

## **BOARD OF MAYOR AND ALDERMEN**

**April 25, 2011**

A regular meeting of the Board of Mayor and Aldermen was held on April 25, 2011 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, Greg Marcom and Mike Palazzolo. Staff present: Patrick Lawton, Tom Cates, George Brogdon, Andy Pouncey, Kristen Geiger, Chief Richard Hall, Chief Dennis Wolf, Ralph Gabb, Michael Stoll, Pam Beasley, Tim Gwaltney, Jonathan Smith and Dotty Johnson.

### **Call to Order**

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

### **Invocation**

Public Services Director Bo Mills gave the invocation.

### **Pledge of Allegiance**

Alderman Greg Marcom led the Pledge of Allegiance.

### **Approval of Agenda**

Mayor Goldsworthy stated that preceding the Board meeting the Board had met in an Executive Session and had unanimously decided that item #10, a Certificate of Compliance for Poplar Pike Liquors could be moved to the Consent Agenda.

Alderman Drinnon requested that item #10 be considered as a separate item and should remain on the regular agenda to be heard.

The Board was also receptive to the addition of an add-on to be considered and that was Lawsuit Intervention – Tigrett vs. Cooper and will be 12b if the Board approves.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to approve the agenda as amended.

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

### **Approval of Minutes**

There were no corrections or additions to the minutes.

Motion by Mr. Chism, seconded by Mr. Palazzolo, to approve the minutes of the Board of Mayor and Aldermen meeting held April 11, 2011.

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

### **Germantown Education Foundation Grant Round V Presentations**

Mayor Goldsworthy welcomed representatives from the Education Foundation, Chairman Mr. Mark Lightfoot, Sheila Ferguson and David Baytos.

Mr. Lightfoot stated the Foundation was formed in 2006 by the Board of Mayor and Aldermen to distribute the competitive grants to schools in Germantown to support academic improvement in the

schools. This year is Grant Round V and will award grants in the amount of \$94,477.00 with matches of \$81,538.00.

Ms. Andrea Simpson from Dogwood Elementary was presented with a grant for \$10,612.00 which will enable the school to have Promethean Interactive White Boards and Learner Response Systems. The School matched the grant with \$5,306.00.

Dr. LeeAnn Kite from Farmington Elementary School was presented with a grant for \$12,800.00 to purchase 50 iPads. The school matched the grant with \$5,000.00.

Ms. Stacy Johnson from Germantown Elementary School was presented with a grant for \$14,848.00 to purchase 10 Interactive White Board Projectors. The school matched the grant with \$14,848.00.

Ms. Sheila Ferguson presented Ms. Barbara Harmon and Dudley McNamara from Germantown High School with a grant for \$10,800.00 to purchase two Promethean A387 ProMobile 87" boards. The school matched the grant with \$2,000.00.

Ms. Wendy Willingham from Germantown Middle School was presented with a grant for \$10,180.00 for Promethean Board for five classrooms. The school matched the grant with \$5,000.00.

Ms. Lisa Justice and Dotsy Liles from Houston High School were presented with a grant for \$11,553.00 to purchase 27 Epson PowerLite projectors, printers, and projectors completing their three-year plan. The school matched the grant with \$25,000.00.

Mr. David Baytos presented Ms. Tammy Mason and Ms. Cole from Houston Middle School with a grant for \$10,884.00 for Promethean White Boards and ActivExpression Learner Response Systems. The school matched the grant with \$10,884.00.

Mr. David Carlisle from Riverdale Elementary School was presented a grant for \$12,800 for the final phase of "Project TELS" (Technology Enabled Learning for Students). The school matched the grant with \$13,500.00.

Mr. Baytos stated that over the period of five years, the Foundation will have awarded \$385,970.00 with matches from the schools of \$268,539.00 for a total impact of \$654,509.00. He thanked the City and the citizens for their support.

Motion by Alderman Drinnon, seconded by Mr. Billingsley, for the Board to express their appreciation to the Foundation and the schools for their hard work in raising the money for the grants.

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

### **Arbor Day Poster Contest – Recognition of Winners**

Parks and Recreation Director Pam Beasley, Alderman Billingsley and Tree Board representative Sidney Kuehn came forward to acknowledge the winners of the Arbor Day Poster Contest. Ms. Beasley stated the Germantown Tree Board partners with the Beautification Commission to sponsor an annual citywide poster contest for all fifth grade students attending Germantown schools. This effort is in conjunction with the National Arbor Day Foundation's poster contest. Winners were selected based on their creativity, interpretation of the theme and use of color.

Dr. Kite, Principal at Farmington Elementary, accepted the award for Honorable Mention for Nicolette Lhommeau. Third Place was presented to Amelia Beckham from ECS Forest Hill. Second Place was

presented to Ally Stephenson, from Germantown Elementary and First Place went to Aaliyah Cooper from Farmington Elementary.

Each winner was presented with a framed certificate of achievement and a \$25.00 gift certificate to Germantown Target which was funded through the Beautification Commission.

### **Citizens to be Heard**

No citizens came forward.

Mayor Goldsworthy recessed the regular meeting of the Board of Mayor and Aldermen and reconvened as a Beer Board.

### **BEER BOARD**

#### **PUBLIC HEARING – Temporary Beer Permit – Germantown Festival**

City Administrator Patrick Lawton explained that Mr. Howard Giffin, Chairman of the Germantown Festival Association, had written requesting approval of a temporary beer permit. As part of the annual request, the Festival Association asked the Board to approve a temporary beer permit allowing the sale of beer on publicly owned property.

Alderman Drinnon stated that once again he was expressing his disapproval of selling beer on City owned property and asked if the Festival could not find another way to raise money.

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

Motion by Mr. Palazzolo, seconded by Mr. Billingsley, to approve a temporary beer permit allowing the sale of beer on publically owned property at the 2011 Germantown Festival on Saturday, September 10, 2011, during the hours of 9:30 a.m. until 6:00 p.m. and on Sunday, September 11, 2011, from noon until 6:00 p.m.

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

Mayor Goldsworthy concluded the business of the Beer Board and reconvened the regular meeting of the Board of Mayor and Aldermen.

### **BOARD OF MAYOR AND ALDERMEN**

#### **Certificate of Compliance**

Mr. Lawton stated that every two years state law requires that the holder of liquor store permits must receive a Certificate of Compliance issued by the local municipality. Ms. Joan Jekels has recently contacted the City regarding approval of her Certificate of Compliance. Mr. Lawton stated the appropriate background checks had been performed and the Certificate of Compliance was in order.

Motion by Mr. Billingsley, seconded by Mr. Marcom, to authorize the Mayor to sign the Certificate of Compliance for Mrs. Joan S. Jekels for Poplar Pike Liquors, 9330 Poplar Pike #103.

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

#### **Approval of Solid Waste Collection Agreement**

Neighborhood Services Manager Joe Nunes came forward and explained that the City's collection agreements expire on June 30, 2011. A competitive sealed proposal was approved by the Board earlier in

the fiscal year. A cross-functional team assisted with the development and the operational analysis of the proposals.

The RFP was distributed to fifteen firms, posted on the City's website, advertised in the Daily News and distributed to all plan houses. A pre-proposal meeting was attended by eight firms and proposals were received from five firms. Based on the analysis and evaluation of the various proposals, staff recommended the following service options for inclusion in the agreement with Advanced Disposal:

Household Trash (Option A-1) – Weekly back door collection of household trash with a curbside option (resident must obtain acceptable 96 gallon roll cart for curbside collection). Collection of excess and bulky trash (appliances, furniture, etc.) is included along with limited collection of construction debris (additional fee for larger amounts).

Recyclables (Option B-2) – Weekly collection of recyclables with a 35 gallon roll cart supplied at no charge to the resident. Resident sorting of recyclable materials is no longer required (single stream). There is also a recycling incentive program that rewards residents for recycling.

Yard Debris (Option C-1) – Weekly collection curbside of unlimited amounts of resident generated yard debris in containers or bags. All yard debris (grass, leaves, shrubs and trees) is recycled. The cost of disposal is included with this option.

The RFP was developed by a cross-functional team and the various options were reviewed by the Environmental Commission and the solid waste subcommittee of the Financial Advisory Commission. The RFP was then distributed to fifteen firms, posted on the City's website, advertised in the Daily News and distributed to all plan houses. A pre-proposal meeting was attended by eight firms and proposals were received from five firms.

