

**BOARD OF MAYOR AND ALDERMEN**  
**November 26, 2007**

A regular meeting of the Board of Mayor and Aldermen was held on November 26, 2007 at 7:00 p.m. in the Council Chamber of the Municipal Center.

Mayor Goldsworthy was present and presiding.

The following Aldermen were present: Ernest Chism, Carole Hinely, Mike Palazzolo and Frank Uhlhorn. Alderman Drinnon was absent. Staff present: Patrick Lawton, Tom Cates, Andy Pouncey, George Brogdon, Kristen Geiger, Pam Beasley, Jerry Cook, Chief Richard Hall, Bo Mills, Deputy Chief Edgar Babian, Michael Stoll, Tim Gwaltney, Derek Chaput, Amy Laruso, David Halpern, Kelly White and Dotty Johnson.

Mayor Goldsworthy brought the meeting to order.

**Invocation**

George Brogdon, Assistant City Administrator gave the invocation.

**Pledge of Allegiance**

Girl Scout Troop 253 from Holy Rosary Catholic Church led in the Pledge of Allegiance.

**Approval of Minutes**

There were no corrections or additions to the minutes.

Motion by Mr. Uhlhorn, seconded by Mr. Chism, to approve the minutes of the Executive Session and Regular Meeting held November 12, 2007.

ROLL CALL: Chism - yes, Hinely – yes, Palazzolo-yes, Uhlhorn - abstain. Motion approved.

**Citizens to be Heard**

Ms. Susan Sharp of 8373 Meadow Road Cove stated she was the GHS – PTSA Beautification Chairman and she wanted to thank the City and the Parks & Recreation Department for the donation of the seven planters located at Germantown High School. She wanted to thank the City for taking an interest in the beautification of GHS.

**Beautification Business Award - DEFERRED**

**Recognition of Park Ranger Reserves**

The Mayor asked Alderman Hinely, Parks and Recreation Director Pam Beasley and the Chief Park Ranger David Halpern to come forward to introduce the new Park Ranger Reserves.

Ms. Beasley stated in order to meet the needs of the citizens of Germantown without the expense of hiring additional staff; the Park Ranger Reserve Program was initiated in June of 2007. The program was designed to utilize volunteers and offer needed manpower and resources at our City parks and special events to compliment our regular full time Park Ranger staff. Of the many applications received, three individuals were chosen to become the first Park Ranger Reserves. Each reserve gives an average of 25 hours per week total between the three and over 100 hours per month.

Mr. Clay King is a graduate of the University of Memphis with a degree in Business Marketing. He is a Master Locksmith, a licensed Barber, a certified karate instructor and avid outdoorsman.

Stan Kent has built a successful career that encompasses sales, technical support specializing in the electronics industry. He is an avid outdoorsman who can be found cycling the Germantown Greenway on a daily basis.

**Recognition of Park Ranger Reserves – (cont'd)**

Glen Taylor graduated from the University of Memphis with a Law Degree. He now has a position of Senior Vice President and Counsel for First Horizon National Corporation.

The Mayor thanked the reserves on behalf of the Board and for giving of their time and talents to volunteer for the City.

**BEER BOARD**

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

**PUBLIC HEARING – Beer Permit Application – New York Pizzeria**

Mr. Lawton stated the owners of the New York Pizzeria, located at 9087 Poplar Avenue requested a permit to sell beer for on premise consumption. Dr. Mitchell S. Steiner and Mr. Brett A. Steiner are the owners of the Pizzeria.

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

Motion by Mr. Uhlhorn, seconded by Ms. Hinely, to approve the request from Dr. Mitchell S. Steiner and Mr. Brett Steiner, owners of the New York Pizzeria for a permit to sell beer for on-premise consumption.

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

**BOARD OF MAYOR AND ALDERMEN**

The Mayor recessed the Beer Board and reconvened the Board of Mayor and Aldermen.

**PUBLIC HEARING – Ordinance 2007-20 – Amendment to the “R-H” Retirement Housing Zoning District Regulations, Second Reading**

Mr. Lawton explained this was an amendment to the “R-H” retirement housing zoning district to delete from the existing ordinance the reference to age limits. The zoning regulation was created in 1997 to provide and encourage affordable senior housing in our community.

The City Attorney advised the City that the restriction of residency for people only over the age of 55 was unconstitutional and should be removed from the ordinance. The Planning commission reviewed and considered this ordinance change and recommended its passage.

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

Motion by Ms. Hinely, seconded by Mr. Chism, to approve the amendment on second reading.

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

**Professional Services Agreement – Sanitary Sewer Inventory & Facilities Management**

Bo Mills stated this contract would continue mapping of the City’s infrastructure that was begun last March with Fischer and Arnold performing a comprehensive mapping of our storm water system. This will bring the system details to the crews and superintendents in the field. This information will also be helpful to the engineering division as infill developments are proposed and evaluated.

Having the ability to link information from maintenance activities spatially will be beneficial to those who will maintain the sewer system in the decades to come.

**Professional Services Agreement – Sanitary Sewer Inventory & Facilities Management – (cont'd)**

Motion by Mr. Chism, seconded by Ms. Hinely, to approve a Professional Services Agreement with Fisher & Arnold, Inc., for a Sanitary Sewer Inventory & Facilities Management Project, in the amount of \$155,000.00.

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

**Telescopic Boom Excavator**

Mr. Mills explained this machine is very versatile and will be used by all divisions of the Public Services Department in various maintenance activities.

Three bids were received, one of which was a no bid. CMI Equipment Sales bid two machines. The Series II machine did meet specifications, however, staff recommended accepting the Series III machine that is the current production model.

Motion by Mr. Chism, seconded by Ms. Hinely, to authorize the purchase of a rubber tire excavator, (2) 24-inch excavating buckets, (1) 30-inch pavement removal bucket and (1) 60-inch ditching bucket from CMI Equipment Sales, Inc. in the total amount of \$215,490.00 and accept the trade-in offer of \$18,000.00.

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

**Methodist Hospital Fitness Contract**

Patrick Lawton stated that Methodist Hospital had operated the fitness center located in the Germantown Centre since the City opened the doors to this facility in 1991. The hospital, throughout our various agreements over the years to extend or modify operations, has always provided professional fitness instruction and outstanding customer service to our members.

In a more market driven environment and in an effort to keep up with industry trends, the Germantown Centre staff will now be operating the fitness center. The termination agreement outlines what will take place with the termination of the existing contract. The agreements state that the City will purchase the book value of the fitness center equipment located in the facility and that the hospital will reimburse the City for operation for the fitness facility prior to November 30, 2007. The hospital will also receive the prorated portion of the quarterly payment made to the hospital by the City for the operation of the fitness center. This agreement was prepared by the City Attorney's office and has the approval of Methodist Hospital Germantown and their legal staff.

Motion by Mr. Chism, seconded by Ms. Hinely, to authorize the Mayor to execute the termination agreement with Methodist Hospital Germantown for the operation of the fitness facility at the Germantown Centre.

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

**CONSENT AGENDA**

**Subdivision Development Contract No. 488 – Forest Hill Professional Plaza, Phase 2**

The property is located east of Forest Hill-Irene Road. The request is for approval of a two-lot office/retail subdivision on a 4.36-acre site.

MOTION: To approve Subdivision Development Contract No. 488 for the development of Forest Hill Professional Plaza, Phase 2.

**Professional Services Agreement for Stormwater Drainage Analysis for Smart Growth Area**

Significant development and re-development within the City's Smart Growth Area (SGA) is anticipated in the near and distant future. In an effort to properly plan for SGA development, a comprehensive engineering analysis of the storm water infrastructure to support the SGA is necessary.

MOTION: To approve a Professional Services Agreement with Kimley-Horn & Associates, Inc. to perform professional engineering services related to a Stormwater Drainage Analysis of the Smart Growth Area in an amount not to exceed \$94,500.00.

**Police Chiller Installation**

This contract is with Golding Mechanical to install the recently purchased HVAC water chiller in the amount of \$10,675.00.

MOTION: To authorize the installation of the recently purchased HVAC water chiller in the amount of \$10,675.00 to replace the existing chiller that serves the police department.

**Germantown Centre Independent Contractors**

The Germantown Centre is concluding its contract with the Methodist Hospital on November 30, 2007. The proposed contracts will be used to hire the independent contractors to staff the group exercise program and personal training staff for personal exercise prescription programs.

MOTION: To approve the use of the independent contractor agreements for the Germantown Centre as developed by the City Attorney.

**Rubber Tire Excavator - REMOVED**

**Contract Amendment – Lawrence Group**

More time and money was expended by The Lawrence Group with an additional trip and work on the area south of Poplar Ave., billed as Heart of Germantown: Dogwood Lane, that was a request by staff. The Lawrence Group also completed the SmartCode and was then brought in to address possible code modifications with special interest groups to accommodate requests made by citizens as well as staff.

MOTION: To approve a \$15,763.40 contract amendment to the Professional Services Agreement with The Lawrence Group Architects of North Carolina, Inc. for the design of the Germantown Smart Growth Plan and to approve Budget Adjustment No. 08-51.

Motion by Mr. Uhlhorn, seconded by Mr. Chism, to accept the consent agenda as written.

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

**ADJOURNMENT**

There being no further business to be brought before the Board, the meeting was adjourned at 7:55 p.m.