

## **BOARD OF MAYOR AND ALDERMEN**

**January 8, 2007**

A regular meeting of the Board of Mayor and Aldermen was held on January 8, 2007 at 7:05 p.m. in the Council Chamber of the Municipal Center.

Mayor Sharon 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, Jerry Cook, John Dluhos, Chief Richard Hall, Chief Dennis Wolf, Bruce Tillman, Michael Stoll, Michael Saddler, Butch Eder, Ralph Gabb and Dotty Johnson.

### **INVOCATION**

Assistant City Administrator Andy Pouncey gave the invocation.

### **PLEDGE OF ALLEGIANCE**

Alderman Uhlhorn led the Pledge of Allegiance.

### **APPROVAL OF MINUTES**

The minutes were approved as read.

Motion by Ms. Hinely, seconded by Mr. Palazzolo, to approve the minutes of the Executive Session and Regular Meeting held December 11, 2006 and the Special Called Meeting held December 20, 2006.

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

### **CITIZENS TO BE HEARD**

Patrick Lawton stated no citizens had asked to come forward to speak to the Board but Dr. Lonnis Harris from Germantown High School would like to address the Board.

Dr. Harris presented to the Mayor a plaque on behalf of Germantown High School. There had been a bus accident just before the holidays and fortunately there had not been any injuries. The High School wanted to thank the City of Germantown “in grateful appreciation to the City of Germantown for crisis response support to Germantown High School. On behalf of the administration, faculty and staff, most importantly on behalf of the students and parents, thank you to the City of Germantown for the quick crisis response that helped them when there was a bus accident.

The Mayor accepted on behalf of the Board of Mayor and Aldermen and specifically on behalf of the Police and Fire Departments.

Dr. Harris also presented the Mayor with a piece of the old wooden football bleachers which was put up in 1955 and taken down in 2006.

### **YOUTH EXCELLENCE AWARD**

Mayor Goldsworthy presented Ms. Margaret Joyce, a senior at St. Agnes Academy, with the Youth Excellence Award for the month of December. She is the daughter of Patrick and Margaret Joyce. The Mayor read some of her many accomplishments. Alderman Hinely and members of the Education Commission presented her with a plaque sponsored by Traditions.

**TEACHER OF THE MONTH AWARD**

The Mayor presented Ms. Allison Rogers, a teacher of communications arts at Germantown High School with the Teacher of the Month Award for December. Mayor Goldsworthy read why she was chosen for the award. Alderman Hinely presented her with a plaque and representatives from Germantown Hardware, John Wagner, Justin Wagner, and Ward Johnson, presented her with a \$100 check.

Ms. Rogers stated she was very honored to receive the award and enjoyed going to work at Germantown High School. She thanked Dr. Harris for the nomination.

**PUBLIC HEARING – ORDINANCE 2006-8 – AMENDMENT TO CHAPTER 23 OF THE ZONING ORDINANCE – ADDING HOTELS AS A PERMITTED USE IN THE “C-2” COMMERCIAL DISTRICT – SECOND READING**

Jerry Cook stated this was an amendment to the Zoning Ordinance as it pertains to the hotel uses within the commercial district. The amendment provides for three amendments: 1) is a definition of a hotel, 2) the specific listing of a hotel use within the commercial district and the associated items that go along with that in terms of parking and the bulk area requirements.

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

Motion by Mr. Uhlhorn, seconded by Mr. Palazzolo, to approve Ordinance No. 2006-8 on Second Reading.

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

**SALE OF CITY OWNED PROPERTY – 6535 POPLAR AVENUE – SOUTH SIDE OF POPLAR AVENUE, ADJACENT TO THE WEST SIDE OF FOUNTAIN SQUARE CONDOMINIUMS**

Alderman Uhlhorn left the dias.

Jerry Cook stated this was a proposal to sell approximately .47 acres of land that the City had used as a water pumping site for approximately 40 years and is no longer needed. All the infrastructure had been cleared from the site. The property is located on the south side of Poplar Avenue adjacent to the west side of Fountain Square. The proposal is to sell the property to Poplar Station LLC for an appraised value of \$515,000.00.

Mayor Goldsworthy noted that Alderman Uhlhorn had recused himself and had left the dias.

Motion by Ms. Hinely, seconded by Mr. Palazzolo, to approve the sale of City owned property at 6535 Poplar Avenue to Poplar Station, LLC.

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

Alderman Uhlhorn returned to the dias.

**ORDINANCE 2007-1 – AMENDMENT TO PURCHASING ORDINANCE – FIRST READING**

Patrick Lawton explained that in 1983, the State of Tennessee adopted legislation defining the process by which a municipality can lease purchase or encumber municipal funds. The City’s existing purchasing ordinance, is consistent with the requirements in place at that time. Since that time, the public advertising and competitive bid limit had been raised to the current maximum amount of \$10,000.00.

**ORDINANCE 2007-1 – AMENDMENT TO PURCHASING ORDINANCE – FIRST READING – (cont’d)**

The amendment would increase the expenditure level to a maximum of \$10,000.00. Purchases above \$10,000.00 would require sealed bids, public notice and advertisement and final consideration and approval by the Board. Purchases more than \$4,000.00 and less than \$10,000 would be based on three competitive bids and approval by the City Administrator and the Mayor. Purchases under \$4,000.00 would not require public advertisement or competitive bidding.

At the third and final reading on the proposed ordinance change, the City Attorney and the City Administrator will present to the Board an administrative policy and procedure to address the approval process necessary for purchases made under \$4,000.00.

Motion by Mr. Uhlhorn, seconded by Mr. Palazzolo, to approve on first 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), and set the second reading for January 22, 2007 and the third reading and public hearing for February 12, 2007.

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

**CONSENT AGENDA**

**Subdivision Development Contract 485– The Preserve Subdivision**

This is a request for a Subdivision Development Contract for a ten lot residential subdivision on a 5.86-acre site. The property is located south of Poplar Pike at the Eastern Terminus of Beaverwood and Woodlane Drives.

MOTION: To approve Subdivision Development Contract No. 485 for the development of The Preserve Subdivision.

**Project Development Contract 1146 – Lot 9, Forest Hill Commercial Subdivision**

Lot 9 is proposed to have a 4,200 sq. ft. building that faces east toward Centre Oak Way. The site plan calls for twenty-one parking spaces, two of which are handicap spaces.

MOTION: To approve Project Development Contract number 1146 for development of Lot 9 of the Forest Hill-Irene Commercial Subdivision.

**Project Development Contract 1150 – Lot 7, Forest Hill Commercial Subdivision**

Lot 7 is proposed to have a 3,934 sq. ft. single story building that faces east toward Centre Oak Way. The site plan calls for twenty parking spaces.

MOTION: To approve Project Development Contract number 1150 for development of Lot 7 of the Forest Hill-Irene Commercial Subdivision.

**Project Development Contract No. 1151 – M & F Bank, Lot 6, Wolf River Center Subdivision**

Lot 6 is proposed to have an 11,000 sq. ft. two-story bank building. The building will be a branch and regional headquarters building for M & F Bank. The proposed building will have a three-lane drive-through on the north side.

MOTION: To approve Project Development Contract number 1151 for development of M & F Bank.

**Project Development Contract 1152 – Grading Permit for Forest Hill Heights Planned Development**

The applicant is requesting Planning Commission approval for a grading permit for an approximately 10.8-acre tract in the northwest corner of Forest Hill Heights PUD. The applicant desires the permit to construct an approximately 820 linear foot concrete box culvert connecting culverts under Winchester Road and Forest Hill-Irene Rd. that will replace the existing ditch on the site. When the box culvert is completed, the site is to be graded in a manor that promotes positive drainage across the site.

MOTION: To approve Project Development Contract number 1152 for a grading permit for Forest Hill Heights PUD.

**Tennessee One-Call System Membership**

This is the annual membership fee and the locate request costs for 2006. The City received 7,053 requests for underground locates in the calendar year 2006. The annual membership fee is \$200.00.

MOTION: To approve payment to Tennessee One-Call System, Inc., for the annual membership fee and the locate request costs for 2006 in the amount of \$7,253.50.

**Water Plant Control System Repair**

The Southern Ave. and Johnson Road Water Treatment Plants are both experiencing system control problems and are in need of repair. Serv-Atron, Inc. is the sole service provider for control system troubleshooting and repairs, and has provided a flat rate of \$950.00 per day, which includes the travel and lodging expenses.

MOTION: To contract with Serv-Atron, Inc., for repairs to the control systems at the Southern Avenue and Johnson Road Water Treatment Plants, in an amount not to exceed \$5,000.00.

**Purchase of Dräger Sentinel II Pass Devices**

This request is to acquire newer more modern integrated pass devices to complete the upgrade of our present self-contained breathing devices. This purchase will upgrade the pass devices from Sentinel I to the more modern Sentinel II.

MOTION: To purchase 53 Sentinel II pass devices from Dräger Safety, LLC in the amount of \$10,865.00.

**Maintenance Agreement – Fire Department Monitor/Defibrillators**

This is a request to continue the maintenance and repair contract with Medtronic Emergency Response Systems, Inc. for the monitor/defibrillators used by the Fire Department on EMS calls.

MOTION: To authorize the Mayor to sign a three-year preventative maintenance and repair contract with Medtronic Emergency Response Systems, Inc. for \$23,822.46, payable in three annual installments of \$7,940.82.

**Overhead Door Controls – Fire Station No. 3**

Fire Station No. 3 has three apparatus bays. The openers and controllers for the three overhead bay doors are 30 years old and original to the building. During the past year, there have been over a dozen instances where the controller failed, making the door inoperable.

MOTION: To authorize Door Pro, Inc. to replace the three apparatus bay door operators and controllers at Fire Station No. 3 for a project cost of \$6,387.00.

**Fire Lieutenant Promotional Testing**

The Fire Department has an open fire lieutenant position because of the retirement of John O'Bryan. The Fire Department has used the services of Management Personnel Systems, Inc. twice before for promoting lieutenants and were very pleased with the results. Candidates will take the tests on January 16, 2007.

MOTION: To authorize a professional services agreement with Management Personnel Systems, Inc. in the amount of \$4,815.00, plus shipping and handling, for test instruments for the nine candidates in the fire lieutenant promotional process, and to approve Budget Adjustment No. 07-35.

**Audit - Germantown Community Television Foundation**

In an attempt to more closely monitor the distribution of grant funds from the City, there are a number of requirements an organization must meet such as providing an organization chart, a purpose statement, an annual budget, a planned use of the grant funds and finally an annual independent audit. The cost of the independent audit will become the responsibility of the GCTF for all future audits.

MOTION: To engage the services of Watkins Uiberall, LLC to perform an independent financial audit of the Germantown Community Television Foundation in an amount not to exceed \$5,500.00.

**Light Bulb Inventory**

This is a request to purchase lighting lamps to replenish the inventory that supplies all City facilities.

MOTION: To approve the purchase of lighting lamps from Graybar Electric in the amount of \$951.94, and from Light Bulb Depot in the amount of \$2,088.12 for a total of \$3,040.06.

**Recognition of Grant – Germantown Community Library – Germantown Arts Alliance**

The Children's Department of the Library has received a matching funds grant from the Germantown Arts Alliance to provide a visual arts program entitled, "Creative Connection: An Artwork in Progress."

MOTION: To recognize and accept the \$1,000 grant presented to Germantown Community Library by the Germantown Arts Alliance, and to approve Budget Adjustment No. 07-33.

**Police Department Donation – Sam's Club**

The Sam's Club Foundation makes yearly donations to various law enforcement agencies within Shelby County. This donation to the Germantown Police Department will give the Police Department funds to place into Crime Stoppers to assist in the identification and apprehension of criminal suspects through citizen involvement.

MOTION: To recognize a donation from the Sam's Club Foundation in the amount of \$500.00.

**Appointment to Environmental Commission**

Parker McCaleb was inadvertently left off the applicant list and has been a long-standing volunteer to this commission. Mr. Andrew Fondow had also expressed his desire to work on the commission.

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MOTION: To approve the appointment of Mr. Parker McCaleb to serve on the Environmental Commission until December 31, 2007 and to appoint Mr. Andrew Fondow as ex-officio member to the Environmental Commission.

Motion by Mr. Chism, seconded by Mr. Uhlhorn, to accept the consent agenda in its entirety.

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 7:30 p.m.

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Sharon Goldsworthy, Mayor

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Dotty Johnson, City Clerk/Recorder