Advanced Disposal provided the City with proposals on all three main areas of service that were operationally sound and provide a higher level of routing, truck and manpower capacity than other proposals.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to authorize the Mayor to enter into a five-year agreement (with an option for an additional five-years) with Advanced Disposal Services Mid South, LLC (Advanced Disposal) for the collection of solid waste (household trash, recyclables and yard debris) in the City of Germantown to be effective July 1, 2011.

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

### **GPAC and GAC Parking Lot Resurfacing**

Mr. Lawton stated the parking lots were constructed in 1990 and the original asphalt surface is still in place. The parking lots have deteriorated significantly with aging and has gotten to the point that maintenance is no longer able to keep up with the wear and tear. The parking lots need to be completely resurfaced with new asphalt and restriped.

Six contractors picked up construction plans and specification and five contractors submitted bids.

Motion by Mr. Drinnon, seconded by Mr. Marcom, to approve authorization to contract with Gibson Paving, Inc. for the resurfacing of the Germantown Athletic Club and the Germantown Performing Arts Centre parking lots in the amount of \$213,840.00.

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

**Lawsuit Intervention – Tigrett v. Cooper**

Mr. Lawton explained that last November the referendum on the consolidation of Shelby County and Memphis governments into a metro government was presented to the voters and failed. After the failure of the vote interested parties within the city of Memphis filed a lawsuit against the State of Tennessee (Tigrett v. Cooper) challenging the constitutionality of the dual majority vote.

Earlier this spring the State’s Motion to Dismiss was denied and the matter will proceed towards a decision, either by summary judgment, or by trial.

Because the City of Germantown and all of Shelby County has a great deal at stake in this case, the other mayors within the county have expressed an interest to intervene and present a united front in opposition to this lawsuit. The law firm of Adams and Reese was suggested by several of the mayors. Senator Mark Norris is a principal in the firm.

The terms of this agreement have been reviewed by the city attorney and are found to be satisfactory and consistent with the scope of representation necessary in this type of litigation.

Motion by Mr. Billingsley, seconded by Mr. Chism, to authorize the Mayor to execute the letter of engagement with the law firm of Adams and Reese LLP to serve as legal counsel for the city of Germantown as an intervening part in the Tigrett v. Cooper lawsuit.

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

**CONSENT**

**Tactical Masks**

The purchase of the AVON gas masks will enable each member of the SWAT team to have an up to date gas mask that will protect him/her when utilizing any type of chemical riot agent. The purchase will be made with grant funds supplied by a UASI Homeland Security Grant.

MOTION: To authorize the purchase of fifteen (15) AVON FM53 gas masks and forty-eight (48) filters.

**Cement Treated Base Purchase**

This mix is used for street, stormwater and utility maintenance repairs. The amount of \$44,900.00 represents a semi-annual purchase.

MOTION: To authorize the purchase of 2,000 tons of concrete treated base mix from Standard Construction Co., Inc. and Metro Materials, Inc. in the amount of \$44,900.00.

**Donation to Police Department**

This is a donation of \$200.00 from Poplar Pike Liquors to the Crime Stoppers Program.

MOTION: To recognize a donation from Poplar Pike Liquors in the amount of \$200.00.

**Upgrade to Chemical Detectors**

This upgrade will replace the sensors and upgrade the main components of the detectors. It will also include the upgrade of one of the detectors to also be capable of monitoring for radiation.

MOTION: To approve the upgrade of the AreaRAE chemical detection system by Care Safety, LLC in the total amount of \$11,600.00.

**Approval of Library Donations**

Donations totaling \$2,215.00 have been made to the Germantown Community Library and will be used to purchase engraved silver frames for the Special Needs Prom.

MOTION: To recognize the donations made to the Germantown Community Library in an amount of \$2,215.00.

**Declaration of Surplus Materials**

The City is seeking to dispose of equipment which have completed their useful life and have been replaced. The sellable items will be placed on the GovDeals auction site to be sold. All other items will be properly disposed through a recycling company due to new state regulations on disposal of computer equipment.

MOTION: To declare the attached list of equipment as surplus property for the sale and proper disposal of such items.

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

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

**ADJOURNMENT**

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

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Sharon Goldsworthy, Mayor

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Dotty Johnson, City Clerk/Recorder