

## **BOARD OF MAYOR AND ALDERMEN**

**June 23, 2008**

A regular meeting of the Board of Mayor and Aldermen was held on June 23, 2008 at 7:00 p.m. in the Council Chamber of the Municipal Center.

Vice Mayor Ernest Chism was present and presiding.

The following Aldermen were present: John Drinnon, Carole Hinely, Mike Palazzolo and Frank Uhlhorn. Mayor Goldsworthy was absent. Staff present: Patrick Lawton, Andy Pouncey, George Brogdon, Kristen Geiger, Tom Cates, Pam Beasley, Jerry Cook, Deputy Chief Rodney Bright, Pat McConnell, Bo Mills, Chief Dennis Wolf, Michael Stoll, Butch Eder, Ralph Gabb, Tim Gwaltney, Lisa Piefer, Melody Pittman and Dotty Johnson.

### **Invocation**

Assistant City Administrator Andy Pouncey gave the invocation.

### **Pledge of Allegiance**

Alderman Hinely led the Pledge.

### **Approval of Minutes**

Approval was requested of the minutes as amended of the executive and regular session held June 9, 2008.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo to approve the minutes of the Executive Session and Regular Meeting held June 9, 2008 as corrected 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.

### **Presentation of Beautification Business Award**

Alderman Palazzolo presented members of the Germantown High School with the Beautification Business Award for this month. Susan Sharp, Barb Parson and Mike McIntyre came forward for the presentation.

### **Ordinance 2008-4 – An Ordinance to Adopt the 2008-2009 Budget – Third Reading**

Patrick Lawton stated the Board was asked to adopt the FY09 proposed budget on third and final reading. He explained that the budget was consistent with the Board's focus areas as established during the retreat in January. The FAC had met throughout the spring to review all components of the budget and had recommended and supported the adoption of the budget.

The budget for all funds for FY09 totals \$69,312,724. The general fund operating budget, which is the largest fund, totals \$38,159,195. The enterprise fund, of which there are 4, totals \$18,604,247 and the City's capital improvement program is \$10,055,000.

During the second reading and public hearing on the ordinance, the Board amended the budget to include an additional \$20,000 to support GHS-TV in their capital request. That amendment had been included in the ordinance for this third reading.

**Ordinance 2008-4 – An Ordinance to Adopt the 2008-2009 Budget – Third Reading – (cont’d)**

Mr. Lawton had received confirmation from Standard & Poor’s, one of the rating agencies, that they had affirmed the City’s Triple A rating on its general obligation debt. He paraphrased some of the comments made by Standard & Poor’s that reflected the rating. The City has very strong income and wealth indicators. They have consistently shown a strong financial performance and position, coupled with strong financial management practices and policies; and moderate overall debt burden with manageable additional capital needs as the city approaches build out. Standard & Poor’s deems Germantown’s financial management practices strong under its financial management assessment methodology indicating that practices are strong, well embedded and sustainable.

Mr. Lawton stated it was for these reasons and in addition to the hard work by staff, our volunteer commissions and work sessions with the Board that he could recommend to the Board that the FY09 budget be approved at third and final reading.

In response to a question from Alderman Palazzolo, Mr. Lawton responded that staff had met with the Telecommunications Commission and highlighted what had taken place during the year in terms of training and computer upgrades. They also discussed the outline of a strategic planning document that staff and the commission would work on long-term information technology needs and purchases and will judge each of the future purchases by what that strategic plans looks like. They also went over a site map of the new proposed web site development that is on tonight’s agenda.

Mr. Lawton stated that in July the Telecommunications Commission will have two things added to the regular agenda. They will begin to look at necessary ordinance changes to the City’s Telecommunications Ordinance in light of the passage of new state law. The second presentation will be presentation by the company who developed the site map in terms of what the web site could look like.

Mr. Lawton stated he felt there was a consensus from the commission that staff should move forward in these areas. He felt there is still work to be done.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to approve on third reading Ordinance No. 2008-4 establishing the FY09 Proposed Budget.

Motion by Mr. Uhlhorn, seconded by Ms. Hinely, for a friendly amendment to the motion to acknowledge funding for the Tennessee Shakespeare Company by adding \$25,000 to the civic support cost center and by reducing \$20,000 in funding for a document management system software application in IT and reducing by \$5,000 funding for Pictometry equipment maintenance in Development.

Vote on Amendment:

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

Vote on original motion:

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

**Ordinance 2008-5 – Real and Personalty Property Taxes – Third Reading**

Kristen Geiger commented that the City’s certified tax rate of \$1.54 per \$100.00 of assessed value remains unchanged from the previous year. FY09 represents the sixth year since the property tax increase in 2003. This tax will generate approximately \$21.4 million of revenue to the general fund. When it is combined with TVA and MLGW in-lieu-of tax payments, property tax revenue will total 57% of the FY09 General Fund revenue budget.

**Ordinance 2008-5 – Real and Personalty Property Taxes – Third Reading – (cont'd)**

Motion by Mr. Palazzolo, seconded by Mr. Uhlhorn, to approve Ordinance 2008-5 on third reading as amended.

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

**Ordinance 2008-6 – An Ordinance for Year-End Budget Adjustments – Third Reading**

Ms. Geiger stated that at year-end a number of budget adjustments are required to avoid budget and fund overruns in the various funds. The funds included are the General Fund/State Street Aid Fund/ Capital Funds, Germantown Athletic Fund and Sanitation Fund. At year-end various budget adjustments are made to various city funds which realign the operating expense/expenditure accounts with actual activity. They recognize various overruns, underruns, project acceleration and deferrals that have already been brought to the Board's attention during the year.

Motion by Mr. Palazzolo, seconded by Mr. Uhlhorn, to approve Ordinance 2008-6 on third reading.

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

**Resolution on Revenues – 08R08**

Ms. Geiger stated that since the codification of the City's Code of Ordinances several years ago, ordinances have been drafted to exclude dollar amounts of fees and rates. Rather, the fees and rates are set by resolution. The purpose of this action is to consolidate all revenue authorizations into a single document. This resolution is expected to be revised and adopted each year concurrent with the adoption of the annual budget.

There were two rates she wanted to draw attention to and that was the water rate that was recommended to decrease by \$.10 per 1,000 gallons of water of 5,000 and the sanitation rates proposed to increase by \$.75 per single family and \$.80 for multi-family. The sanitation rates are projected to last through three years of the remaining contract.

Changes in fees and fines are due mainly to review, research and comparison to existing costs of providing services, comparable fees charged by other cities in Tennessee and in direct compliance to laws and regulations of the state and federal governments.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to adopt the Resolution on Revenues and schedules establishing the rates, fines and fees in the various funds of the City of Germantown for the FY09 Operating Budget.

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

**CIP Resolution – 08R09**

Mr. Lawton stated that concurrent with the adoption of the budget at third and final reading, the Board is asked on an annual basis to adopt a resolution approving the five-year capital improvements program for fiscal years ending June 30, 2009 through 2014. The FY09 portion of the capital improvements program was adopted with the 09 budget ordinance. The resolution before the Board is for the adoption of a plan for capital improvements through FY14.

**CIP Resolution – 08R09 – (cont'd)**

The resolution on the CIP identifies the funding sources during the planning period and how the funds will be used according to general government, major roads, intersection, drainage improvements, parks the Germantown Athletic Club, our utilities and a small portion allocated for contingencies.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to adopt the resolution establishing a Capital Improvements Program for fiscal years ending June 30, 2009 to 2014.

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

Alderman Palazzolo recused himself and left the podium.

**Appointments to Education Commission – Moved to Regular Agenda**

Mr. Lawton stated this item was the appointments to the Education Commission for the upcoming fiscal year. These appointments are made during the summer months to coincide with the school year.

Motion by Mr. Uhlhorn, seconded by Ms. Hinely, to appoint Abigail Braddock, David Compton, Lesley Fluke, Melody Miller, Rodolfo Palazzolo, Eleanor Purdy, Robyn Rudisill, Stephanie VanArsdale, Junling Wang, Sheryl Weatherford, and Melissa Walker.

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

Alderman Palazzolo returned to the agenda.

**CONSENT AGENDA**

Alderman Palazzolo asked that the Appointments to the Education Commission be pulled from the Consent Agenda and be put on the regular agenda.

**Approval of TDOT Railroad Crossing – Approaches Adjustment Agreement for Improvements to the Poplar Pike/Southern Avenue RR Crossing**

This is an agreement with Tennessee Department of Transportation (TDOT) for improvements to be made to the Poplar Pike/Southern Avenue railroad crossing. Upon completion of the project, TDOT will reimburse the City for 100% of the design and construction costs.

MOTION: To authorize the Mayor to enter into an agreement with Tennessee Department of Transportation for improvements to the railroad crossing at Poplar Pike/Southern Avenue.

**Approval of TDOT Railroad Crossing – Approaches Adjustment Agreement for improvements to the Hacks Cross Road RR Crossing**

This is an agreement with Tennessee Department of Transportation (TDOT) for improvements to be made to the Hacks Cross Road railroad crossing. Upon completion of the project, TDOT will reimburse the City for 100% of the design and construction costs.

MOTION: To authorize the Mayor to enter into an agreement with Tennessee Department of Transportation for improvements to the railroad crossing at Hacks Cross Road.

**Ethics Training**

This is an agreement with Union University for ethics awareness training for the remainder of all current City employees at a cost not to exceed \$44,250.00. This proposed agreement with Union University will process all City employees through the three modules at a cost of \$177.00 per employee.

MOTION: To authorize the Mayor to execute an agreement with Union University based on the proposal for ethics awareness training in an amount not to exceed \$44,250.00. This agreement will be subject to approval by the City Attorney prior to execution by the Mayor.

### **Appointments to Education Commission – Moved to Regular Agenda**

#### **Appointments to Youth Commission**

The Germantown Youth Commission consists of thirteen members and two adult advisors and is charged with the duty of an advisory group on community youth issues.

MOTION: To appoint Samuel Evans, Jonathan Green, Julia Haines, Mary Landrum, Anne Mischke, Priyanka Moolchandani, Rebecca Ruleman, Megan Schlitt, Elizabeth Stagich and Deeyar Itayem and to appoint Pam Beasley to serve as an adult advisor.

#### **Decorative Street Sign Contract**

This program involves cost-sharing with the neighborhood associations in which the neighborhoods pay fifty percent of the cost of the decorative street sign posts and the City pays fifty percent. Four companies submitted bids. The installation of the street sign and regulatory posts was bid separately and sent to the same number of vendors, however, no bids were received for installation. Installation of the signs will be rebid in first quarter of FY09.

MOTION: To authorize the Mayor to enter into a contract with West Tennessee Ornamental Door Co., Inc. for the manufacture of decorative street and regulatory sign posts at various locations throughout the City up to \$150,000.

#### **Germantown Athletic Club & Germantown Performing Arts Center Signage**

During the planning process to identify the needed improvements, it was determined that in addition to the infrastructure improvements and equipment upgrades the existing fitness center needed a new branding to identify it as a state-of-the-art fitness and wellness facility. This project will replace the existing signage on the fitness center with the new name, the Exeter Road entranceway sign and the old signage on the Germantown Performing Arts Centre to provide for a consistent and aesthetically pleasing identity of the facilities.

MOTION: To authorize the Mayor to enter into a contract with Joyce Signs, Inc. for the manufacture and installation of exterior signs at the Germantown Athletic Club, the Germantown Performing Arts Centre and the Exeter Road entranceway in the amount of \$85,425.00 and approve Budget Adjustment No. 08-189.

#### **Carpet Replacement – Germantown Athletic Club**

The need for new carpet is necessary to improve the quality of the Great Hall's facility. The existing carpet in the Great Hall is the original from the 2002 expansion. The carpet will give the Great Hall the cutting edge look to compete against other local facilities.

MOTION: To authorize the Mayor to enter into a contract with Carpet Contractors in the amount of \$50,162.00 for removal and disposal of existing carpet and installation of Miliken carpet tiles in the great Hall and adjacent corridor.

#### **Approval of Contract for Printing of FYI newsletter**

The tabloid style publication called FYI was introduced in the fall of 2006 and continues to include information regarding Parks and Recreation programming, Germantown Performing Arts Centre events, Germantown Athletic Club membership and information on all City related leisure activities. Bids were received from four vendors, one was disqualified.

MOTION: To contract with J.W. Moore Printing Co., Inc. for the printing of three issues of the FYIU publication in the amount of \$19,185.00.

**Repair of Well No. 9**

Staff observed there was a significant reduction in daily water production with Well #9 at the Southern Avenue Water Plant. It was determined that two of the four impellers in the pump bowl had deteriorated beyond repair. The bid includes parts, field labor, machine and shop labor, epoxy coating and reinstallation of the pump assembly at a cost of \$30,297.00.

MOTION: To authorize the Mayor to contract with Layne-Central for emergency repairs to Well #9 in the amount of \$30,297.00 and approve Budget Adjustment #08-188.

**Competitive Sealed Bids – Web Site**

The decision to redesign the City's website presents opportunities for advances in technology along with new services for citizens. The Telecommunications Commission was consulted on June 11 regarding the plan for the new site.

The competitive sealed proposal process will provide staff with the ability to review the many services offered by providers, and then analyze which services are in the best interest of the City and our citizens.

MOTION: To authorize the City to use the competitive sealed proposal process to procure website redevelopment services.

**Recognition of donations – Germantown Animal Shelter**

The Animal Shelter takes unwanted animals and finds good deserving homes. People throughout the City have donated money during the year and in past years to continue the fine work performed at the City's Animal Shelter.

MOTION: To recognize miscellaneous Animal Shelter Donations in the amount of \$42,457.72.

ADD-ON

**Annual Maintenance – SunGard Public Sector, Inc. and New World Systems**

The City invested in SunGard Public Sector, Inc. during 1999 in anticipation of Y2K issues with the system in use at the time. Since implementation, the City has added modules to assist City staff in providing not only accounting services but also utility billing, payroll and purchasing. The expenditures requested are annual maintenance agreements to cover existing systems. Renewals include all modules currently owned and any upgrade releases offered throughout the year.

MOTION: To authorize the Mayor to renew the annual maintenance agreement with SunGard Public Sector, Inc. in the amount of \$73,635.00, renew the annual kiosk hardware maintenance agreement in the amount of \$1,600.00 and enter into a new 3-year maintenance agreement with New World Systems in the amount of \$81,776.00. All three agreements total \$157,011.00.

**Recognition of Animal Shelter Donation**

This is money that was donated to the Animal Shelter during the year. Citizens donate not only money but also their time to the continued success of the Animal Shelter. These funds will assist in the purchase of food, up-keep and medical treatment of the animals at the shelter.

MOTION: To recognize miscellaneous Animal Shelter Donations in the amount of \$42,457.72.

**Annual Maintenance – SunGard Public Sector, Inc. and New World Systems**

The expenditures requested are annual maintenance agreements to cover existing systems. Renewals include all modules currently owned and any upgrade releases offered throughout the year.

MOTION: To request authorization to renew the annual maintenance agreement with SunGard Public Sector, Inc. in the amount of \$73,635.00, renew the annual kiosk hardware maintenance agreement in the amount of \$1,600.00 and enter into a new 30year maintenance agreement with New World Systems in the amount of \$81,776.00. All three agreements total \$157,011.00.

**Recognition of Donations – Germantown Community Library**

The Germantown Community Library is embraced and supported by the Germantown community. The Germantown Community Library staff, with individuals, groups and organizations, partner to make improvements and enhancements to the library. The following individuals and organizations donated these funds: Arts Alliance Grant -\$750, Teresa Jenkins (Summer Reading) - \$100, David Smith (Summer Reading) - \$100, Germantown Library Board (Summer Reading) -\$100, Melody Pittman (Summer Reading) -\$100, Clarke’s Quick Print (Summer Reading) \$100, and miscellaneous Library donations - \$5,789.18.

MOTION: To recognize the donations made to the Germantown Community Library totaling \$7,158.93 and to approve Budget Adjustment No. 08-196.

**Surplus Property Germantown Athletic Club**

Germantown Athletic Club will be installing new fitness equipment in July where currently three pool tables, a ping pong table, a foosball table and air hockey table exist. Plans have been made to relocate all items in the game room with the exception of two pool tables.

MOTION: Requesting authorization to surplus two pool tables located at Germantown Athletic Club.

**Saddle Creek planned Unit Development: Outline Plan and Warrants – Set Public Hearing Date**

Poag and McEwen is requesting approval of an Outline Plan for a mixed use development including five warrants. The development consists of 242,800 sq. ft. of retail space, 340,000 sq. ft. of Class “AA” office space, 160,000 sq. ft. of First Class hotel space, 56,200 sq. ft. of restaurant space and 490,000 sq. ft. of residential space, for a total of 1,289,000 sq. ft. of buildings. The development will also include 1.334 acres of civic space and 8.516 acres of green space. Of the five warrants, two of them concern building heights of eight stories. The applicant is also requesting two warrants to place retail buildings closer than 150 feet to existing single-family residential neighborhood to the west, The Timbers. The last warrant is to allow seven buildings to be one story in height.

MOTION: To set July 14, 2008 as the date of a public hearing on the Saddle Creek PUD Outline Plan and on the five warrants associated with it.

Motion by Ms. Hinely, 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.