

**BOARD OF MAYOR AND ALDERMEN**  
**December 8, 2008**

A regular meeting of the Board of Mayor and Aldermen was held on December 8, 2008 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, George Brogdon, Kristen Geiger, Tom Cates, Jerry Cook, Pat McConnell, Michael Sadler, Ralph Gabb, Chief Richard Hall, Chief Dennis Wolf, Bo Mills, Derek Chaput, Melody Pittman, and Dotty Johnson.

Mayor Goldsworthy noted the changes to the agenda. Item 6 which was presentation of the Youth Excellence Award was deferred and Item 10, Cancellation of Subdivision Development Contract No. 492 – The Sanctuary PD and Refund of Fees was moved from the regular agenda to the consent agenda by consensus of the Board.

**Invocation**

Assistant City Administrator Andy Pouncey gave the invocation.

**Pledge of Allegiance**

Boy Scout Troop 86 from Second Presbyterian Church Posted the Colors and led the Pledge.

**Approval of Minutes**

Approval was requested of the minutes of the Special Called Meeting held on November 17, 2008 and the Executive Session and Regular Meeting held November 24, 2008.

Motion by Ms. Hinely, seconded by Mr. Uhlhorn, to approve the minutes of the Special Called Meeting held November 17, 2008 and the Executive Session and Regular Meeting held November 24, 2008 as amended in the Executive Session.

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

**Citizens to be Heard**

No citizens came forward to speak.

**Teacher of the Month**

Mayor Goldsworthy and Alderman Hinely stepped down from the dais to present Ms. Fay Mathison, a third grade math teacher at Farmington Elementary with the award. Russo's New York Pizzeria sponsored the award.

**Youth Excellence Award - DEFERRED**

**Bond Awarding Resolution**

Kristen Geiger stated the Board was asked to adopt a resolution awarding the sale of Water and Sewer System Revenue and Tax Bonds, Series 2008. On November 17, and 24 the Board authorized the issuance of the Bonds. The sale was heard at 9:00 a.m. this morning and resulted in six bids. Morgan Keegan and Co. was the winning bid with a true interest cost of 3.540313%. Based on the results of the sale, these bonds were priced at a premium.

Ms. Geiger stated that today our Aaa rating was worth more than ever before because of the risks adversity in the market. The City should be proud of its financial position, its strong financial policies and practices. She stated she was proud of the staff, and the financial position of the City and especially for the financial staff including the Finance Director Ralph Gabb and our Treasurer Michael Stoll.

Alderman Drinnon commented that to be one of 31 cities in the nation that can enjoy Triple A bond ratings was quite an accomplishment. He commended the City Administrator Patrick Lawton and the staff for a job well done.

**RESOLUTION 08R16 AWARDING THE \$5,000,000 WATER AND SEWER SYSTEM REVENUE AND TAX BONDS, SERIES 2008, OF THE CITY OF GERMANTOWN, TENNESSEE.**

WHEREAS, on November 24, 2008, the Board of Mayor and Aldermen (the "Board"), of the City of Germantown, Tennessee (the "Municipality") adopted that certain "Resolution Authorizing the Execution, Terms, Issuance, Sale, and Payment of Not to Exceed \$5,000,000 Water and Sewer System Revenue and Tax Bonds of the City of Germantown, Tennessee, and Providing the Details Thereof" (the "Bond Resolution"), authorizing the issuance and sale of not to exceed \$5,000,000 Water and Sewer System Revenue and Tax Bonds, Series 2008 (the "Bonds");

WHEREAS, the Official Notice of Sale (the "Notice of Sale") for the Bonds was posted on the web site of i-dealprospectus.com on December 2, 2008;

WHEREAS, the Board of the Municipality, upon the advice of their financial advisor, has determined it to be in the best interests of the Municipality to accept electronic bids only in connection with the sale of the Bonds;

WHEREAS, pursuant to the Notice of Sale the following electronic bids were received for the Bonds:

<u>Name of Bidder</u>	<u>True Interest Cost</u>
Morgan Keegan & Company, Inc.	3.540313%
BMO Capital Markets	3.592212%
Duncan-Williams, Inc.	3.613359%
FTN Financial Capital Markets	3.674145%
Vining-Sparks IBG, Limited Partnership	3.950879%
Sovereign Securities Corp.	4.158559%

WHEREAS, pursuant to said Notice of Sale, the Board of the Municipality has reviewed all bids received with respect to the Bonds and hereby awards the sale of the Bonds to the lowest bidder.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF GERMANTOWN, TENNESSEE:**

Section 1. The bid of Morgan Keegan & Company, Inc. (the "Purchaser") is the bid which results in the lowest true interest cost to the Municipality and in all respects complies with the Notice of Sale.

Section 2. It is hereby ordered that the bid of the Purchaser be, and the same is hereby accepted, and the Board hereby awards and sells to the Purchaser, the Bonds in the aggregate principal amount of \$5,000,000, dated the date of original issuance and delivery, which shall mature serially on the first day of December in the years and in the aggregate principal amounts as follows:

<u>Due December 1</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2009	\$410,000	3.000%
2010	\$445,000	3.000%
2011	\$460,000	3.000%
2012	\$470,000	3.250%
2013	\$490,000	3.500%
2014	\$505,000	3.500%
2015	\$520,000	4.000%
2016	\$545,000	4.000%
2017	\$565,000	4.000%
2018	\$590,000	4.000%

The Bonds shall bear interest payable semiannually on June 1 and December 1 of each year, commencing June 1, 2009, shall be issued in book-entry form, shall be fully registered, without coupons, and shall be in the denomination of \$5,000 and authorized integral multiples thereof.

Section 3. Ratification and Confirmation. All prior actions and resolutions of the Municipality pertaining to the issuance of the Bonds are hereby in all particulars ratified, approved, and confirmed.

Section 4. Partial Invalidity. If any one or more of the provisions of this Resolution, or of any exhibit or attachment thereto, shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Resolution, and the exhibits and attachments thereto, shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

Section 5. Conflicting Resolutions Repealed. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. This Resolution shall take effect from and after its adoption, the welfare of the Municipality requiring it.

Approved and adopted this 8<sup>th</sup> day of December, 2008.

Motion by Mr. Chism, seconded by Mr. Palazzolo, to approve the attached Resolution 08R16 that awards and sells the Water and Sewer System Revenue and Tax Bonds, Series 2008, in the aggregate principal amount of \$5,000,000 and at the interest rates thereby reflected, to Morgan Keegan & Co., Inc.

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

**Ordinance 2008-10, Amendment to Chapter 20, Article V, Division 1, Section 229 of the Code of Ordinances (Traffic and Motor Vehicles)- Amendment to Parking on City Streets – Fires Reading/Set Public Hearing Date.**

Neighborhood Services Manager Joe Nunes stated this ordinance would eliminate any discrepancy between two chapters in our ordinances, Chapters 20 and 23. . In 2005, the Board passed the Neighborhood preservation Ordinance. One of the ordinance changes enacted restricted parking on driveways by placing a limit on the weight, height and length of a vehicle. At that time, Chapter 20 was not changed and it only affected parking on public streets and the gross vehicle weight.

This amendment addresses a revision to the traffic and motor vehicles section that brings the working related to vehicle height and length restriction on parking on city streets into conformance with the working in the zoning chapter (23) that restricts parking on driveways

Alderman Drinnon stated this item had been thoroughly discussed in executive session in which the public is invited.

Motion by Mr. Drinnon, seconded by Mr. Uhlhorn, to approve the amendment on first reading and set a public hearing date of January 12, 2009.

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

**PUBLIC HEARING - FY09 Budget Ordinance 2008-11 – Third Reading**

Mr. Lawton stated this would amend the budget the Board had adopted in June of 2008 to recognize the revenues the City will be receiving and the corresponding expenditures to start a new recreational soccer program.

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

Motion by Mr. Uhlhorn, seconded by Mr. Palazzolo, to approve on third and final reading Ordinance 2008-11 amending the FY09 Budget.

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

**Cancellation of Subdivision Development Contract No. 493 – The Sanctuary PD – and Refund of Fees – Move to Consent**

Alderman Drinnon asked to move this item back to the regular agenda.

Jerry Cook stated this was a request to cancel a contract for a development on the north side of Poplar Avenue at Oakleigh Lane. The proposal was to develop approximately 30 acres of property into a subdivision. The applicant presented to staff a letter indicating they were not proceeding with the development. They had proceeded through the process getting Design Review Commission and Planning Commission approval and had paid to the City certain fees that are in the development contract. The applicant is requesting those fees be refunded to the developer.

The fees requested to be refunded are water plant expansion fee (\$15,300.00), the construction inspection fee (\$500.00), the existing water line charge (\$9,368.26) and the parkland dedication fee (\$42,792.82), for a total of \$67,961.08. The design review fees (\$4,580.00) will not be refunded as this work has already been performed by City personnel.

Alderman Drinnon stated this would have been a fine addition to Germantown but because of the general economic condition of the country, the developer has withdrawn. Because of the local impact to our economy in Germantown, this will hurt all our citizens.

Motion by Mr. Uhlhorn, seconded by Mr. Drinnon, to approve the cancellation of Subdivision Development Contract No. 493 for the Sanctuary of Germantown P.D. and to provide a refund to Boyle Investment Co. in the amount of \$67,961.08.

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

**CONSENT AGENDA**

**Subdivision Development Contract No. 387 – The Enclave Planned Development, Phase IV**

This Phase 4 lies in the western section of a 119.90 acre PUD which will eventually contain 335 single family dwellings. Due to current economic conditions, the developer has re-phased The Enclave to reduce the size of Phase 4 to 4.51 acres and number of lots to 18.

MOTION: To approve Subdivision Development Contract number 487 for the development of the Enclave PUD, Phase 4.

**Professional Services Agreement – Forest Hill-Irene Water Main Extension**

This project established funding for the installation of a 16” water main on Forest Hill-Irene from Forest Hill Lane north to an existing 12” water main on Dogwood Road.

MOTION: to approve a Professional Services Agreement with Allen & Hoshall for engineering services related to the Forest Hill-Irene Water Main Extension in the amount of \$40,000.00.

**Professional Services Agreement – Miller Farms Sewer Basin Improvements**

This agreement will provide for the survey, engineering design, bid analysis, award of the contract and to assist with construction administration.

MOTION: To approve a Professional Services Agreement with Allen & Hoshall for the Miller Farms Sewer Basin Improvements in the amount of \$73,000.00.

Motion by Mr. Chism, seconded by Mr. Drinnon, to accept the Consent Agenda in its entirety.

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

Mayor Goldsworthy asked Alderman Uhlhorn to come forward and she read a proclamation proclaiming December 8, 2008 as Frank Uhlhorn Day recognizing his 14 years of service to the City and its citizens.

Alderman Drinnon stated the Alderman Uhlhorn brought to the Board his knowledge of contracts and building. He thanked him and stated that Alderman Uhlhorn had served the Board very fairly, honestly and very faithfully.

Patrick Lawton, on behalf of the staff, presented Alderman Uhlhorn with a City employee ring as a small token of appreciation.

Alderman Uhlhorn thanked the Mayor and Aldermen, staff and the department heads, individually, for their service and support to him and the City. He stated how proud he was to have been elected and how blessed he was to be living in this great City and to have the support and friendship of its staff and to have the love and support of his family.

**ADJOURNMENT**

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