

BOARD OF MAYOR AND ALDERMEN

April 23,2007

A regular meeting of the Board of Mayor and Aldermen was held on April 23, 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, Tom Cates, Andy Pouncey, Kristen Geiger, Pam Beasley, Jerry Cook, Chief Richard Hall, Bo Mills, Michael Stoll, Michael Saddler, Butch Eder, Josh Whitehead, Ralph Gabb, Melody Pittman and Dotty Johnson.

Mayor Goldsworthy stated several items had been moved to the consent agenda, which included Ground Water Institute Agreement, U.S. Geological Survey Agreement, Purchase- Leaf Vac, Police Rifles and Accessories, and Police Service Pistols. There were two items were deferred from the regular agenda and they were Ambulance Services and Finance System Web Upgrade. One item on the consent agenda was deferred, Project Development Contract No. 1154 and one item was removed, Shelby County Board of Equalization – Prorated Share of Funding.

INVOCATION

Rabbi Micah D. Greenstein from Temple Israel gave the invocation.

PLEDGE OF ALLEGIANCE

Boy Scout Troop 276 from First Evangelical Church presented the colors and led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes were approved as read.

Motion by Mr. Uhlhorn, seconded by Mr. Chism, to approve the minutes of the Executive Session and Regular Meeting held April 9, 2007.

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

CITIZENS TO BE HEARD

Mr. Walter Krug of 8211 Kimbrough expressed his concern about tree stump removal. He stated at the Riverwoods State Natural Area Ribbon Cutting that he was concerned with a stump that had not been removed. He distributed to the Board pictures, a map of the area and the invitation to the Ribbon Cutting. He asked for a date and time for resolution.

YOUTH EXCELLENCE AWARD

Mayor Goldsworthy and Alderman Hinely presented Mr. Holt Trennor, a senior at Germantown High School with a plaque from the Education Commission. Mr. Trennor was the Youth Excellence Award recipient for March. He was also a graduate of the 2003 Movers Program.

CITY BEAUTIFICATION AWARD

Ms. Emily Bader, chairman of the Beautification Commission, presented Ms. Kim J. Kotiere from the Campbell Surgery Center with the award. She stated the landscaping was very manicured and added to the beauty of the Germantown community.

CERTIFICATE OF COMPLIANCE RETAIL PACKAGE STORE FOR POPLAR PIKE LIQUORS

Patrick Lawton stated liquor stores are required to obtain a certificate of compliance from their community every two years. The appropriate background checks had been performed on the license holder.

Motion by Mr. Palazzolo, seconded by Mr. Uhlhorn, to authorize the Mayor to sign the Certificate of Compliance to Mrs. Joan Jekels for Poplar Pike Wines, 9330 Poplar Pike #103.

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

ORDINANCE 2007-3 – AMENDMENT TO THE GERMANTOWN SIGN ORDINANCE – MODIFICATION OF POLITICAL SIGN PROVISIONS IN SECTION 14-61 – THIRD AND FINAL READING

Josh Whitehead explained that this was the third and final reading for an amendment to the political sign ordinance. The amendment would delete the time limitations on the current ordinance. In the opinion of the City Attorney, based on the 1994 U.S. Supreme Court ruling and subsequent District Court cases, the item should be removed from the Ordinance to stand in line with the common law.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve the amendment on third and final reading.

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

ORDINANCE 2007-9 – METHODIST LEBONHEUR GERMANTOWN HOSPITAL REZONING – 7691 POPLAR AVENUE – REQUEST REZONING OF 6.19 ACRES FROM “R-3” TWO-FAMILY DWELLING RESIDENTIAL TO “C-2” GENERAL COMMERCIAL, FIRST READING/SET PUBLIC HEARING DATE

Mr. Whitehead stated this was the rezoning of about six acres of the old Germantown Baptist site from “R-3” residential two-family homes to “C-2” general commercial. The section of the Old Germantown Baptist that houses the old chapel will remain “Old Germantown” but this is the balance of the property. The applicant had submitted a concept plan that indicated an expansion of the hospital on the northern part of the rezoned territory and a parking garage on the southern portion.

In response to a question from Alderman Uhlhorn, Mr. Whitehead explained the public hearing was spaced because there would not be a meeting on May 21 because of the holiday.

Motion by Ms. Hinely, seconded by Mr. Chism, to approve Ordinance 2007-9 on first reading and set a public hearing date for June 11, 2007.

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

ORDINANCE 2007-10 – PIPER’S GARDEN REZONING – 8598 DOGWOOD ROAD, NORTHEAST CORNER OF DOGWOOD ROAD AND CORDES ROAD – REQUEST REZONING OF 5.637 ACRES FROM “R-E” RESIDENTIAL ESTATE TO “R” LOW DENSITY RESIDENTIAL, FIRST READING/SET PUBLIC HEARING DATE

Mr. Whitehead stated this was over five acres on the northeast corner of Dogwood and Cordes to be rezoned to “R” which would allow lots of 15,000 sq. ft. Most of the area around the site is also zoned “R”. The concept plan showed a planned unit development with 12 lots averaging 15,000 sq. ft.

Ordinance 2007-10 – Piper’s Garden Rezoning – (cont’d)

Motion by Mr. Uhlhorn, seconded by Mr. Drinnon, to approve Ordinance 2007-10 on first reading and set a public hearing date for June 11, 2007.

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

ORDINANCE 2007-11 – LOT 1, POPLAR WOODS SUBDIVISION REZONING – SOUTH SIDE OF POPLAR AVENUE, WEST OF FOUNTAIN SQUARE CONDOMINIUMS – REQUEST REZONING OF 0.376 ACRES FROM “R-T” MULTIFAMILY RESIDENTIAL TO “O” OFFICE, FIRST READING/SET PUBLIC HEARING DATE

Alderman Uhlhorn left the podium.

Mr. Whitehead stated this zoning was from “R-T” to “O” Office. The property was originally a part of the original subdivision that was developed as Fountain Square Condominiums. The applicant had submitted plans for a bank at the location.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve Ordinance No. 2007-11 on First Reading and set a public hearing date for June 11, 2007.

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

Alderman Uhlhorn returned to the podium.

AMBULANCE SERVICES - DEFERRED

POLICE DEPARTMENT TECHNOLOGY UPGRADE

Chief Hall stated this item was to request authorization to purchase information technology software and hardware upgrades. The software upgrade would include mobile management which is field reporting. It would allow the officers to do the reports from the cars on laptops and send them to their supervisor for review to a central computer at headquarters eliminating a lot of duplication in data entry. This would allow a data entry position to be eliminated and the future expansion of those positions and a full-time position in Court.

The other computer component is the Automatic Vehicle Locator (AVL) that will help enhance the officer safety by helping the dispatchers. Currently the dispatchers are using the Computer Aided Dispatch (CAD) system and this will allow the dispatchers to visually see where the closest units are for faster response and provide for officer safety should an officer not respond.

Another component is an Automatic Citation System that will allow the officer to print the citations from the patrol vehicles that will be sent from the car to the Court Clerk allowing the docket to be prepared and the information to be put into the police system.

State seizure funds will be used to purchase this upgrade. He stated that Captain Mike Berkes stopped a vehicle that contained a bag containing over \$276,000.00 in cash that was linked to a drug dealer out of Texas.

POLICE DEPARTMENT TECHNOLOGY UPGRADE - (cont'd)

Motion by Mr. Uhlhorn, seconded by Mr. Drinnon, to request authorization to use drug funds to purchase Police Information Technology (IT) software and hardware upgrades in the amount of \$301,692.00.00 from New World Systems.

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

FINANCE SYSTEM WEB UPGRADE - DEFERRED

CONSENT AGENDA

Project Development Contract No. 1154, Lot 2, Forest Hill-Irene Commercial Subdivision - DEFERRED

Professional Services Agreement Supplement – Crestwyn Drainage

Residents from the Crestwyn neighborhood had requested the City take a closer look at the adjacent downstream property. They believed that blockage of the creek on this property was caused by dams created by fallen trees, thus impeding the drainage of storm water from their neighborhood. The ensuing field investigation revealed that blockages did exist and were interfering with storm water drainage. It is the intent of staff to clear this drainage way, but first an environmental permit must be received from the Tennessee Dept. of Environment and Conservation (TDEC). In order to apply for this permit, a “classification and assessment” of the creek must be performed by a qualified biologist. This supplement request will provide funding for the engineering consultant to secure the funding for the engineering consultant to secure the services of an environmental scientist for performance of the “classification and assessment” of the creek from the Crestwyn neighborhood southward to it’s crossing at Winchester Road.

MOTION: To approve a \$4,310.00 supplement to a Professional Services Agreement with Gresham Smith & Partners for the Classification and Assessment of the creek downstream from the Crestwyn neighborhood.

Professional Services Agreement – Kimley Horn & Associates, Inc. – Engineering Services

Kimley Horn & Associates, Inc. (KHA) has provided engineering plans review for commercial and subdivision developments, analysis of traffic signal operations, and drafting services to standardize the City’s standard construction details. The \$60,000.00 limit of expenditures is close to being met. In an effort to keep up with the current and projected workload, an additional \$25,000.00 is being requested to continue receiving assistance from KHA.

MOTION: To approve additional funding not to exceed \$25,000.00 to a Professional Services Agreement with Kimley-Horn & Associates Inc. to perform professional engineering services on an “as-needed” basis.

Appointment to the Shelby County Solid Waste Planning Board

In FY05, reorganization placed the sanitation contract administration under the Neighborhood Services Division in Economic and Community Development. Joe Nunes, the Neighborhood Manager was appointed to fill the unexpired Germantown position on the SWPB, which expires in May. The terms on

the SWPB are, by law, six years. It is recommended that Joe Nunes be reappointed to a full six-year term on the SWPB.

MOTION: To approve the appointment of Joe Nunes, Neighborhood Services Manager, Department of Economic and Community Development, to a six-year term on the Shelby County Municipal Solid Waste Planning Board.

Recognition of Donation – Beautification Commission - REMOVED

Bank Resolution and Signature Cards

It is necessary to manage the City's health coverage for its employees through the use of an outside administrator who can provide professional administration of claim payments of the health and dental plan. The Third Party Administrator change approved by the Board will go into effect May 1, 2007. Staff recommends the City open a new employee benefit plan account to segregate medical and dental claims processed by the two administrators.

MOTION: To request authorization to close the existing employee benefit plan account and establish a new employee benefit plan account, adopt a corporate resolution authorizing designated City officials to execute banking activities on the City of Germantown Third Party Administrator account with Pittman & Associates, Inc.

Shelby County Board of Equalization – Prorated Share of Funding

From the information provided by Shelby County government, at the request of the City, the City's share of the cost is \$57,954.88 or one eighth of the total cost. With the new legislation this will be the final year the City will be required to fund expenses associated with the Board of Equalization.

MOTION: To authorize a payment of \$57,954.88 to Shelby County government for the City of Germantown's prorated share of the FY06 funding of the Shelby County Board of Equalization.

Ground Water Institute Agreement

The Ground Water Institute has offered to continue to service the City by acting as an independent expert in the ground water area. Continuing association will allow the City to call upon Ground Water Institute's expertise and database at a cost of \$16,100.00.

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

U. S. Geological Survey Agreement

This joint funding agreement is between the City of Germantown and the United States Department of the Interior, Geological Survey, to provide continuous ground water level and quality monitoring for the Southern Ave. and Johnson Road well field, in the amount of \$8,700.00.

MOTION: To execute the joint funding agreement with the United States Department of Interior, Geological Survey, to provide continuous ground water level and quality monitoring for the Old Germantown and Johnson Road well fields, in an amount not to exceed \$8,700.00.

Purchase – Leaf Vac

The leaf collection machine is a self-contained trailer mounted machine and is used to remove leaves from City streets and other City owned properties requiring landscaping maintenance.

MOTION: To authorize the purchase of one 25-cubic yard vacuum leaf collection machine from ODB Company in the amount of \$31,352.00.

Police Rifles and Accessories

Members of the Uniform patrol division currently have 5 Colt Law Enforcement rifles to be issued at any given time. The purchase of these additional rifles will insure that each officer trained to carry these rifles will have a weapon available during their shift of duty.

MOTION: To purchase eight (8) Colt Law Enforcement and two (2) Colt M4 Commando rifles from Tactical Weapons USA in the total amount of \$10,444.50.

Police Services Pistols

Currently, reserve officers are required to purchase their own service pistol to carry while on duty. They carry a number of different types of weapons. Purchasing these weapons will ensure that every member of the Police Department carries the same service pistol and ammunition.

MOTION: To purchase thirty-seven (37) Heckler & Koch USP 40SW service pistols from P.F. Custom Guns in the amount of \$23,886.09.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to accept the consent agenda as presented.

ROLL CALL: Chism – yes, Drinnon – 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 7:30 p.m.

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder