

BOARD OF MAYOR AND ALDERMEN

April 12, 2010

A regular meeting of the Board of Mayor and Aldermen was held on April 12, 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, Carole Hinely, and Mike Palazzolo. Staff present: Patrick Lawton, Andy Pouncey, George Brogdon, Kristen Geiger, Tom Cates, Chief Richard Hall, Jerry Cook, Pat McConnell, Bo Mills, Chief Dennis Wolf, Lisa Piefer, Ralph Gabb, Butch Eder, Tim Gwaltney, Joe Nunes, Michael Stoll, Melody Pittman and Dotty Johnson.

Call to Order

Mayor Goldsworthy called the meeting to order.

Invocation

Economic and Development Services Director Andy Pouncey gave the invocation.

Pledge of Allegiance

Boy Scout Troop 86 from Second Presbyterian Church posted the colors and led the Pledge of Allegiance.

Approval of Agenda

Mayor Goldsworthy noted that number 14, a public hearing on an appeal of the Planning Commission decision from Investec Realty, and number 16, a public hearing on an appeal of the Planning Commission decision from Sanders Ridge PUD, had been removed.

Alderman Palazzolo asked for number 18, Bulk Asphalt Mix be moved to the Consent Agenda.

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

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

Approval of Minutes

Alderman Palazzolo noted some changes to be made to the minutes of the meeting held March 22, 2010.

On page two, under the heading ADD-ON – Responsibilities of the Tree Board, in the first sentence, the word LandMark was misspelled. In the second paragraph, third sentence the word or should be of. In the third sentence, second sentence the word or should be of. On page three, under the heading Playground Demonstration Project, in the sixth paragraph, second sentence, the name Carlisle was misspelled.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to accept the minutes of the March 22, 2010 meeting as corrected.

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

Youth Excellence Award

Mayor Goldsworthy, Alderman Hinely and members of the Education Commission came forward and presented Ms. Tish Chalmers, a senior at St. Agnes School with the Youth Excellence Award for the month of March. Traditions was the sponsor for the plaque.

Ms. Danielle Rassoul, a senior at Hutchison School was chosen to receive the award for the month of April. Traditions was the sponsor for the plaque.

Teacher of Month Award

The Teacher of the Month award for the month of March was presented to Ms. Cathi DeGloma, a fourth grade teacher at Our Lady of Perpetual Help School. The award was sponsored by Dr. We Du of the Kumon Reading and Math Center.

The award for the month of April was presented to Ms. Yvonne Mayer, the art teacher at Germantown Elementary School. Her award was sponsored by Woodland Tree Service.

Recognition – Friends of Germantown Community Library

City Attorney Tom Cates, who also serves as chairman of the Library Board, came forward to recognize The Friends of the Germantown Community Library. He introduced member of the Friends: Claudia Handel, LeAnn Byrum, Bob Jones, Don Riley, Susan Batson, Wynanne Dierssen, David Pritzke, Rick Lane, and Alice Wallace. Two members of the Board of Directors were also present, Margaret Owens and Alderman John Drinnon. He stated these were volunteers who give their time and energy toward supporting Germantown Community Library and the Regional History and Genealogy Center. The Friends established a Friends Book Store in the Library and solicit books, CDs, etc. and sell and label them “gently used”. This money is what is used to furnish the Library with the extra things that make the library special. Their total contributions to the library during this January 2009-April 2010 time period the total contribution of the Friends will amount to over \$49,000.00. He went on to explain what had been purchase with this money.

Motion by Mr. Chism, seconded by Mr. Drinnon, to recognize the donations made to the Germantown Community Library by the Friends of the Germantown Community Library in an amount valued at \$45,015.51.

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

Citizens to be Heard

No citizens came forward.

Mayor Goldsworthy recessed the Board of Mayor and Aldermen and convened the Beer Board.

BEER BOARD

Public Hearing – Beer Permit Application – Target – 9235 Poplar Ave.

Mr. Lawton stated the Target Corporation requested a permit to sell beer for off-premise consumption. The Target Corporation has no person with a five percent ownership interest and therefore a background check was done on the manager Ms. Rachel E. Touchstone and no record was found. They are in compliance with our ordinance.

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

Motion by Ms. Hinely, seconded by Mr. Palazzolo, to approve the request from Ms. Patricia A. Johnson with Target Corporation for a beer permit for off-premise consumption for its store located at 9235 Poplar Ave.

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

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

BOARD OF MAYOR AND ALDERMEN

Third Party Administrator Contract

Mr. Lawton stated this was a professional services contract with the J.P. Farley Corporation to serve as the City's third party administrator for our self insurance health plan. It is necessary to manage the plan through the use of an outside administrator who can provide professional administration of claim payments of the health and dental plan. J.P. Farley Corp. was chosen based on lowest cost that met all specifications.

The City's current contract for TPA services with Pittman & Associates expires at the end of this month. A request was sent out for sealed bid proposals to a variety of firms to provide TPA services. After extensive interviews, reference checks and comparisons of fees and best and final offers from these firms, the Administration is recommending the firm of J.P. Farley Corporation to serve as our administrator of our health claims. The cost for this service in the first year is \$85,200 with a 3% increase in the contract price next year. The result of this competitive sealed bid proposal process will save the City, compared to our existing TPA, approximately \$25,000 annually. Oversight of the contract will be administered by staff in our Human Resources department.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to authorize the Mayor to execute a contract with J.P. Farley Corporation as the City's Third Party Administrator for its employee health plan.

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

Methodist HealthChoice Contract Renewal

Alderman Billingsley recused himself and left the dais because of his employment with Methodist Healthcare.

Mr. Lawton stated this contract was an agreement with Methodist Health Choice to serve as the City's preferred provider organization for the next 2 years. In an effort to control our health costs under our self insurance program, the City of Germantown under a contract with a preferred provider organization, is provided discounts and savings by steering our employees who participate in the City's health plan to a certain healthcare provider. Since 1998 this provider has been Methodist Health Choice. Every 2 years prior to the anniversary date of this contract with Health Choice, staff in Human Resources and representatives from Methodist Hospital compare the cost and coverage of providing medical services for our employees based upon industry standards and changes in medical coverage. The proposed contract for the next 2 years reflects no increase in year one and a 4% increase on inpatient changes the second year. The contract itself is based upon a series of savings by utilizing the services of one recommended preferred provider organization. The City, through these discounts, makes a conscience effort to steer all of our employees to this PPO for their medical needs.

Mr. Lawton thanked Ernie Moretta and Pat McConnell for their efforts in negotiating this contract for medical services and Methodist for the spirit of cooperation in which they entered these discussions.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to authorize the Mayor to execute a contract with Methodist Health Choice to provide health care services for the employees of the City of Germantown.

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

Alderman Billingsley returned to the dais.

Ordinance 2010 – 3 Amendment to the Code of Ordinances – Chapter 23, Zoning, Regarding the Age Restriction and Parking Requirements of Congregate Housing within the R-H (Retirement Housing) Zoning District –First Reading and Set Public Hearing Date

Economic and Development Services Director Andy Pouncey stated this amendment will remove the age restriction and alter the parking requirements within the Retirement Housing zoning district. Staff was advised by the City Attorney that a zoning district based on an age restriction was unconstitutional.

Motion by Ms. Hinely, seconded by Mr. Chism, to approve Ordinance No. 2010-3 on First Reading and set a public hearing date for May 10, 2010.

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

Appeal of Design Review Commission Decision: Investec Realty – 9037 Poplar Avenue, StoneCreek Centre – Request Renewal of a Temporary Real Estate Sign - REMOVED

Appeal of Design Review Commission Decision: Gary Myers Company – 9289 Poplar Avenue, Poplar Collection - Request Renewal of a Temporary Real Estate Sign - DEFERRED

Public Hearing – Appeal of Planning Commission Decision: Sanders Ridge PUD – northern terminus of Cedar Ridge Drive, north of Poplar Pike – Request amendment to the PUD for the installation of gates - REMOVED

Professional Services Agreement for Sustainability Plan

Community Services Division Director George Brogdon explained that the Brown and Caldwell/Fisher and Arnold team will facilitate and assist with the development of a municipal energy sustainability plan for the City in the amount of \$30,000.00 as a compliance requirement associated with a grant received from the U.S. Department of Energy on January 25, 2010. There is no local cash match for this project and all expenses incurred will be reimbursed by the U.S. Department of Energy.

Mr. Lawton stated the creation of a local sustainability plan will put the City in a position to leverage other Department of Energy grants that can be used on the local level.

Motion by Mr. Palazzolo, seconded by Mr. Billingsley, to authorize the Mayor to accept a professional services contract from the Brown and Caldwell/Fisher and Arnold team to facilitate and assist with the development of a municipal energy sustainability plan for the City of Germantown in the amount of \$30,000.00 as a compliance requirement associated with a grant received from the U.S. Department of Energy on January 25, 2010.

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

LED Traffic Signal Head Conversion

CIP Manager Butch Eder stated on Jan. 25, 2010 the Board accepted a Grant from the Department of Energy in the amount of \$169,600.00 to develop and implement energy conservation programs.

Approximately 15 intersections will be upgraded with the available funds. The LED Heads will reduce energy consumption by 60-80 per cent depending upon the intersection configuration. It is estimated that the LED signal heads will save approximately \$2,253.00 a month and \$27,036.00 in annual savings.

Although the project is 100% federally funded, the initial funding needed to establish the project in this Fiscal Year will come from the FY10 CIP Contingency Account. As the project moves forward and the City is reimbursed for expenditures, the Grant funds will be deposited back into the CIP Contingency Account.

Motion by Mr. Chism, seconded by Mr. Billingsley, to authorize the Mayor to enter into a contract with Desoto County Electric for the conversion of incandescent traffic signal heads with energy efficient LED traffic signal heads in an amount not to exceed \$139,600.00.

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

Decorative Street Signpost Contracts

Joe Nunes, the Neighborhood Services Manager stated Apex Ironworks was the low bidder for the fabrication and installation of the decorative street sign posts, decorative street sign brackets and regulatory sign posts. The total cost is not to exceed \$203,345.00. This project is a cost-sharing program with the neighborhoods of Germantown in which the City will pay fifty percent and the neighborhoods pay fifty percent of the cost for the manufacture and installation of each new street sign. The City assumes 100% of the cost for the fabrication and installation of the regulatory (stop) signs. This program standardized the design of posts for a consistent decorative look throughout the City.

A discussion followed on when the posts would be installed, who had paid and who was in line to have them installed.

Motion by Mr. Billingsley, seconded by Mr. Drinnon, to authorize the Mayor to enter into agreements with Apex Ironworks for the fabrication and installation of the decorative street signposts, the decorative street sign brackets and the decorative regulatory signposts in an amount not to exceed \$140,845.00 for the fabrication and \$62,500.00 for the initial installation and to approve Budget Adjustment 10-122 in the amount of \$39,086.00.

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

Professional Services Agreement – Great Hall Parking Expansion

Mr. Brogdon explained that the Great Hall can accommodate up to 400 to 500 people for a function, yet there are only 82 parking spaces at the Great Hall entrance. The parking lot expansion would add approximately 78 spaces to the exiting lot and create a more aesthetic entrance to the Great Hall area. This contract is a Professional Services Agreement with ETI Corp. for the design and preparation of construction documents for the parking lot expansion in the amount of \$29,978.90.

Alderman Palazzolo stated if the design work was 10 to 15% of the total project that would put the project between \$300,000.00 and \$350,000.00 and he asked if that money had been identified for next year's budget and CIP?

Mr. Brogdon stated he had been working with Ms. Geiger and they had identified \$300,000.00 for the construction project.

A discussion followed on the number of people who attend functions at the Great Hall and the addition of parking spaces being enough to accommodate the guests and what can be done in the future.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to approve a Professional Services Agreement with ETI Corporation in the amount of \$29,978.90 for design and preparation of construction documents for the Great Hall parking lot expansion.

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

CONSENT AGENDA

Software Programming - SunGard

In order to process the approved Stormwater Management fee, programming will be required to modify the existing data fields in the utility module as well as the land module used to compile data for each monthly utility bill. The cost associated with the programming changes is \$15,300.00.

MOTION: To approve authorization for the City to contract for software programming services provided by SunGard Public Sector, Inc. in the amount of \$15,300.00 for the stormwater fee approved for implementation.

Purchase – Bulk Chemicals

This purchase represents a semi-annual inventory of water treatment chemicals. These items are delivered upon request from water plant personnel at the Southern Avenue and Johnson Road Water Treatment Plants. The total amount for these chemicals is \$15,850.00.

MOTION: To purchase fluoride from Harcros Chemicals in the amount of \$4,850.00 and sodium hexametaphosphate from CARUS Corporation Inc. in the amount of \$11,000.00 for a total amount of \$15,850.00.

Germantown Youth Softball – Budget Adjustment

The Board is asked to accept money from youth softball registration fees in the amount of \$12,484.00 as revenue for the Youth Softball Program.

MOTION: To accept money from youth softball registration fees in the amount of \$12,484.00 as revenue for the program and to approve Budget Adjustment No. 10-121.

Recognition of Library Donations

These are miscellaneous donations made to the Germantown Community Library totaling \$3,425.15 and the Germantown Regional History, Genealogy Center totaling \$322.92.

The Germantown Community Library is embraced and supported by the Germantown community. The Germantown Community Library staff, with individuals, groups, and organizations, partner to make improvements and enhancements to the library. Donations expand the number and variety of materials, programs, and services the library is able to offer the citizens of Germantown.

MOTION: To approve the donations made to the Germantown Community Library, Germantown Regional History and Genealogy Center, and to accept Budget Adjustment No. 10-113.

Resolution 10R01 – A resolution to approve the co-location of a Clearwire wireless transmission facility onto an existing DBA, Inc. tower at 8738 Farmington Boulevard, inside the Bob Hailey Athletic Complex

This resolution will grant approval for Clearwire to install antennas within the stealth shroud of the tower at the 108 foot elevation and to add equipment within the compound at the base of the tower.

MOTION: To approve Resolution 10R01 for the co-location of Clearwire wireless transmission facilities at 8738 Farmington Blvd.

Resolution 10R02 – A resolution to revoke the approval of Subdivision Development Contract no. 476-Lakepoint Plaza Subdivision.

Lakepoint Plaza Subdivision was originally approved by the Board on May 22, 2006 as S/D Contract no. 476. A two-year time extension was approved by the Board on March 10, 2008. The applicant, Weston Companies, has stated they do not intend to develop the subdivision within the two-year time limit. They request the contract be revoked and the original contract bond be returned. The resolution revokes the development contract, releases the bond and refunds the fees paid in association with the contract, minus the \$700 Plans Review Fee and a \$100 Contract Amendment Fee.

MOTION: To approve Resolution 10R02 for the revocation of Lakepoint Plaza Subdivision Development Contract No. 476, the release of the bond and the refund of development fees in the amount of \$5,011.

Bulk Asphalt Mix – MOVED TO CONSENT AGENDA

Asphalt mix is used for street maintenance repairs, utility cuts and drainage projects. Public Services crews pick up the asphalt mix as needed at the vendor's closest distribution plant location and transport it to the job site for immediate application. The purchase is for 2,000 tons in the amount of \$111,000.00.

MOTION: To contract with Standard Construction Company, Inc. for the purchase of 2,000 tons of 411D hot asphalt mix in the amount of \$111,000.00.

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

ROLL CALL: Chism-yes, Billingsley-yes, Drinnon-yes, Hinely-yes, Palazzolo-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