force. The FBI SSTF reimburses any overtime that the officers receives while carrying out his duties.

MOTION: To recognize overtime reimbursement from the Federal Department of Justice and to approve Budget Adjustment #10-110.

Reimbursement for training from Emergency Communications District of Shelby County

The Germantown Police Department has eighteen dispatchers that are assigned as part of their duties to answer emergency 911 calls. Each dispatcher and dispatch supervisor is required by the State to attend training on dispatch procedures. The Emergency Communications District reimburses local agencies for the dispatch training.

MOTION: To recognize training reimbursement from the Emergency Communications District of Shelby County and to approve Budget Adjustment #10-111.

HP ProLiant File Server

This project will add a file server based on current technology and provide all City staff with a secure location for file storage. Pomeroy IT Solutions holds the Tennessee state-wide contract for this product. The price includes hardware, delivery and a three-year warranty.

MOTION: To approve authorization to enter into an agreement with Pomeroy IT Solutions to purchase a Hewlett Packard ProLiant File Server in the amount of \$11,607.98 and approve Budget Adjustment No. 10-112.

Civic Support Grant – Alive at 25

The program was developed in 1995 by the Traffic Safety Task Force Subcommittee on Education, the University of Memphis and the National Safety Council for the Alive at 25 curriculum in the two Shelby County high schools in Germantown.

MOTION: To authorize the payment of \$19,250 to the University of Memphis Office of Continuing Education for the implementation of the Alive at 25 course for Houston and Germantown High Schools.

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

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

Alderman Drinnon asked to remove the following item from the consent agenda to be heard:

Storm Debris Removal Payment – Moved to Reg. Agenda

Mr. Pouncey stated that on January 29, 2010 a storm event produced an accumulation of snow and ice resulting in a large number of broken limbs. The storm did produce a significant amount of tree debris placed at the curb. The cost associated with the collection and disposal is \$21,206.25. The event did not qualify as a disaster.

In response to a question from Alderman Drinnon, Mr. Pouncey stated there are checks and balances to the request from Michael's Tree and Loader Service. Mr. Joe Nunes and his staff are in charge of following some of the trucks and checking where the debris is unloaded. An assessment was made between what we typically picked up and this was declared in excess of that amount.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to authorize the payment of \$21,206.25 to Michael's Tree & Loader Service for the cost of storm debris removal and approve Budget Adjustment 10-99.

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

ADJOURNMENT

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

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder