

BOARD OF MAYOR AND ALDERMEN

January 22, 2007

A regular meeting of the Board of Mayor and Aldermen was held on January 22, 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, and Mike Palazzolo. Alderman Frank Uhlhorn was absent. Staff present: Patrick Lawton, Tom Cates, George Brogdon, Andy Pouncey, Pam Beasley, Jerry Cook, John Dluhos, Deputy Chief Tom Lott, Pat McConnell, Bo Mills, Sue Loper, Michael Stoll, Michael Saddler, Butch Eder, Josh Whitehead and Dotty Johnson.

INVOCATION

Reverend Jill Westbrook from Kingsway Christian Church gave the invocation.

PLEDGE OF ALLEGIANCE

Alderman Chism led the Pledge of Allegiance.

SHERIFF LUTTRELL

Sheriff Luttrell had a calendar conflict and would reschedule.

APPROVAL OF MINUTES

The minutes were approved with amendments noted in the executive session.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to approve the minutes of the Executive Session and Regular Meeting held January 8, 2007 as amended.

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

CITIZENS TO BE HEARD

No citizens came forward to address the Board.

Mayor Goldsworthy stated the regular session of the Board of Mayor and Aldermen was closed and the Board would serve as a Beer Board.

BEER BOARD

BEER PERMIT APPLICATION – GRAND BUFFET - 2016 Exeter

Patrick Lawton stated an application had been made from the owners of the Grand Buffet to serve beer for on-site consumption. The Police Department had conducted the proper investigations and it did not reveal any criminal records or warrants. Staff recommended approval.

Alderman Palazzolo noted there seemed to be more of an understanding regarding the sale of beer and the establishments were asking for identification from everyone. He asked the staff to make sure the applicants understood the requirements and responsibilities of selling beer.

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

BEER PERMIT APPLICATION – GRAND BUFFET - 2016 Exeter (cont'd)

Motion by Mr. Palazzolo, seconded by Mr. Chism, to approve the request from Mr. Heping Chen and Mr. He Xin Chen, owners of the Grand Buffet for a permit to sell beer for on-premise consumption.

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

The Mayor stated the Board was now back in regular session

BOARD OF MAYOR AND ALDERMEN

ORDINANCE 2006-8 – AMENDMENT TO CHAPTER 12 OF THE ZONING ORDINANCE – ADDING HOTELS AS A PERMITTED USE IN THE “C-2” COMMERCIAL DISTRICT – THIRD AND FINAL READING

Jerry Cook stated this was the third and final reading of this ordinance and there had been no changes since the public hearing. The amendment to Chapter 23 of the Code of Ordinances would add hotels to the allowable uses in the “C-2” General Commercial District and remove any reference to motels. The Planning Commission had recommended approval.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to approve Ordinance No. 2006-8 on Third and Final Reading.

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

ORDINANCE 2007-2 – FOREST HILL HEIGHTS REZONING : 8.95 ACRES FROM “O-51” OFFICE ZONING DISTRICT TO “C-2” COMMERCIAL ZONING DISTRICT, FIRST READING/SET PUBLIC HEARING DATE

Mr. Cook stated this ordinance was to rezone 8.96 acres in Forest Hill Heights from the “O-51” Office Zoning District to the “C-2” General Commercial Zoning District. The property is located on the east side of Forest Hill–Irene Road, 298 feet south of Crestwyn Hills Drive. The Planning Commission had reviewed and recommended approval of the rezoning.

In response to a question from Alderman Drinnon, Mr. Cook stated this was consistent with the zoning in the area. The annexed area was “O-51” when it was annexed and in looking at the overall development of the area the Planning Commission had recommended rezoning.

Motion by Mr. Chism, seconded by Mr. Dinnon, to approve Ordinance 2007-2 on First Reading and set a public hearing date for February 26, 2007.

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

ORDINANCE 2007-1 – AMENDMENT TO PURCHASING ORDINANCE – SECOND READING

Mr. Lawton stated this amendment would raise our existing purchasing limits to be consistent with recently enacted State legislation. At the final reading, he stated he would bring forward a resolution regarding the policies that will be put in place. The final reading will also be the public hearing date.

ORDINANCE 2007-1 – AMENDMENT TO PURCHASING ORDINANCE – SECOND READING
(cont'd)

Motion by Ms. Hinely, seconded by Mr. Drinnon, to approve on Second Reading authorization from the Board of Mayor and Aldermen to raise our existing purchasing limits to be consistent with recently enacted State legislation and amend the existing City purchasing ordinance Article VI, Finance, Sec. 328 (b), (c) and (d)

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

PUBLIC SERVICES ADMINISTRATION BUILDING RENOVATION – PHASE 1

Bo Mills requested authorization to enter into a construction contract with Descon, Inc. for the first phase of renovation to the Public Services Administration Building, in the amount of \$283,340.00. The design and construction administration for the first phase of renovation will be done to the rear of the building. Bids had been received and the demolition phase is scheduled to begin by the middle of February pending Board's approval of the contract. Ten bids had been received and staff recommended the low bid.

Mayor Goldsworthy stated she was very pleased to have received ten bids for the project and all were under the budget.

Motion by Ms. Hinely, seconded by Mr. Dinnon, to approve a construction contract with Descon, Inc. for the first phase of renovation to the Public Services Administration Building, in the amount of \$283,340.00.

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

CONSENT AGENDA

Professional Services Agreement – Wolf River Boulevard Engineering Design – Supplemental Agreement

This Supplemental Agreement with W.H. Porter & Company, Inc. (WHP) for traffic signal designs associated with the proposed 1.9-mile extension of Wolf River Boulevard. WHP has been under contract with the City for preliminary design, environmental assessment, and archeological studies on the proposed Wolf River Blvd. extension since 1999.

MOTION: To authorize a \$24,000.00 supplemental agreement to the October 1999 Professional Services Agreement with W. H. Porter and Company, Inc. (WHP) for traffic signal designs associated with the proposed 1.9-mile extension of Wolf River Boulevard.

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

Additional funding is requested not to exceed \$30,000.00 to perform professional engineering services on an "as-needed" basis. This was the third request for funding of the Agreement to assist the Engineering Division of the Community Development Department while it is operating without a full staff.

MOTION: To approve additional funding not to exceed \$30,000.00 to a Professional Services Agreement with Kimley-Horn & Associates, Inc. to perform professional engineering services on an "as-needed" basis.

First Amendment to Subdivision Contract No. 457, The Vinings: change in developer

The amendment involves the substitution of Levitt & Sons, LLC instead of Latting Road Partners, LLC on the Development Contract, and the buyer will execute a performance bond or letter of credit and shall secure the proper insurance at the time of Initial Acceptance of the subdivision.

MOTION: To approve the First Amendment to Subdivision Development Contract Number 457 for The Vinings at Germantown Subdivision.

Subdivision Contract No. 483, Sterling PUD

The property is located on the south side of Poplar, west of Val Verde Drive. The two parcels represent the Gholson subdivision. The request is for an eight lot residential subdivision on a 3.59-acre site.

MOTION: To approve Subdivision Development Contract No. 483 for the development of Sterling Circle PUD.

Fingerprint System Maintenance Arrangement

The Police Department currently uses a digital fingerprint system from Indentix Incorporated to process fingerprints and submit them electronically to TBI, FBI, etc. The annual maintenance contract covers both hardware and software support on a 9 to 5 basis.

MOTION: To renew the maintenance contract for the Police Digital fingerprint system with Indentix Incorporated in the amount of \$8,865.00.

Annual Funding for Groundwater Quality Control Program

The City of Germantown, in conjunction with Shelby County, City of Memphis and other local municipalities, contracted with the Memphis/Shelby County Health Department in 1988 to implement a comprehensive aquifer protection program which included well permitting and pollution prevention.

MOTION: To authorize payment to the Memphis and Shelby County Health Department for the annual funding of the Groundwater Quality Control Program in the amount of \$7,198.40.

Donation to Police Department – Target Corp.

The Target Corporation makes donations to various law enforcement agencies within Shelby County, Tennessee. These donations are intended to allow law enforcement agencies to utilize the donations to increase the effectiveness of the partnerships between law enforcement and retail business.

MOTION: To recognize a donation from Target Corporation of a double seated handcuff bench valued at \$300.00.

Security Contract Extension – Germantown Centre

Staff is recommending a final 10-week extension of this contract to continue security service around the Centre.

MOTION: To approve an extension of the contract with Imperial Security Service not to exceed \$6,556.08.

Recognition of Donation to Parks and Recreation

The following businesses and organizations donated funds to sponsor two of the major holiday community events produced by the Parks and Recreation Department:

Holiday Tree Lighting Event – Members of the Germantown Charity Horse Show - \$400.00, Journey to the North Pole Event – The West Clinic - \$1,000.00, Methodist Lebonheur Health Care System - \$500.00, Chocolate Soup - \$250.00, Baptist Memorial Health Care - \$250.00, and Lil’ Angels Photography - \$250.00.

MOTION: To recognize donations made to the Parks and Recreation Department for community events and special programs totaling \$4,150.00 and to approve Budget Adjustment No. 07-38.

Service Contract - TPA

The City provides health coverage for its employees as a benefit for its full-time employees. It is necessary to manage the plan through the use of an outside administrator who can provide professional administration of claim payments of the health and dental plan.

MOTION: To terminate the contract for professional services with MSAG and authorize the Mayor to enter into a professional services contract with Pittman and Associates as the City’s Third Party Administrator for its employee health plan.

Appointment to Public Safety Education Commission

Ms. Nikki Gast has expressed a desire to fill the vacancy on the Public Safety Education Commission.

MOTION: To approve the appointment of Ms. Nikki Gast to serve on the Public Safety Education Commission until December 31, 2007.

Germantown Community Library Donations

Cash donations have been made to the Germantown Community Library totaling \$3,113.95 and in-kind donations of \$22,079.35.

MOTION: To recognize donations to the Germantown Community Library totaling \$3,113.95 in cash donations and in-kind donations of \$22,079.35, and to approve Budget Adjustment No. 07-36.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to accept the consent agenda in its entirety.

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

The Mayor announced that in the Executive Session it was discussed and decided to have a work session in the morning at 9:00 a.m. on the Germantown Centre with Mr. Brogdon and Mr. Campbell.

ADJOURNMENT

There being no further business to be brought before the Board, the meeting was adjourned at 7:40 p.m.

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder