

BOARD OF MAYOR AND ALDERMEN

June 14, 2010

A regular meeting of the Board of Mayor and Aldermen was held on June 14, 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, Pam Beasley, Jerry Cook, Pat McConnell, Bo Mills, Lisa Piefer, Ralph Gabb, Butch Eder, Tim Gwaltney, Wade Morgan and Dotty Johnson.

Call to Order

Mayor Goldsworthy called the meeting to order.

Invocation

Public Services Director Bo Mills gave the invocation.

Pledge of Allegiance

Alderman Mike Palazzolo led the Pledge of Allegiance.

Approval of Agenda

The following changes were made to the agenda:

The Mayor asked the Board to approve an Add-On to the consent agenda which was a construction contract for an emergency repair to the slope failure at Poplar and New Riverdale Road.

A proclamation on the regular agenda had been deferred.

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

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

Approval of Minutes

Alderman Billingsley asked that the minutes of the May 24th meeting on page 5, include the completion dates for the installation of Vehicle Video Detection and the LED Traffic Signal Head Conversion Change Order.

Motion by Mr. Palazzolo, seconded by Mr. Chism, to approve the minutes of the Board of Mayor and Aldermen meeting held May 24, 2010 as corrected.

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

Citizens to be Heard

Mr. Allen Black of 3407 Crestwyn Drive stated he had been honored to be able to coach a group of young men to a championship season through the Germantown Baseball League. His group of young men came forward to thank the City for providing the facilities.

The Mayor thanked the players, the coaches and the parents who enable the ability of young people to participate in these activities. She also thanked the Parks and Recreation Department and Public Services for their work in making the fields playable.

Mr. Bob Bean of 2197 Prestwick Drive came forward on behalf of the Germantown Baseball League. He stated that there were over 800 children enrolled in the league which constituted 72 baseball teams. There were 12 volunteers helping on the organizational side and over 200 coaches. He brought his team forward and thanked the City for the opportunity and support.

Derrick Lloyd of 8615 Sandpoint Dr. came forward with his team, and he too thanked the City for support of the GBL and GFL in Germantown.

Proclamation – Parks and Recreation – DEFERRED

PUBLIC HEARING – Ordinance 2010-4 – An Ordinance to Adopt the Fiscal Year 2011 Budget – Second Reading

City Administrator Patrick Lawton gave a power point presentation on the Budget highlighting some of the main budget challenges and an overview of what is included in this year's FY11 Proposed Budget.

Mr. Lawton noted that all the services were linked to Vision 2020, commissions and citizen feedback. This is the 8th year without a property tax increase. The last time property taxes were raised was in July of 2003.

Some of the things the budget does include are: no property tax rate increase, a reduction in Sanitation Fee, full funding for retirement and OPEB, 2% overall payroll increase, funding of a \$38.3 million Capital Program, community-wide survey, Stormwater Utility Fund, civic support decreases, service improvements through technology and planning initiatives.

The General Fund Revenues total \$36,714,915 and is a 1.9% decrease from the FY10 estimate. The expenditures for FY11 total \$36,611.00 and are also a 1.9% decrease.

The General Fund supports the Police and Fire Services, building, park and street maintenance, recreational activities, performing arts and community grants, code enforcement services, city planning and engineering, court and library services and finance and general administration.

The General Fund Revenues consist of property taxes, sales tax, federal and state taxes, license and fees, and interest. The expenditures consist of public safety, general government, transportation, debt service, community services, and other.

The Enterprise Fund is used in governmental accounting where there is a specific fee charged for a service. These funds consist of the Sanitation Fund, Germantown Athletic Club Fund, Utility Fund, Great Hall Fund, and the Stormwater Utility Fund.

The Sanitation Fund revenues for FY11 total \$3,871,699.00 and the operating expenses total \$4,005,911.00.

The Germantown Athletic Club Fund operating revenues for FY11 total \$3,357,922.00 and the operating expenses total \$3,836,075.00.

The Germantown Great Hall Fund operating revenues total \$165,000.00 and the operating expenses total \$467,383.00.

The Utility Fund operating revenues total \$7,380,000.00 and the expenses total \$7,040,414.00.

The CIP for FY11 totals \$38,251,000.00 and includes major roads, intersect/drainage, parks, Athletic Club, Great Hall, utility, contingency and general

The Civic Support for FY11 totals \$576,875.00 and includes GHS-TV Foundation, Germantown Education Foundation, TN Shakespeare Foundation, Arts Commission Grant, Chamber of Commerce Grant, City Beautification Commission Grant, Historic Commission Grant, GPAC Grant, and Other Civic Support.

The Special Revenue Funds include \$3,046,000.00 in revenues and expenses totaling \$2,933,000.00. These funds include State Street Aid, Drug Fund, Automated Enforcement, Pickering Center and Recreation.

Mr. Lawton thanked everyone involved in making the balanced budget possible. He thanked the community at large including the residential and business communities, the FAC for their expert financial guidance, the Board, the departments and the talented crew in finance including Kristen Geiger, Ralph Gabb, Michael Stoll, Sherry Rowell, and Adrienne Royals.

Alderman Billingsley thanked the members of the FAC for giving of their time and talents and the staff, Mayor and Administrators for their participation in preparation of the budget.

Alderman Billingsley stated he felt that under civic support that some things should be considered a fee for a service. Our relationship with GHS-TV Foundation he felt should be a fee for a service and as such should go in a different line item. He stated in past meetings someone had also interjected that possibly the Germantown Community Theatre should also be under a different line item because it was a contractual agreement and a fee for a service.

Mr. Lawton stated that after the first reading of the budget he had met with our attorneys and they are working together to structure what an agreement would look like with GHS-TV. We are trying to incorporate a lot of the elements that were found in the previous Access Together Agreement.

Mr. Lawton stated he had not had conversations with GCT but when Morgan Woods folded, they were approached to see if they could provide that service directly with Parks and Recreation.

Mr. Lawton, in response to a question from Mayor Goldsworthy as to clarification as to whether the adjustment or movement of these two items from Civic Support could be done for this budget cycle or will these actions take place in the new year 2012, he stated he would expect to bring the contracts or agreements back to the Board in late July or August. They could be moved to another cost center at any time.

Alderman Drinnon thanked the staff and City Administrator Lawton for the work on the budget and the presentation.

Alderman Palazzolo stated he concurred with the Board in moving these two items from Civic Support. He felt that the items should be moved after the attorneys have drawn an agreement and then moved to the next fiscal budget.

Mayor Goldsworthy opened the public hearing.

Mr. Charles Coe of 2896 Hughes Creek Cove came forward and complemented the Board in streamlining the employment through managed competition which resulted in a 10% decrease in the number of City employees. He stated he opposed the recommendation to raise the salaries of City employees. He also

opposed budgeting money to the Shakespearian Amphitheater and remodeling the Great Hall because he felt the City had not proven it could officially manage such ventures.

Mr. Julius Moody of 2100 Knoll Lane spoke as chairman of the FAC. He stated the FAC had 23 citizen members from across the community. These members represented a solid yet diverse group with significant combined experience in finance. The FAC met five times to review staff's presentation of key components of the FY11 Proposed Budget.

Mr. Moody stated the FAC had voted unanimously to approve the Proposed Budget for FY11 as a whole as being prudent and sound with respect to the anticipated expenditures and revenues presented to the commission and found it to be prepared within the spirit of the seven year plan objective of maintaining a constant tax rate. While the downturned economy clearly presents some financial challenges, the FAC is comfortable with the direction with which it is progressing and feel the Board of Mayor and Aldermen is addressing the turn around with focus and the proper due diligence.

On behalf of the entire FAC, Mr. Moody thanked Alderman Chism for permitting the FAC to operate in a very open and frank manner. He also stated their confidence in the full staff. The FAC encouraged that every action of the Board continue to be addressed from the perspective of maintaining sound and sustainable financial footing, to preserve our quality of life within the spirit of the Vision 2020 goals and objectives.

Mr. Sidney Kuehn of 8779 Three Chimneys Dr. W. came forward and expressed his appreciation for the hard work that had been put into the budget. He stated he appreciated what the staff and Board had done in preparing the budget and it was his recommendation that it be approved.

Having no one else come forward, the public hearing was concluded.

Motion by Mr. Drinnon, seconded by Mr. Chism, to approve on second reading Ordinance No. 2010-4 establishing the FY11 Proposed Budget.

Alderman Billingsley recommended the budget be amended to move GHS-TV and Germantown Community Theatre from Civic Support to another line-item and he suggested it be under Administration and Telecommunications.

Mr. Lawton suggested if the Board was interested in moving these items from Civic Support that there was a communications line item under Administration that handles web site and public relations that GHS-TV could be moved under and to move the Germantown Community Theatre into Community Services under Parks and Recreation.

Motion by Mr. Billingsley, seconded by Ms. Hinely, to amend the motion to move funding for GHS-TV to Administration and Germantown Community Theatre to Parks and Recreation.

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

In response to a question from Alderman Palazzolo, Mr. Lawton stated that during the presentation of the budget he mentioned there would be a managed competition study done for the sanitation contract so when the current contract is up, and bids come in a comparison can be made. Managed competition will also be looked at in other areas such as the Great Hall, Germantown Athletic Club and other areas to be identified.

Alderman Drinnon stated that the Budget had been brought up and studied for the past month and things had not been brought before the Board for any action and he felt it was a bad area of judgment to try and

make modifications or changes at the second reading. Any suggestions that had been made could be evaluated for the third reading which is the final reading.

Mayor Goldsworthy noted that managed competition was very clearly an approach that the Administration and staff had used persistently over the last four years and there were identified certain circumstances in which there would be maximum benefit to that type of scrutiny but there were no hard and fast rules about what the City does scrutinize. Staff decides what the things are where we respectively want to see improvement in efficiency.

Mr. Lawton stated that part of the work that staff will be doing with Baldrige is to look at all the processes and procedures and develop a mechanism where staff can determine what is the most efficient way to accomplish that task and teaching staff how to do flow charts and process management control of those procedures to see what steps might be taken to reduce costs in any of those areas. In this aspect, managed competition processes will be put into place in each of the departments throughout the City.

Alderman Palazzolo complimented the Personnel Advisory Commission on their work that led to the recommendation for salary increase. He felt it was very creative. As a result, it put more work on the very qualified and very dedicated staff and the small amount of a raise was of more benefit to the entry level employee salary and less beneficial to senior management.

Mr. Lawton stated one of the reasons for the 2% payroll adjustment was so the City would not get behind competitively in the market. This will help us maintain the pace of what is happening around us, especially in the private sector. We want to be the employer of choice and not lose our dedicated employees to other opportunities. This will prevent some large lump fund makeup in the future when conditions improve and markets improve.

Vote on Original Motion as amended:

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

Ordinance 2010-5 – Real and Personalty Property Taxes – Second Reading

Finance Director Ralph Gabb stated the property tax would remain at \$1.425 per \$100.000 of assessed valuation.

The Shelby County Assessor completed the 2009 countywide reappraisal of property and as a result, municipalities were required to calculate a state “certified tax rate” or roll back rate that produced a “tax neutral” effect for the current taxpayers.

For the FY10 operating budget, the “Certified Tax Rate” contained a state authorized four and a half cent buffer that must be reexamined and evaluated the following year it went into effect. The State Board of Equalization requires a “Recapture Tax Rate” be calculated. The recapture rate takes into consideration the use of the provided buffer. Should the entire amount of the buffer not be required for appeals heard to-date, the recapture rate, when approved would result in a lower tax rate than the prior year’s “Certified Tax Rate”. It has been determined by staff and discussed with the FAC that the potential usage of the remaining buffer may be required to address outstanding appeals by residential and commercial property owners.

Motion by Mr. Palazzolo, seconded by Mr. Billingsley, to approve Ordinance no. 2010-5 on second reading.

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

PUBLIC HEARING – Ordinance 2010-6 – An Ordinance for Year-End Budget Adjustments – Second Reading

Alderman Palazzolo left the dais.

Financial and General Services Division Director Kristen Geiger stated at the end of the fiscal year, a number of year-end budget adjustments are required to be made in order to avoid budget and fund overruns in the various funds. All the expenditures being funded by the budget adjustments were approved under the City's purchasing policies.

Typically at year-end, a number of budget adjustments are made to the various City funds, which realign operating expense/expenditure accounts with actual activity. They recognize various overruns, underruns, project acceleration and deferrals that have already been brought to the Board's attention and gained their approval.

Accounting transactions may cross separate funds and consequently require approval by ordinance.

Alderman Palazzolo returned to the dais.

Ms. Geiger described each of the adjustments and which fund they would be affecting.

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

Motion by Mr. Chism, seconded by Ms. Hinely, to approve Ordinance No. 2010-6 for year-end budget adjustments on second reading.

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

PUBLIC HEARING – Ordinance 2009-19 – Amendment to Chapter 2, Administration; Chapter 6, Building and Building Regulations and Chapter 14, Signs- Authority of Design Review Commission to Grant Exceptions – Second Reading

Director of Development Jerry Cook explained the amendment to the sign ordinance. The changes could be classified into three groups: those related directly to exceptions, those that are housekeeping items related to the granting of exceptions, and fence/subdivision entrance feature exceptions. The changes in this ordinance amendment reflect variances granted by the Commission in the past.

The DRC had recommended these amendments in October of last year.

Mr. Cook stated that in the area of exceptions, the DRC had recommended to the Board an amendment that basically required the applicant to justify and identify the rationale before any exceptions can be requested of the Sign Ordinance.

City Attorney Tom Cates had advised staff that the Code of Ordinances should be clarified on the procedure by which it grants variances to the Sign Ordinance before the Commission grants any further variances. The chapters that are proposed to be amended reflect Mr. Cates' request.

Mr. Cates had consulted with the Board on the options available to the City concerning the existing digital fuel price signs.

Mr. Cook gave a power point presentation showing the different signs, entrances, setbacks, that would be involved and how the exceptions would affect the ordinance and how they presently look.

In response to a question from Alderman Billingsley, Mr. Cook stated the amendment to the sign ordinance would not affect the existing signs or entrances but with the change in the ordinance would give exceptions to the sign ordinance regulations to allow other features like this. If other developments in the future came and proposed a similar type of design for an entryway in the future, then the amendments would allow the DRC to give the exception to the set-back requirements for both the structure and the sign on the structure.

In response to a question from Alderman Hinely, Mr. Cook stated that the BZA had also heard variances on entrances. As a result of this coming before the BZA, there were regulations drawn to where the subdivision features could be no taller than a certain height and they had to be set back a certain distance because the BZA was looking at numerous requests to go over the six feet in height that was originally in the sign ordinance. The sign ordinance was amended to allow specific regulations for subdivision features.

Alderman Chism felt that if the City continues to turn down lighted signs for gas stations like the ones now in place, the ones that want signs and are turned down will sue us and the ones that now have signs and we change the ordinance and make them take down the signs will sue us. He stated he ran for election to represent the citizens of Germantown and he would like to make decisions based on what staff would say rather than his understanding of what was furnished to him in the packet. He felt the Board and staff should talk about what is good for Germantown.

Mr. Cook stated the consideration the DRC had recommended to the Board would simply allow them to have the flexibility where necessary. They would be justified to grant exceptions to the regulations where warranted.

Motion by Mr. Drinnon, seconded by Mr. Chism to table this item until the Board could have a meeting with our attorney and have a clearer understanding of what is being recommended.

Mayor Goldsworthy asked for clarification from Attorney Cates.

Mr. Cates stated if this matter is tabled there would have to be another public hearing. But the motion could be withdrawn and the public hearing could be continued.

The Chair entered a motion to withdraw the previous motion. Mr. Drinnon stated he would withdraw the motion. Motion seconded by Mr. Billingsley to withdraw the motion.

Alderman Palazzolo called point of order. If a vote had to be taken on the motion.

Mayor Goldsworthy stated that after the public hearing the Board would return to act on the original motion.

Mr. Sidney Kuehn of 7792 Three Chimneys Circle Dr. West stated he was speaking against all the exceptions that were proposed in the ordinance. He felt that over the years it had been his experience that exceptions lead to exceptions. He stated that in the work session that he had attended for the Board he had not heard anything about price signs and the size of them. He was also opposed to the setback exceptions in subdivisions since the streetscape was trying to be preserved. He was also concerned with the safety when some of the signs are too close to the street and these were given exceptions.

Mr. Kuehn stated the first LED gas sign was approved on the Consent Agenda. As a result of that, we now have two and probably six other service stations waiting for the Board to approve the amendment. He asked the Board to not approve the amendment to this ordinance.

Josh Whitehead of 1789 Madison #204 came forward as a former employee and author of the amendment. He stated that in the Zoning Code under Chapter 23 there was a paragraph that stated any variance throughout the Zoning Code goes to the BZA. Our Sign Ordinance is a separate code (Chapter 14), the subdivision features are a separate code (Chapter 6) and neither of the chapters have the paragraph of variances. The City Attorney had stated there was no expressed variance power of the DRC. From that, Development took the acceptable exceptions and put them into the amendment.

Having no one else come forward, the public hearing was concluded.

Motion by Mr. Drinnon, seconded by Mr. Billingsley, to table the amendment to the ordinance until a clearer understanding could be reached.

Alderman Palazzolo stated the Board had looked at this in the past, it had been tabled, and a work session and legal discussion had been held on portions of this amendment within the last six to eight months.

Mr. Cates stated these discussions had taken place.

In response to a question from Aldermen Palazzolo, Mr. Pouncey stated the amendment to the ordinance had not changed much since the first time it was brought before the Board.

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

PUBLIC HEARING – Outline Plan for the Dogwood Ridge Senior Living Facility Planned Unit Development, located on the south side of Poplar Avenue, east of the intersection of Kimbrough Road. Harvey Marcom with the Reaves Firm – Representative

Economic and Development Service Director Andy Pouncey stated the Planning Commission had recommended approval of the Outline Plan and preliminary site plan for the Dogwood Ridge PUD. This establishes the framework of street and easement dedication, uses permitted, and number of dwelling units which will guide the development of the project. Approval of the Outline Plan and associated Conditions will allow the applicant to file a Final Site Plan for a future Planning Commission meeting and Board of Mayor and Aldermen contract approval.

The site's elevation changes substantially from south to north, with up to a 25 foot change in elevation. A retaining wall of approximately 17 feet in height is proposed on the south property line, with parking space provided at its base. The standard R-H district regulations for Congregate Housing do not permit parking within 50 feet of the property line, but the parking area's location at the base of the retaining wall will prevent the view of vehicles from abutting properties. The PUD will allow for an exception from those standard regulations.

In response to a question from Alderman Hinely, Mr. Pouncey stated that because of the topography of the land the neighborhood will not see the 17 foot wall maybe only a brief line. The parking is the biggest consideration and they are being very careful to screen them.

In response to a question from Alderman Billingsley, Mr. Pouncey stated the function of the Tree Board was for public properties, such as parks, right-of-way, etc. and their authority is not with private properties. There are members on the Tree Board that will be reviewing the plan such as a member of the DRC and the Planning Commission.

Alderman Billingsley stated he believes the Tree Board should have more power and authority to give sound advice to the Board. He stated he felt the Board of Mayor and Aldermen would like to be more active in preserving the trees in the community.

Mayor Goldsworthy stated the DRC had the authority to make decisions about landscaping, restoration of trees and such things and they are able to do this in context of how buildings are placed on the properties given the demands that affect the ability to preserve the trees. This authority is given to the DRC and they exercise that on every project.

Mr. Pouncey stated the Planning Commission works with the trees as to whether they are safe or not and their first big project is the Great Hall parking lot. This is an example where the Tree Board is brought in to advise. On the private developments the DRC and Planning Commission are brought together where there is a wealth of talent in that field from professionals and staff.

The Mayor opened the public hearing.

Tom Johnson 8342 Wind Meadow Lane from representing Dogwood Ridge Homeowners Association in Dogwood Creek spoke against the project. He asked the Board to try and keep some of the greenscape in the area.

Alderman Chism left the dais.

Sidney Kuehn of 8779 Three Chimneys Dr. West came forward and spoke as chairman of the Tree Board of the City. He stated they were working on amendments to our ordinance so the Board can get the Tree Board more involved in these types of issues.

There was a discussion on what the ordinance requires when clearing property.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to approve the Outline Plan for the Dogwood Ridge Senior Living Facility Planned Unit Development.

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

Alderman Chism returned to the dais.

Delinquent Accounts

Finance Director Ralph Gabb explained that Policy Letter 13 requires that a recommendation for write-offs of uncollectible accounts be presented to the Board of Mayor and Aldermen. The statute of limitations for personal property and court fines is ten years and six years for the utility accounts. The request is to grant approval to remove these accounts from collection totaling \$125,060.80.

In response to a question from Alderman Palazzolo, Mr. Gabb stated that all efforts had been made to collect these accounts.

Alderman Palazzolo asked for a chart that would show what the City had charge off over the last ten year which would give a good measuring stick to see if there are fluctuations.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to approve the deletion from financial records of the City of amounts receivable due to their uncollectability totaling \$125,060.80

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

CONSENT AGENDA

Annual Agreement – Ground Water Institute

The Ground Water Institute has offered to continue to service the City by acting as an independent expert in the ground water area.

MOTION: To authorize the Mayor to execute an Agreement with the University of Memphis Ground Water Institute in the amount of \$16,100.00.

Resolution 10R08 – Parks and Recreation Bank Account

Because of the nature of the events, the City must provide payment at the time the service is provided to the referees. The City is establishing a separate bank account that will require two signatures. The account will be funded when support documentation is presented to the finance department.

MOTION: To request authorization to establish a checking account to be used to pay for competitive soccer referees.

Recognition of Reimbursement

Businesses that advertise in the Shop Germantown newsletter pay \$330 each to fund the printing each month. Newsletters are distributed with water bills at no added postage cost.

The City paid the entire cost of the joint processing and mailing of the City Calendar and the Germantown magazine. The City was reimbursed for the Chamber's portion of this expense. The Board is asked to recognize these funds and adjust the public relations budget to reflect the reimbursement.

MOTION: To recognize revenue generated by reimbursement of expenses related to the Shop Germantown newsletter and the mailing of the Germantown magazine totaling \$8,759.00 and to approve Budget Adjustment 10-144.

Recognition of Donation – Crime Stoppers

Dr. Robert C. McEwan wished to show his appreciation for the continued good performance of the Germantown Police Department by donating \$150.00 to the Crime Stoppers Program.

MOTION: To recognize a donation from Robert C. McEwan M.D. of \$150.00.

Annual Maintenance Renewal – New World Systems

This will be the third year of the 3-year annual maintenance agreement with New World Systems for the Police and Court software modules.

MOTION: To authorize funding for the third year of the three-year annual maintenance agreement and annual maintenance amounts agreed upon in the Courts software agreements with New World Systems in the amount of \$100,174.00.

Security Services – Germantown Athletic Club, GPAC & Great Hall

This agreement will provide 12 patrol checks per week around the complex outside the set determined hours of patrol, patrolling of the parking lots for 53 hours per week, 360 days a year and upon 48-hour notice, unarmed guards and/or parking lot security for special events and programs on an as needed basis. Payment of \$42,725.44 will be provided by Germantown Athletic Club (50%), GPAC (25%) and Great Hall (25%). GPAC and Great Hall will charge back to the customer the cost of requested security personnel at events.

The security specifications for a one-year agreement with the option to renew up to three years were sent to eleven security companies. Four vendors submitted and provided appropriate bid information.

MOTION: To authorize the Mayor to execute a security guard contract agreement with Phelps Security for a term of one year at the expense of \$42,725.44.

Acceptance of Donations – Germantown Fire Department

Through the efforts of the Germantown Woman's Club, the Fire Department received donations totaling \$200.00 from the Woman's Club and various individuals.

MOTION: To accept donations for the fire department's fire safety education programs from the Germantown Woman's Club in the amount of \$25.00, from Dorrie Szymkowicz in the amount of \$100.00, from Bennie Reeds in the amount of \$25.00, from Carole F. Gray in the amount of \$25.00, and from Betsy Arthur in the amount of \$15.00, for a total amount of \$200.00.

ADD-ON – Construction Contract – Repair of Slope Failure at Poplar Ave./New Riverdale

Soon after the roadway at New Riverdale Road was opened to traffic in 2008, it was noticed that the westbound Poplar Ave. to northbound New Riverdale Road ramp was not draining stormwater satisfactorily. A curb cut, sidewalk drain and rip-rap slope was installed a remedy to reduce the amount of standing water on the ramp adjacent to the curb.

The cumulative effects of the torrential rains of early to mid-May caused the slope to fail. A curb inlet, drop structure, piping and a headwall with rip-rap is recommended to replace the curb-cut, sidewalk drain and rip-rap slope.

MOTION: To authorize the approval of a Construction Contract with B & C Construction in the amount of \$14,300.00 for repair of a slope failure at Poplar Avenue and New Riverdale Road.

Motion by Mr. Billingsley, seconded by Mr. Palazzolo, to accept the consent agenda as read.

Alderman Palazzolo asked to be recused from voting on Item C (Recognition of Reimbursement) since he is a member of the Chamber Board.

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

Mr. Lawton announced that the City had received the Excellence in Financial Reporting Award for FY09 by the Government Finance Officers Association and it is quite an accomplishment to receive this award.

Tom Cates announced that the issue in regards to the Preserve Subdivision and the bonding company had been laid to rest. A company owned by Dick Leike had posted the bond and purchased the subdivision.

ADJOURNMENT

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

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder