

BOARD OF MAYOR AND ALDERMEN

October 10, 2011

A regular meeting of the Board of Mayor and Aldermen was held on October 10, 2011 at 6:00 p.m. in the Council Chambers of the Municipal Center.

Mayor Sharon Goldsworthy was present and presiding.

The following Aldermen were present: Mark Billingsley, John Drinnon, Greg Marcom and Mike Palazzolo. Alderman Ernest Chism was absent. Staff present: Patrick Lawton, Debbie Wiles, Andy Pouncey, Kristen Geiger, George Brogdon, Tim Gwaltney, Butch Eder, Chief Richard Hall, Chief John Selberg, Michael Stoll, Pam Beasley, Bo Mills, Ralph Gabb, Lisa Piefer and Dotty Johnson.

Call to Order

Mayor Goldsworthy called the meeting to order at 6:00 p.m.

Invocation

Economic and Development Services Director Andy Pouncey gave the invocation.

Pledge of Allegiance

Alderman Drinnon led the Pledge of Allegiance.

Approval of Agenda

Mayor Goldsworthy stated the Board had requested to move two items on the agenda to the Consent Agenda: Number 12 – Change Order No. 1 – Elert & Associates, and Number 13 – Budget Adjustment and Contract for Replacement of Traffic Signal Pole at Germantown Rd./Wolf Trail (Chick Fil A).

Patrick Lawton asked to move Number 17 – Recognition of Inaugural “Play Like a Champion” Class to under Number 6.

Motion by Mr. Drinnon, seconded by Mr. Marcom, to approve the agenda as amended.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–absent. Motion approved.

Approval of Minutes

The minutes were approved as read.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to approve the minutes of the Board of Mayor and Aldermen meeting held September 26, 2011.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–absent. Motion approved.

Mayor’s Award of Merit

The Mayor and Board recognized Mr. Igor Kobas and Mr. Edgar Brown for their life saving actions on September 10, 2011 through the presentation of a Mayor’s Award of Merit. A young man had slipped while jumping down from a slow moving train that resulted in the boy’s leg being amputated below the knee. Edgar Brown, who works for the Commissary, rushed and pulled the boy further from the train and provided towels and ice to slow the bleeding. Mr. Igor Kobas, who works at Elfo’s Restaurant nearby, rushed to assist by placing his belt on the boy’s amputated leg to act as a tourniquet, continuing to hold pressure until the Fire Department paramedics arrived on the scene.

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Recognition of Inaugural “Play Like a Champion” Class – MOVED UP ON THE AGENDA

Mr. Lawton explained as part of our employee succession plan and to further employee development, Administration developed an in-house leadership development program entitled “Play Like a Champion”. This is a nine-month employee program designed to engage employees into all aspects of our organization and expose them to learning opportunities.

Mr. Lawton introduced the class and stated these employees by participating in this program were ready to take their game to the next level.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–absent. Motion approved.

Citizens to be Heard

No citizens came forward

BEER BOARD

Mayor Goldsworthy recessed the Board of Mayor and Aldermen meeting and convened the Beer Board.

PUBLIC HEARING – Beer Permit Application – LaHacienda Mexican Restaurant – 3170 Village Shops Dr., Suite 27

City Administrator Patrick Lawton stated this was a beer permit for on-premise consumption for the LaHacienda Mexican restaurant at 3170 Village Shops Dr., Suite 27. He stated the application was in compliance with the City’s ordinance and recommended approval of the application.

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

Motion by Mr. Billingsley, seconded by Mr. Marcom, to approve the request from Mr. Mahmood Sarwar, owner of LaHacienda Mexican Restaurant, for a permit to sell beer for on-premise consumption at 3170 Village Shops Dr., Suite 27.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–absent. Motion approved.

Mayor Goldsworthy declared the Beer Board adjourned and reconvened as the Board of Mayor and Aldermen.

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Ordinance 2011-8 – Amendment to the Code of Ordinances, Chapter 14, Permanent Signs, Regarding Projecting Signs – Third and Final Reading

Economic and Development Services Director Andy Pouncey stated this ordinance amendment would create a category and regulations for “projecting signs”. The amendment will allow signs to be hung from supports extended from the building façade on office and commercial establishments in the Old Germantown district. The Salvaggio Development Group proposed this amendment for the recently completed Brownstone building on Poplar Pike.

The amendment establishes a maximum size of four square feet per sign blade, sets a maximum total sign area of eight square feet per face and requires the sign to be placed in the vicinity of the main public entrance. The only type of illumination allowed will be by external spotlights.

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Motion by Mr. Marcom, seconded by Mr. Drinnon, to approve Ordinance No. 2011-8, regarding projecting signs, on third and final reading.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–absent. Motion approved.

PUBLIC HEARING - Ordinance 2011-9 – Amendment to the Code of Ordinances, Chapter 14, Permanent Signs, Regarding Medical Monument Signs – Third and Final Reading

Alderman Billingsley recused himself from the discussion and vote on this amendment.

Mr. Pouncey stated the amendment will remove the requirement that tenants occupy a minimum of 10,000 sq. ft. of floor area in order to have their name listed on the medical office sign. The maximum allowed height and area of the sign coupled with minimum letter sizes will determine the number of tenant names that can be placed on the sign. The amendment will also correct a minor oversight that allows non-medical tenants to be listed on the sign. The regulations set maximum and minimum letter heights, depending on the number of names on the sign.

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

Motion by Mr. Marcom, seconded by Mr. Drinnon, to approve Ordinance No. 2011-9, regarding medical monument signs, on third and final reading.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–recused, Chism–absent. Motion approved.

Emergency Ditch Repair –East Bridge Ditch

Public Services Director Bo Mills stated this project is required due to the failure of an existing concrete drainage wall in the East Bridge Ditch Lateral “F”. An emergency purchase request is required for prevention of any further damage to the homeowner’s property and to reconstruct the wall section to stabilize the structure and ditch embankment.

Motion by Mr. Palazzolo, seconded by Mr. Marcom, to contract with Hamilton-Elles, Inc. for emergency repairs to a 64’ section of concrete drainage ditch wall at 9226 East Bridge Drive in the amount of \$51,300.00 and approve Budget Adjustment #12-21.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–absent. Motion approved.

Change Order No. 1 – Elert & Associates – MOVED TO CONSENT

Budget Adjustment and Contract for Replacement of Traffic Signal Pole at Germantown Road/Wolf Trail (Chick-Fil-A) – MOVED TO CONSENT

Germantown Community Television

Mr. Lawton stated the Access Together Agreement supports public educational governmental programming (PEG) in our community. The agreement is an effort to capture the scope of services to be provided by the television foundation and Shelby County Schools for PEG channel and PEG programming and the services to be paid for by the City for this effort.

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The agreement is a three year agreement commencing July 1, 2010 and expiring in 2013. This initial programming fee has a base rate of \$238,000.00. The subsequent years have a five percent adjustment in FY12 and FY13. Funding for this agreement is allocated in the current year's budget.

GHS-TV Foundation will provide for the City of Germantown all of the locally accessed together programming, broadcasting of city hall meetings including the Board of Mayor Aldermen meeting, Design Review Commission, Planning Commission and other specific events including election night coverage and any other city hall special events.

Motion by Mr. Billingsley, seconded by Mr. Marcom, to authorize the payment of \$249,900.00 to the Germantown Community Television Foundation for the second year of the Access Together Agreement.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–abstain, Billingsley–yes, Chism–absent. Motion approved.

Electronic Payment and Purchase Cards

Finance Director Ralph Gabb stated this was a three-year agreement with options to automatically renew for three consecutive one-year renewals with SunTrust Bank for a Visa Commercial Care Agreement. This will allow the City to pay participating vendors via an electronic payment and the use of purchase cards for the purchase of small dollar items.

Motion by Mr. Marcom, seconded by Mr. Drinnon, to approve entering into an agreement with SunTrust Bank for a Visa Commercial Card Agreement where the City will pay participating vendors via an electronic payment and the issue of purchase cards for small purchase items. The agreement would be for three (3) years with options to automatically renew for three (3) consecutive one (1) year renewals.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–absent. Motion approved.

CONSENT

Acceptance of Grant – Fire Department

The Fire Department successfully applied for a fire operations and fire fighter safety grant under the FEMA Assistance to Firefighters Grant Program. The specific purpose of the application was to acquire funds for the purchase of fire fighter turnout gear. The federal share of 90% is \$85,439.00 and the City's matching amount is 10% or \$9,493.00.

MOTION: To authorize the acceptance of a FEMA Assistance to Firefighters Grant Program grant for \$94,932.00, of which the City will provide a 10% matching amount at the time of purchase of the equipment.

Turnout Clothes – Fire Department

Turnout gear is the personal protective clothing that fire fighters wear while fighting fires. The funds for this purchase are being supplied by a matching grant with the remainder of the funds coming from the turnout coat line item.

MOTION: To purchase twenty-nine (29) turnout coats, thirty-four (34) pairs of turnout pants and sixty-seven protective hoods from NAFECO in the amount of \$59,748.77; sixty-five (65) firefighter helmets from Tennessee Fire Equipment Company in the amount of \$20,215.00; and eight (8) officer fire helmets and eighty (80) pairs of firefighter boots from EVS Mid-South in the amount of \$22,869.04; for a grand total of \$102,832.81.

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Acceptance of Donation – Public Safety Education Commission

This donation of \$298.00 from the Public Safety Education Commission will purchase glow sticks and glow necklaces for the Police Department community relations program.

MOTION: To recognize a donation from the Public Safety Education Commission and Budget Adjustment #12-23.

Appointments to Education Commission

There are two vacancies on the Education Commission. Mrs. Barbara Boyer and Mrs. Julia Ganey have expressed a desire to serve on the commission.

MOTION: To approve the appointments of Mrs. Barbara Boyer and Mrs. Julia Ganey to serve on the 2011-2012 Education Commission.

Special Permit for Re/Max Balloon Sign at the 2011 Race for the Cure

Re/Max proposed to identify their involvement at the Race for the Cure with an inflatable cold air balloon with their corporate name and colors.

MOTION: to approve a special permit for a temporary inflatable balloon sign for Re/Max at the Race for the Cure expo on October 29, 2011.

Change Order No. 1 – Elert & Associates – MOVED FROM REG CONSENT

The Board approved a contract with Elert & Associates to provide professional consulting and planning services relative to the City's long-term city-wide land mobile radio and mobile data communication needs.

It was recommended that tower modifications be made at Johnson Road Park and a new monopole tower at the Public Services Complex. After discussions with the residential neighbors, alternative sites for the new tower were examined. The proposed new location will require a third tower along Wolf River Blvd. to ensure coverage city-wide and building penetration. Trying to identify locations to provide the best solution for tower sites has resulted in additional studies from Elert & Associates.

MOTION: To authorize change order number 1 in the amount of \$2,500.00 with Elert & Associates for public safety radio system consulting Services and to approve Budget Adjustment #12-27.

Award of Construction Contract – Germantown Road and Wolf Trail Cove Traffic Signal Pole Replacement

The pole on the northeast corner of the intersection of Germantown Road and Wolf Trail Cove was struck by a motor vehicle. The driver of the vehicle made restitution to the Court but has not addressed the property damages. Presently, legal action is underway through the City Attorney's office to make a claim on the driver to recover the significant cost for replacing the traffic signal pole.

MOTION: To authorize the approval of a construction contract with DeSoto County Electric, Inc. in the amount of \$11,100.00 to replace a damaged traffic signal pole at the northeast corner of the intersection of Germantown Road and Wolf Trail Cove and approve Budget Adjustment #12-19.

Recognition of Inaugural “Play Like a Champion” Class – MOVED UP ON REG. AGENDA

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to accept the consent agenda as read.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–absent. Motion approved.

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ADJOURNMENT

There being no further business to be brought before the Board, the regular meeting was adjourned.

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder