

## **BOARD OF MAYOR AND ALDERMEN**

**September 13, 2010**

A regular meeting of the Board of Mayor and Aldermen was held on September 13, 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, Kristen Geiger, Tom Cates, Chief Richard Hall, Pam Beasley, Jerry Cook, Bo Mills, Ralph Gabb, Butch Eder, Chuck Porter, Tim Gwaltney, Joe Nunes, Michael Stoll and Dotty Johnson.

### **Call to Order**

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

### **Invocation**

Finance & General Services Division Director Kristen Geiger gave the invocation.

### **Pledge of Allegiance**

Alderman Ernest Chism led the Pledge of Allegiance.

### **Approval of Agenda**

Alderman Palazzolo asked to move item 12 (Paving/Milling Contract Change Order-Contract Close Out) to the consent agenda.

Motion by Mr. Chism, seconded by Mr. Palazzolo, to adopt the agenda as amended.

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

### **Approval of Minutes**

Alderman Palazzolo noted there was a misspelling of a name in the August 31, Special Called Meeting minutes. In the last paragraph on the first page the name Gouliff is misspelled.

Motion by Mr. Palazzolo, seconded by Mr. Chism, to approve the minutes of the Board of Mayor and Aldermen meeting held August 23, 2010, and the Special Called Meeting minutes held August 31, 2010 as amended.

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

### **Citizens to be Heard**

No citizens came forward.

### **Resolution 10R16 – Resolution in Opposition to Consolidation**

City Administrator Patrick Lawton noted that on August 31 at a special called meeting, the Board asked that the resolution come back to the Board. The Board had previously passed a similar resolution stating its opposition to consolidation and the formation of a metro government. There had been a couple of changes since the initial action and the changes are reflected in this resolution. Mainly that the work of the charter commission is now completed and that the charter had been filed with the election commission and will be on the ballot on November 2.

Motion by Ms. Hinely, seconded by Mr. Palazzolo, to approve Resolution 10R16 opposing consolidation.

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

Mayor Goldsworthy gave a report on the action of the charter commission and what had happened in the past weeks regarding consolidation of governments. She also reported on the progress staff had made from the requests from the Board that came from the Special Called Meeting on August 31.

**PUBLIC HEARING – Ordinance 2010-7 – Amendment to the Stormwater Management and Pollution Control Ordinance – Second Reading**

Mr. Lawton stated this was a housekeeping item. The ordinance will amend the Stormwater Ordinance that was adopted in 2004 as part of the compliance effort with the national pollution discharge elimination system or NPDES permit. This was an offshoot of the clean water act that was adopted in the 80's. This action will move the ordinance to the utilities section of our code which is a more logical placement.

Secondly it will create a local hearing board to hear appeals related to damage assessments, civil penalties and/or stormwater user fees in connection with the City's stormwater management ordinance.

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

Motion by Ms. Hinely, seconded by Mr. Drinnon, to approve on second reading Ordinance No. 2010-7, an ordinance to amend Chapter 21 (Utilities) and Chapter 23 (Zoning) of the Code of Ordinances of the City of Germantown to adopt certain provisions related to stormwater management.

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

**Ordinance 2010-8 – Amendment to Chapter 6 – Buildings and Building Regulations – First Reading**

Neighborhood Services Manager Joe Nunes stated this amendment would update the Code of Ordinances to adopt the current building and other codes that are already in effect for Shelby County. The City of Germantown has had a long standing contract with Shelby County for the enforcement of these codes. This amendment will bring Germantown Ordinances in line with the current joint Memphis and Shelby County codes. Language has also been added to the ordinance to adopt any future amendments by Shelby County.

The public hearing will be held on the third reading on October 11.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve the amendments to Chapter 6 of the Code of Ordinance on first reading and set a public hearing date on the third reading on October 11, 2010.

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

**Great Hall Parking Lot Expansion**

Community Services Division Director George Brogdon explained, as a result of seven months of work by the Great Hall Task Force, the Board approved a contract on April 12, 2010 to design parking lot expansion for the Great Hall. Presently, the Great Hall can accommodate 400 to 500 for a seated dinner or reception, however there are only 82 parking spaces and usually an event of that nature averages one car for every two attendees. The expansion of approximately 150 spaces would allow a group of 300 to easily park in the Great Hall parking lot with overflow down the hill at the Municipal Park parking lot.

Staff had worked with Sidney Kuehn and the Germantown Tree Board to accommodate as many trees as possible on the site. The expansion of the lot, while adding to the depreciation for the Great Hall fund, would allow for more and larger events to be accommodated and increase revenue to the Great Hall.

A discussion followed as to where the funding would be drawn from and why it was being done at this time.

Mr. Brogdon responded to questions from the Board and stated that the Great Hall Task Force had created a priority list and of the nine items, the parking was considered the most important. A survey had been done and parking was the majority reason the people were not renting the Great Hall.

Motion by Mr. Billingsley, seconded by Mr. Palazzolo, to approve a contract with Madden Phillips Construction Company in the amount of \$389,849.35 for the expansion of the Great Hall parking lot, and to approve Budget Adjustment No. 11-28.

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

#### **Pavement Rejuvenation Contract**

Public Services Director Bo Mills stated this was an annual rejuvenation contract. This rejuvenation replaces the oils in the asphalt and rebuilds it so it will extend the life-cycle of the pavement about six years. The bid was mailed to four suppliers and one bid was received. The City had used Pavement Technology, Inc. before and had been satisfied with their services.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to contract with Pavement Technology, Inc., for the annual pavement rejuvenation program in an amount not to exceed \$65,245.45.

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

#### **Paving/Milling Contract Change Order – Contract Close Out – MOVED TO CONSENT**

#### **Acquisition of Property – 7726 Southern Ave.**

Director of Development Jerry Cook explained that this property was immediately adjacent to Public Services Complex to the east. With the purchase of this property (2.74 acres) the City can become the location of a new state of the art vehicle maintenance shop. The existing shop does not readily comply with current OSHA standards and does not have equipment and spacing desirous to have an efficient shop.

When the property was appraised in April of this year, it was for 1.4 acres for \$204,000.00. When the City had the property surveyed, it was found it was 2.74 acres. The property owner had requested \$250,000.00 for the 1.4 acres. The owner sent the City Attorney a signed letter indicating she would sell to the City the 2.74 acres at the location for \$250,000.00.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to authorize the Mayor to execute a contract for the purchase of the property located at 7726 Southern Avenue in the amount of \$250,000 and to approve Budget Adjustment No. 11-11.

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

Alderman Drinnon asked that consent agenda item 14d (Awarding of Grant for Alcohol and/or Drug Screening of Student Athletes at Germantown and Houston High School be moved to be discussed. The Board unanimously consented.

### **CONSENT AGENDA**

#### **Purchase of Rescue Equipment**

The Fire Department is requesting authorization to purchase a Power Hawk P-16 rescue extrication system, two extrication saw kits, and two sets of Auto-crib automatic adjusting aluminum cribs.

MOTION: To purchase Fire Department rescue equipment from Power Hawk Technologies, Inc., in the amount of \$14,906.80.

#### **Recognition of Donations – Germantown Community Library**

The Germantown Community Library is supported by the Germantown community. The Friends have established a Friends Book Store staffed primarily by volunteers. Sales of these gently used books provide money for library programs, materials, equipment, furniture, and shelving beyond the yearly budget. The Friends of the Germantown Community Library wish to donate \$6,951.54 to the Germantown Community Library.

MOTION: To recognize the donations made to the Germantown Community Library by the Friends of the Germantown Community Library in the amount of \$6,951.54 and to approve Budget Adjustment No. 11-23.

#### **Uncollectible Personalty Tax**

The City established an agreement with Shelby County Trustee to assist in the collections of real and personalty delinquent tax accounts. The Trustee has determined that six of the tax parcels with a total personalty property tax of \$10,832.99 are out of business and recommend their removal from the tax rolls.

MOTION: To request authorization from the Board of Mayor and Aldermen to remove the ninety-one parcels the Shelby County Trustee has determined uncollectible totaling \$10,843.99.

#### **Paving/Milling Contract Change Order – Contract Close Out – MOVED TO CONSENT**

MOTION: To approve Change Order #1 with Lehman-Roberts Co., in the amount of \$24,492.07 and to close out the current 2010 Asphalt Paving and Milling contract, in the amount of \$667,894.93.

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

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

#### **Awarding of Grant – Alcohol and/or Drug Screening of Student Athletes – MOVED TO REGULAR AGENDA**

Police Chief Richard Hall stated Germantown and Houston High Schools are requesting that the City fund up to \$24,000.00 from the Federal Asset Drug Fund and/or the State Asset Drug Fund to support the schools' mandatory alcohol and/or drug screening of all student athletes for the 2010-2011 school year.

In response to a question from Alderman Drinnon, Chief Hall stated the Police Department does nothing but provide the funding. The schools are responsible for any penalties or probations.

Chief Hall stated that the money is no longer given to the schools. The schools must bring the statements from the drug testing and the City pays for the actual screening.

Alderman Drinnon asked for some justification for this expense as to the effectiveness of the testing. Motion by Mr. Chism, seconded by Ms. Hinely, to authorize a grant in the amount not to exceed \$24,000.00 from the Federal Asset Drug Fund and/or the State Asset Drug Fund for Germantown and Houston High Schools to support the schools' mandatory alcohol and/or drug screening of all student athletes for the 2010-2011 school year.

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.

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Sharon Goldsworthy, Mayor

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Dotty Johnson, City Clerk/Recorder