

BOARD OF MAYOR AND ALDERMEN
May 12, 2008

A regular meeting of the Board of Mayor and Aldermen was held on May 12, 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, Andy Pouncey, George Brogdon, Kristen Geiger, Jerry Cook, Tom Cates, Chief Richard Hall, Pat McConnell, Pam Beasley, Bo Mills, Michael Stoll, Butch Eder, Ralph Gabb, Danielle Toole, Scarlet Jones, Tim Gwaltney, Chief Dennis Wolf, Lisa Piefer, Melody Pittman and Dotty Johnson.

Mayor Goldsworthy stated during the Executive Session the Board had unanimously agreed to defer one item and add two items to the agenda. Resolution 08R06 – Adoption of Germantown Civic Club Complex Master Plan was deferred. Add-on's included Shelby County Trustee Real Estate Tax Sale and Athletic Club Concession Contract.

Invocation

Dr. Jason Royle from Kingsway Christian Church gave the invocation.

Pledge of Allegiance

Boy Scout Troop 276 from First Evangelical Church led the Pledge.

Approval of Minutes

Approval was requested of the minutes as amended of the executive and regular session held April 28, 2008.

Motion by Mr. Chism, seconded by Ms. Hinely, to approve the minutes of the Executive Session and regular Board of Mayor and Aldermen meeting held April 28, 2008 as amended.

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

Citizens to be Heard

No citizens came forward.

Proclamation – National Public Works Week

Mayor Goldsworthy read a proclamation honoring the Public Services personnel and to recognize the contributions they make every day to our health, safety, comfort and quality of life. She proclaimed May 18 -24 as Public Services Week.

ADD-ON - Proclamation – Police Week

Mayor Goldsworthy read a proclamation honoring Law Enforcement and the 86 sworn members of the Germantown Police Department. She stated May 15 had been designated as Peace Officers Memorial Day with Federal Law directing that all flags be flown at half staff on that date in honor of fallen officers and their families. The Board proclaimed May 11 -17 as Police Week.

Proclamation – Emergency Medical Services Week

Mayor Goldsworthy read a proclamation honoring the Germantown Fire Department emergency medical services teams and proclaimed May 18 – 24 as Emergency Medical Services Week.

Resolution – 08R06 – Adoption of Park Master Plan - DEFERRED

Mayor Goldsworthy declared the Board of Mayor and Aldermen regular meeting suspended and reconvened the Board as the Beer Board.

BEER BOARD

Public Hearing – Beer Permit – Elfo’s – Alex S. Grisanti

Patrick Lawton stated Mr. Alex S. Grisanti, owner of Elfo’s located at 2285 S. Germantown Road had requested a permit to sell beer for on-premise consumption. The necessary background checks had been performed by the Germantown Police Department and nothing had come back to discredit the applicant and the application was in compliance

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

Motion by Mr. Uhlhorn, seconded by Ms. Hinely, to approve the request from Alex S. Grisanti, owner of Elfo’s for a permit to sell beer for on-premise consumption.

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

Mayor Goldsworthy suspended the Beer Board and reconvened as the Board of Mayor and Aldermen.

BOARD OF MAYOR AND ALDERMEN

Ordinance 2008-4 – An Ordinance to Adopt the 2008-2009 Budget – First Reading/set Public Hearing Date

Patrick Lawton explained this was the first reading of the FY09 Proposed Budget. The FY09 proposed budget is based upon the focus areas developed by the Board during their annual retreat in January and represents hundreds of hours of review and analysis by the City’s key business units and departments, the Financial Advisory Commission and the Personnel Advisory Commission.

The budget for all funds totals \$69,292,724.00. The general fund, which is the largest component of the City’s operating budget totals \$38,139,195.00. The City has three enterprise funds consisting of the utility fund, the sanitation fund and the Germantown Athletic Club. These funds total \$17,804,247.00.

Mr. Lawton stated this was the sixth year in a row that the Administration was not recommending a property tax increase to support the defined levels of services identified in the budget document. In addition, Administration was also recommending a reduction in the City’s water rates which will amount to a 10 cent reduction on every thousand gallons of water used over 5,000 gallons.

Before the public hearing on Monday, June 9, every household in Germantown will receive in the mail a document entitled “The Budget in Brief”. The Budget in Brief highlights the major revenues and expenditure categories in the proposed budget and the Board of Mayor and Aldermen’s funding priorities.

At the second reading and public hearing, Julius Moody, FAC Chairman, will be present to provide the Board with the Commission’s recommendation regarding the adoption of the Budget.

Motion by Mr. Chism, seconded by Mr. Drinnon, to approve on first reading Ordinance No. 2008-4 establishing the FY09 Proposed Budget, and set Monday, June 9, 2008 for second reading and public hearing.

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

Ordinance 2008-5 – Real and Personalty Property Taxes – First Reading/set Public Hearing Date

Kristen Geiger explained the recommended property tax rate for the FY09 Budget was \$1.54 per \$100.00 of Assessed Valuation. The recommended property tax rate will generate approximately \$21.4 million. Combined with payment in lieu of tax payments it represents 56% of the total funds budget for general fund revenues. The total 2008 Real Estate Assessments for the City totaled \$1.4 billion dollars, just under 8% of Shelby County's total and 80% of our property tax base is residential.

Motion by Ms. Hinely, seconded by Mr. Chism, to approve Ordinance 2008-5 on first reading, and to set Monday, June 9, 2008 for the second reading and public hearing.

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

Ordinance 2008-6 – An Ordinance for Year-End Budget Adjustments – First Reading/set Public Hearing Date

Ms. Geiger stated at the end of the fiscal year, a number of year-end budget adjustments are required to be made to avoid Budget and fund overruns in the various funds. These adjustments realign operating expense/expenditure accounts with actual activity.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve Ordinance No. 2008-6 on first reading, and to set Monday, June 9, 2008 for the second reading and public hearing.

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

Resolution – 08R07 – Public/Private Partnership Policy

Mr. Lawton stated the “Smart Growth” public/private partnership recognizes and tries to identify the risks and voids associated with all the major players involved with any type of Smart Growth project. The three primary players in the development process are the City, various stakeholders (citizens) and the private sectors (developer).

The City provides the vision, the administrative and planning expertise, the coordination of the project and any possible financial incentives to be made available. The City also provides the legal framework necessary for achieving Smart Growth development patterns.

The stakeholders, primarily, the residents in close proximity to a Smart Growth project, must feel that they can influence the course of a project. They need to be made aware of plans for a project early on in the process and be given a chance for input throughout the process through private meetings with the developer and public meetings scheduled by the City.

The private sectors involvement in this project involves actually putting the entire development project together. They are responsible for arranging the financing for the project, the design of the project to our Smart Growth plan and specifications, code and regulations, marketing their project successfully and ultimately the construction and operation.

Mr. Lawton explained some of the different aspects of the policy and some changes that had been made during the development process.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to adopt Resolution – 08R07 establishing the Public/Private Partnership Policy for Smart Growth development projects in the City of Germantown.

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

Water Plant SCADA System

Bo Mills stated the Supervisory Control and Data Acquisition System (SCADA) serves as the master control to regulate the water system based on demand. Sensors are located in the system to regulate the water based on the demand as required. These sensors relay information to the water plant and then to the well fields. From this system, all reports are generated as are required by the County and the State. The current system is ten years old and failing and there are not companies nearby that can support it.

Motion by Mr. Uhlhorn, seconded by Mr. Chism, to approve a contract with Advance Electric to perform the SCADA System Computer Upgrade for the City wells, in the amount of \$410,000.00.

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

Johnson Road Water Plant – Underground Storage Contract

Mr. Mills stated this was a companion to the SCADA System. This additional 1.5 million gallons will bring our storage capacity to 7.88 million gallons. The contract, the SCADA upgrade and the water plant expansion to follow will provide to the capacity to meet our water demands through build-out.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to contract with Clifco, Inc. for the construction of the underground storage tank at the Johnson Road Water Plant, in the amount of \$1,520,200.00.

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

Johnson Road Water Plant – Plant Building Expansion Contract

Bo Mills explained that this contract was to expand the plant building and its production capacity. This contract will provide construction of the plant facility expansion, increasing the capacity from 6 to 12 million gallons per day. This capacity along with the 12 million gallons per day produced at the Southern Plant should meet the City's needs for build-out.

Motion by Mr. Uhlhorn, seconded by Mr. Drinnon, to contract with Clifco, Inc. for the construction of the Johnson Road Water Plant Building Expansion, in the amount of \$2,901,200.00.

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

Wolf River Blvd. Engineering Design Supplement

Jerry Cook stated the design projects started in 1999 and we are now ready to start with the design of the actual roadwork. There were several supplements added to the original such as the Environmental Assessment Contract, a Phase II Archaeological Study, and design of two traffic signals. The funds requested include \$138,706.25 for the roadway design, \$22,000 for the required permits from State and Federal Agencies, and \$16,009.00 for Greenway design and construction documents.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to approve a Supplemental Agreement with W.H. Porter Consultants, LLC, in the amount of \$176,715.25 for engineering design for Wolf River Blvd. and to approve Budget Adjustments No. 08-144.

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

CONSENT AGENDA

Subdivision Development Contract No. 490 – Glen Echo

The property is located on the east side of Forest Hill-Irene Road, north of Poplar Avenue and is 16.09 acres in size. The subdivision is located in an “R-E” Estate Residential zoning district, which requires two-acre lot sizes. This is a proposed six-lot subdivision with a private street.

MOTION: To approve Subdivision Development Contract No. 490 for the development of Glen Echo Estates.

Athletic Club Concession Contract – DEFERRED – ADD-ON

This agenda item had been deferred but was unanimously accepted by the Board as an add-on.

Germantown Athletic Club had an agreement with Atlanta Bread Company to provide concession services at the outdoor pool. Due to Atlanta Bread Company's internal corporate policies, the contract was terminated.

Jim Dixon Concessions will offer a diverse healthy menu of salads, wraps and sandwiches from which Club member may choose. Kid-friendly foods will be available for purchase as well. The company will be responsible for the full operation of the outdoor pool concession area and will pay to the City, on a monthly basis, a percentage of its gross revenues.

MOTION: To authorize the Mayor to enter into a lease agreement with Jim Dixon Concessions to provide concession services at the outdoor aquatic facility. The agreement will be reviewed by the City Attorney's Office.

Recognition of Donations – Germantown Community Library

A cash donation of \$100 was made to the Germantown Library by Methodist LeBonheur Hospital.

MOTION: To recognize the donations made to the Germantown Community Library totaling \$100.00, and to approve Budget Adjustment No. 08-150.

Annual Agreement – Ground Water Institute

The Ground Water Institute has offered to continue to service the City by acting as an independent expert in the ground water area. This enables access to the data base for contaminate source inventory, wellhead protection contingency plan revisions, GIS technical support, census data source and USGS water testing programs.

MOTION: To authorize the Mayor to execute an Agreement with the University of Memphis Ground Water Institute in the amount of \$16,100.00.

Emergency Repair – Well No. 7

Water Treatment staff observed a mechanical problem with Well #7 at the Southern Avenue Water Plant. The electrical breaker shut off the power to the pump and the motor locked up, shutting down the well. Layne-Central was notified and the pump was pulled and disassembled to determine the extent of damage. The failure was attributed to a bad oil tube bearing that prevented proper lubrication to the rest of the bearings. The problem was found before there was major damage to the shaft column, thus saving a considerable amount on repair cost.

MOTION: To authorize a contract with Layne-Central for emergency repairs to Well #7, in the amount of \$15,863.00.

Emergency Repair – Sewer Main – Hunters Forest

Sewer crews responded to a citizen's request to unstop a sewer back up at the intersection of Hunters Forest and Sweet Oaks Circle. After clearing, the cause was found to be a separation in a pipe joint. The depth of the main and the sandy condition of the soil made repairs by sewer personnel extremely dangerous and beyond the capability of the crew.

MOTION: To contract with B & C Construction Company, Inc., for emergency sewer main repairs at 2673 Hunters Forest, in the amount of \$15,929.90.

Emergency Repair – GPAC Lighting

On Saturday, May 3, the entire theatrical lighting system experienced a processing failure resulting in a complete blackout. Staff was able to push the “panic” button and then use the breakers to turn on and off the system in the patron seating areas. Due to the safety of the system along with the demand that the system be reliable for upcoming events, the decision to proceed as an emergency repair was initiated.

MOTION: To approve the authorization to contract with Mainstage Theatrical Supply to make emergency repairs to the dimming system in the amount of \$29,700.00.

Shelby County Trustee Real Estate Tax Sale – ADD ON

The City pursues many efforts in collecting its delinquent real estate taxes. However, when the City’s efforts have not been effective it looks for alternative methods of collection. The Shelby County Trustee’s office enforces delinquent real estate taxes through periodic realty tax sales. The Trustee’s office, because of its greater volume of delinquent collections can include the sales of property at a lower cost.

MOTION: To contract with the Shelby County Trustee for the collection of delinquent realty taxes through the use of real estate tax sales by the Shelby County Trustee’s office for a term of one year with options to renew for an additional year.

Motion by Mr. Drinnon, seconded by Mr. Uhlhorn, to approve 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.

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder