

BOARD OF MAYOR AND ALDERMEN
April 9, 2007

A regular meeting of the Board of Mayor and Aldermen was held on April 9, 2007 at 7:00 p.m. in the Council Chamber of the Municipal Center.

Mayor Sharon Goldsworthy was present and presiding.

The following Aldermen were present: Ernest Chism, John Drinnon, Carole Hinely, Mike Palazzolo and Frank Uhlhorn. Staff present: Patrick Lawton, Debbie Wiles, Andy Pouncey, George Brogdon, Kristen Geiger, Pam Beasley, Jerry Cook, Chief Richard Hall, Pat McConnell, Bo Mills, Chief Dennis Wolf, Michael Stoll, Michael Saddler, Butch Eder, Josh Whitehead, Michael Stoll, Melody Pittman, Randy Lawson and Dotty Johnson.

Mayor Goldsworthy announced that during the Executive Session, the Board unanimously agreed to add a contract for Lobbying Services to the agenda and to include two proclamations.

INVOCATION

Rev. Donald Ester of New Bethel Baptist Church gave the invocation.

PLEDGE OF ALLEGIANCE

Alderman Drinnon led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes were approved as read.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to approve the minutes of the Executive Session and Regular Meeting held March 26, 2007.

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

CITIZENS TO BE HEARD

Mr. Mike Fahy of 2059 Arden Landing Cove came forward to speak as president of the Landsdown Homeowners Association. He stated that since writing to Administration and detailing the problems they had with the developer, a lot of the problems had been taken care of but there were a few things that were not and he asked the City to intervene. He stated the park has grass and weeds that are three to four feet tall, and a pond that is three to four feet lower than it should be. The pond had no aeration, was not holding water as it should, and the water that existed in the pond was stagnant and a health hazard.

He thanked the Board for all their help in the past and for their consideration in this matter.

PROCLAMATIONS

Mayor Goldsworthy read two proclamations. The Relay for Life proclamation was presented to representatives from the Relay for Life Program. She proclaimed June 2, 2007 as Relay for Life Day and urged citizens to recognize and participate in the relay events conducted that day.

The Mayor announced that the City and the Beautification Commission had launched a Spring Spruce Up campaign to reduce litter, clean public and private properties and improve the visual attractiveness of streetscapes, neighborhoods, parks schools and businesses and proclaimed April 14 – 21 as Spring Spruce Up Week.

YOUTH EXCELLENCE AWARD

Mayor Goldsworthy, Alderman Hinely and representatives of the Education Commission presented Mr. Tucker Wade a senior at Germantown High School with the April Youth Excellence Award. The Mayor read his many accomplishments and presented him with a plaque from Traditions.

TEACHER OF THE MONTH AWARD

The Mayor, Alderman Hinely and representatives of the Education Commission presented Ms. Virginia Whaley, a guidance counselor at Germantown High School with the March Teacher of the Month Award. Mayor Goldsworthy described her many outstanding attributes as a teacher and presented her with a check for \$100 from University Pathology and a trophy.

The April Teacher of the Month Award was presented to Mrs. Brenta Joy, a fifth grade teacher at Germantown Elementary School. After the Mayor described some of her many accomplishments, she was presented with a trophy and Ms. Sherry Courtenay from "What's Hot" presented her with a check for \$100 and a \$25 gift certificate.

PUBLIC HEARING - ORDINANCE 2007-3 AMENDMENT TO SIGN REGULATIONS REGARDING POLITICAL SIGNS – SECOND READING

Josh Whitehead stated this ordinance would amend the sign regulations regarding political signs. The American Civil Liberties Union of Tennessee had informed the City of some possible problems with the limitations that the current sign regulations place on political signs. The City Attorney responded to their concerns and prepared the amendment to the sign regulations to address the issue on a permanent basis. The net effect of the proposed amendment is to remove the time limitation on the placement of political signs on residential lots both before and after an election.

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

Motion by Mr. Uhlhorn, seconded by Mr. Palazzolo, to approve Ordinance 2007-3 on second reading.

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

RESOLUTION – ADOPTION OF SMART GROWTH PLAN

Andy Pouncey stated the major component of Vision 2020 is the development of a vision for the city's designated central core. The Board of Mayor and Aldermen commissioned the Lawrence Group Architects of North Carolina last summer. Their efforts encompass all the objectives of Goal 7 of Vision 2020 plan, to guide and direct the transformation of this designated area.

The objectives call for mixed-use development, strong commercial services, interspersed with residential uses in a pedestrian-friendly environment that would create "a sense of place" for the community – all characteristics of a national land use-planning concept called Smart Growth.

The Plan began with the design charrette with direction from the citizens. The plan has also received a recommendation of citizen groups such as the Economic Development Commission, the Planning Commission and the Senior Citizens Advisory Commission. The Plan will be followed by the adoption of a Code and a Rezoning of the designated area. The Plan will become Germantown's land use and transportation policy and strategy plan for directing future development and infrastructure investment decisions in the study area. The SmartCode, a companion document to this plan, provides new development standards to ensure that community vision for future land use and infrastructure laid out in this plan are achieved.

RESOLUTION – ADOPTION OF SMART GROWTH PLAN – (cont'd)

Alderman Palazzolo stated the Germantown Chamber of Commerce had the opportunity to endorse and embrace this concept and it had been well received in the business community.

Mayor Goldsworthy remarked that in less than a year this project had moved forward from its origins in the Vision 2020 due to the wonderful participation of the Board and the community.

**RESOLUTION 07R06 TO ADOPT THE GERMANTOWN
SMART GROWTH PLAN**

WHEREAS, the Board of Mayor and Aldermen of the City of Germantown, TN (“City”), adopted by resolution Vision 2020 as a strategic planning model on October 24, 2005; and

WHEREAS, Goal 7 of the Vision’s Economic Sustainability Plan is “Redevelopment of the Heart of Germantown” including “mixed use (residential and non-residential) development in the heart of the City; strong retail businesses and office development for professional services; people living in the heart of the City - area lofts above business condos, townhouses; pedestrian friendly layout linked to Citywide path/trail system; mid-rise buildings with mixed uses that are attractive and inviting for people; and the creation of a sense of place for the community; and

WHEREAS, the City of Germantown entered into a Professional Services Agreement with The Lawrence Group Architects of North Carolina to produce a strategic land use plan to enable the redevelopment of the heart of Germantown on July 10, 2006; and

WHEREAS, The Lawrence Group conducted a weeklong charrette in which hundreds of citizens shared their vision for the heart of Germantown. This citizen input formed the foundation of the Germantown Smart Growth Plan; and

WHEREAS, the Planning Commission approved the Smart Growth Plan on April 3, the Senior Citizens Advisory Commission on March 15, 2007; and the Economic Development Commission on April 5, 2007; and

WHEREAS, the City shall rezone the heart of Germantown and adopt a separate code to regulate growth within that zoning district; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Mayor and Aldermen of the City of Germantown declares that the Smart Growth Plan is the official strategic land use planning document for the center of the City

This resolution shall be deemed effective upon its adoption, the public welfare so demanding.

Motion by Mr. Palazzolo, seconded by Mr. Chism, to recommend approval of a resolution adopting the Smart Growth Plan as the land use plan for the designated central core of Germantown.

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

**PROFESSIONAL SERVICES AGREEMENT – SOUTH GERMANTOWN ROAD UTILITY
RELOCATION DESIGN**

Bo Mills stated that working on TDOT’s time frame of a preliminary report and establishment of need by May 22, detailed plans by August 15 and projected advertising by December 5, Allen & Hoshall would guide the City’s staff through the process. Both water and sewer infrastructure would require relocating.

PROFESSIONAL SERVICES AGREEMENT – SOUTH GERMANTOWN ROAD UTILITY RELOCATION DESIGN – (cont'd)

The relocations would be funded by TDOT but the City would have the opportunity to apply for reimbursements for the design costs associated with the project as well.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to enter into a Professional Services Agreement with Allen & Hoshall to provide engineering design services for the relocation of the water and sewer infrastructure, in conjunction with the Tennessee Department of Transportation South Germantown Road Improvements, in an amount not to exceed \$16,974.31.

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

ASPHALT PAVING AND MILLING CONTRACT

Mr. Mills stated this was for the 2007 asphalt milling and resurfacing contract. Each year the City conducts a pavement condition index analysis to rate the City streets. Based upon the score, the streets in the greatest need of maintenance are recommended for milling and repaving.

Motion by Mr. Uhlhorn, seconded by Mr. Palazzolo, to contract with Standard Construction Company for the FY07 Asphalt Paving and Milling Contract, in an amount not to exceed \$719,834.80.

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

LOBBYING SERVICES

Mr. Lawton stated there were a number of bills before the General Assembly and three of these bills are of key interest to the City of Germantown. We attempt to monitor these and would like to provide direction to our representatives regarding these bills. The assistance of a lobbying firm would be of great help to the City as we try to make our case and represent not only the City or community but also the residents as well. In addition to the three bills, there are a number of other bills that are presented during the legislative session such as labor bills and those that are a direct threat to State Shared Taxes that come back to the City of Germantown. The current lobbyist that we had employed, Robinson Green, is now under contract with AT&T and because of the City's position on the Competitive Cable and Video Services Act, there is a conflict of interest.

After interviewing several firms over the past few months, staff is recommending the firm of Farris Mathews Branam Bobango Hellen & Dunlap PLC. The City attorneys will prepare the contract with this law firm.

Motion by Mr. Uhlhorn, seconded by Ms. Hinely, to authorize the Mayor to execute an agreement with Farris Mathews Branam Bobango Hellen & Dunlap PLC for lobbying services for the City of Germantown in a contract form to be developed and approved by the City attorney based upon the proposal and to approve Budget Adjustment #07-61.

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

CONSENT AGENDA

Police Vehicle Equipment

This request is to provide police vehicle equipment for eight new replacement vehicles. The Vehicle Maintenance Shop will install the police vehicle equipment in-house. Two bids were received and the Police Department recommended all low bids.

MOTION: To purchase police vehicle equipment from Conserve Services, LLC in the amount of \$23,523.00.

In-Car Video System

In-car video systems allow the Police Department to use video technology in daily field operations. These eight in-car video units are additional units to be installed into eight new replacement vehicles. Three bids were received. The Police Department recommends the high bid. The other two bids did not meet the minimum specifications outlined in the bid.

MOTION: To purchase eight Digital Eyewitness ION Eclipse digital in-car video surveillance systems from Kustom Signals, Incorporated in the amount of \$36,120.00.

Paper and Cleaning Supplies

This is a supply of paper products and cleaning supplies to be used in City buildings and in the restrooms in City parks. Six bids were received, four were recommended for inventory.

MOTION: To purchase paper products and cleaning supplies from American Paper & Twine in the amount of \$8,330.52, from Top Most Chemical in the amount of \$1,009.55, Action Chemical in the amount of \$1,289.76 and Central Poly in the amount of \$1,860.00 for a total cost of \$12,489.83.

Library Janitorial Services

In 1997, the Board of Mayor and Aldermen approved a contract for janitorial services at the Germantown Library with ABM Janitorial Services in the annual amount of \$33,924.00 with the option to renew at the same price by a written agreement signed by both parties. This will be the tenth year of the contract.

MOTION: To extend the contract, under the same terms and conditions, for janitorial services at the Germantown Library for one year with ABM Janitorial Services at a cost of \$2,827.00 per month for a total cost of \$33,924.00 annually (\$11,308.00 for FY07) for the period ending February 29, 2008.

Declaration of Surplus Computers

The computer equipment being declared surplus mostly consists of broken and obsolete printers, computers and monitors taken from all city departments and replaced with newer equipment. Administration will seek the best method to dispose of the equipment.

MOTION: To declare the documented equipment as surplus.

University of Memphis, Alive at 25 Program

In 1995, the Traffic Safety Task Force Subcommittee on Education, the University of Memphis and the National Safety Council developed the Alive at 25 curriculum. The subcommittee discovered that the age group most involved in traffic accidents in the City was between the ages of 16 and 20. The course is five hours in length and taught daily for one week at a time and covers all the ninth graders within the semester.

MOTION: To authorize the payment of \$15,000 to the University of Memphis Office of Continuing Education for the implementation of the Alive at 25 course for Houston and Germantown High Schools.

Recognition of Donation – Parks and Recreation

Donations were made to the Parks and Recreation Department for community events and special programs. Donations for the Mardi Dogs Parade were from Pet Pal (\$50.00), Rebecca J. Newman

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(\$50.00), and The Creature Café, LLC (\$50.00). The Memphis Area Homebuilders Association also made a donation of \$100.00 to the Outdoor Classroom Project.

MOTION: To recognize donations made to the Parks and Recreation Department for community events and special programs totaling \$250.00 and to approve Budget Adjustment No. 07-60.

Motion by Mr. Drinnon, seconded by Mr. Chism, to approve the consent agenda as presented.

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

Alderman Palazzolo asked staff to make it clear that when a citizen came forward under Citizens to be Heard section of the agenda and the citizen had a question or made a statement what the process was to respond.

Mr. Lawton stated that staff would follow-up on the question or statement. At the staff meeting the day after a Board meeting, these items are discussed and staff would respond to the citizen.

Alderman Palazzolo informed the citizens the Chamber of Commerce was having a breakfast with the legislators on the following Friday and the public was invited to attend to speak to their elected officials.

ADJOURNMENT

There being no further business to be brought before the Board, the meeting was adjourned at 7:45 p.m.

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder