

BOARD OF MAYOR AND ALDERMEN
January 14, 2008

A regular meeting of the Board of Mayor and Aldermen was held on January 14, 2008 at 7:00 p.m. in the Council Chamber of the Municipal Center.

Mayor 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, Tom Cates, Andy Pouncey, George Brogdon, Kristen Geiger, Pam Beasley, Jerry Cook, Chief Richard Hall, Pat McConnell, Bo Mills, Michael Stoll, Derek Chaput, Tim Gwaltney, Michael Saddler, Ralph Gabb, Lisa Piefer, and Dotty Johnson.

Mayor Goldsworthy announced that in the Executive Session the Board had unanimously agreed to move numbers 15 - Professional Services Agreement – The Lawrence Group, Inc., #16 – Professional Services Agreement – Kimley-Horn & Associates, Inc. – Engineering Services, and #17 - Professional Services Agreement – Kimley-Horn & Associates, Inc. – Engineering Services, to the consent agenda.

Invocation

Bo Mills, Director of Public Services gave the invocation.

Pledge of Allegiance

Alderman Ernest Chism led the pledge.

Approval of Minutes

The minutes were approved with the typo corrections.

Motion by Mr. Chism, seconded by Mr. Palazzolo, to approve the minutes of the Executive Session and regular Board of Mayor and Aldermen meeting held December 10, 2007, and the Special Called Meeting held December 13, 2007.

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

Citizens to be Heard

Ms. Delaine Rott of 1834 E. Churchill Downs asked the Board especially Alderman Palazzolo and the Center Commission to address some problems at the Centre. Her seven-year-old child had drowned at the Centre and she had resuscitated him. She asked that a person who had Advanced Certified Life Support (ACLS) and Pediatric Advanced Life Support (PALS) accreditation be hired to remain at the Centre whenever the Centre is open. ACLS and PALS are required of someone who can administer oxygen. She also asked that an additional EMT for each Germantown Fire Department shift be hired to remain at the Centre while it is open. She also asked that the security cameras and recording equipment be upgraded. She stated that all personnel should be trained in the operation of the security equipment.

Alderman Palazzolo stated that as liaison to the Germantown Centre Advisory Board he would make sure the minutes of this meeting were presented to the Centre Advisory Board.

Proclamation – Contributions to Germantown Greenway System Development

Mayor Goldsworthy asked the entire Board to step down to present a proclamation to former Alderman Dr. Robert Parrish. The Mayor recognized Dr. Parrish for his influence he had in causing the Greenway to become a viable, real network and plan to link the City's parks and to provide citizens the opportunity to walk, hike and bike around the City.

Proclamation – Contributions to Germantown Greenway System Development – (cont'd)

Dr. Parrish stated there had been a lot of people involved in order to get the Greenway going. He encouraged the Board and the commissions of Germantown to continue to look at each project to see if there was a viable way it can enhance the concept. He recognized Harvey Faust, Harold Walker, George Walters to name a few of the other people who were involved in the park and greenway system.

Teacher of the Month Award

Linda McIntyre, a sixth grade math teacher at Germantown Middle School was recognized as the Teacher of the Month for December. She received a \$100 check from Germantown Heating and Air. Some of her students were present and presented her with a bouquet of flowers.

Youth Excellence Award

Ms. Cameron Luttrell, a senior at Hutchison School was recognized with the Youth Excellence Award for December. The Mayor read of her many accomplishments and her community service work.

BEER BOARD

The Mayor recessed the Board of Mayor and Aldermen meeting and declared the Board convened as a Beer Board.

PUBLIC HEARING – Beer Permit – Ronald R. Bishop – daVinci’s Italian Restaurant – 2037 Exeter Suite 2

Patrick Lawton stated the Beer Board was asked to consider a request from the owners of daVinci’s Italian Restaurant located at 2037 Exeter, Suite 2 for a permit to sell beer for on-premise consumption. Based on the City’s ordinance and the review by the Germantown Police Department, the application was in compliance with the City’s ordinance requirements.

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

Motion by Ms. Hinely, seconded by Mr. Dinnon, to approve the request from Ronald R. Bishop, owner of daVinci’s Italian Restaurant for a permit to sell beer for on-premise consumption.

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

BOARD OF MAYOR AND ALDERMEN

Having concluded the business before the Beer Board, the Mayor adjourned the Beer Board and returned to the Board of Mayor and Aldermen meeting.

PUBLIC HEARING - Ordinance 2007-21 – Competitive Sealed Proposals, Third and Final Reading

Mr. Lawton stated this change in the purchasing ordinance would allow for the use of competitive sealed proposals. Currently the City relies on the use of competitive sealed bids for the purchase of most goods and services for the day-to-day operations and capital improvement projects. This past year the Tennessee General Assembly approved a process that would allow cities in the state to use a process known as competitive sealed proposals to purchase goods and services. In order for the City to engage in the competitive sealed proposal, the Board must adopt an ordinance in compliance with state legislation.

PUBLIC HEARING - Ordinance 2007-21 – Competitive Sealed Proposals, Third and Final Reading – (cont'd)

The conditions in which competitive sealed proposals would be allowed to be used are:

- 1 When qualifications, experience or competence are more important than price in making the purchase.
- 2 When there is more than one solution to a purchasing issue and competitive sealed proposals will assist in choosing the best solution.
- 3 When there is no readily identifiable solution to a purchasing issue and competitive sealed proposals will assist in identifying one or more solution.

The new purchasing process still requires adequate public notice and a defined evaluation criteria when considering the responses to the various proposals submitted.

Every time the competitive sealed proposal process is used, the Board must approve prior to engaging in the process.

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

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to approve Ordinance No. 2007-21 establishing the use of competitive sealed proposals to purchase goods and services on third and final reading.

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

Competitive Sealed Proposal Authorization – Information Technology Services, Banking Services, Prescription Drug Services, Fitness Equipment

Mr. Lawton stated the Board was asked to authorize the use of this new competitive sealed proposal for the purchase of three specific services. These included information technology services, banking services and our prescription drug services. Although a sealed competitive bid could probably be written for all three of these, there clearly is no one readily identifiable solution to each one of these areas given their technical nature and what is in the best interest of the City.

Motion by Ms. Hinely, seconded by Mr. Palazzolo, to authorize the use of the competitive sealed proposal process to procure information technology services, banking services, and prescription drug services.

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

Germantown Community Library Contract Extension

Mr. Lawton explained that the Board executed an agreement for the operation of the Germantown Community Library with LSSI in July of 2004. During the past four years, the City Administration and our Germantown Community Library Board have reviewed the performance of LSSI and has been extremely pleased with their performance to date. The present agreement with LSSI to manage our library expires in July 2008 and the contract allows for two separate 12-month extensions with the City giving LSSI a 180-day notice of our intent to execute this extension.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to authorize the Mayor to enter into an agreement to extend the present agreement for 12 months, effective until July 2009.

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

Ordinance 2008-1 – Amendment to Code of Ordinances – Amendment to Permit Staff Administrative Review and Approval – First Reading/Set Public Hearing Date

Josh Whitehead stated this will amend the six chapters of the ordinance that deal with purviews of the Design Review Commission, specifically, Administration, Beer, Signs, Streets, Vegetation and Zoning. The DRC had expressed interest in allowing staff the ability to approve certain items that meet ordinance requirements rather than requiring the applicant to make a formal submittal to the DRC.

The proposed amendment would permit a streamlined review process for the nine items listed in the policy. These items must abide by zoning ordinance requirements and design standards for staff to administratively approve them. If staff determined an item could not be approved administratively, the item would be placed on the next DRC agenda.

Motion by Mr. Uhlhorn, seconded by Mr. Palazzolo, to approve Ordinance No. 2008-1 on First Reading and set a public hearing date for February 11, 2008.

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

Ordinance 2008-2 – Amendment to Sign Ordinance – Amendment to the Temporary sign Regulations – First Reading/Set Public Hearing Date

The amendment addresses temporary signs. The Code Enforcement Division is the authority that approves temporary signs. There are a few discrepancies with practice and the ordinance needs to be changed.

Motion by Mr. Uhlhorn, seconded by Mr. Palazzolo, to approve the amendment on first reading and set a public hearing date of February 11, 2008.

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

Ordinance 2008-3 – Amendment to the Germantown Sign Ordinance – Amendment to Medical Office Sign Regulations – First Reading/Set Public Hearing Date

Mr. Whitehead stated this amendment would expand the reach of the medical office sign ordinance to include sites otherwise excluded from its language. Four types of signs are proposed, as this will provide medical offices with more options when placing a sign. The four signs are as follows: office parks signs, large monument signs, small monument signs, and wall-mounted signs.

The purpose of the amendment is to aid in the ease of movement in and around sites that provide medical services, as well as foster further development of medical offices within the City.

Motion by Mr. Uhlhorn, seconded by Mr. Palazzolo, to approve Ordinance 2008-3 on first reading and set a public hearing date for February 11, 2008.

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

Sale of City Property – 6535 Poplar Ave. – Formerly City Water Pumping Station - DEFERRED

CONSENT AGENDA

Project Development Contract Number 1166 – Urban Active Fitness Center

The proposed project is for a 57,220 square foot fitness center facility located on Lot 2 of the NOHAPA Subdivision, on the west end of Wolf Trail Cove, south of the Wolf River.

MOTION: To approve Project Development Contract No. 2266 for Urban Active Fitness Center.

Recognition of Donations – Parks and Recreation Department and Beautification Commission

There were seven businesses and organizations that donated funds to sponsor four projects developed by the Parks and Recreation Department: WRNA – Turtle Bayou, Germantown Woman’s Club -\$300.00, Depot Park holiday lights – Rotary Club of Germantown- Rotary Club of Germantown - \$200.00, Journey to the North Pole – Lil’ Angels Photography - \$250.00 and Chocolate Soup - \$250.00, Holiday Tree Lighting – Germantown Charity Horse Show - \$500.00, Beautification Commission holiday float – Germantown Hardware - \$150.00 and Stringer’s Garden Center - \$200.00.

MOTION: To recognize donations made to the Parks and Recreation Department for community events and special programs as detailed above and totaling \$1,850.00 and to approve Budget Adjustment No. 08-68.

Appointments to Industrial Development Board

There were two vacancies on the Industrial Development Board (IDB). It is recommended that both applicants Henry Evans and Mike Harless be reappointed for six (6) year terms, expiring in 2014. Current members and their terms include: Dick Vosburg (2009), Frank Marcus (2009), Annette Liles (2011), Don Lee (2011), and Keith Saunders (2011).

MOTION: To approve the appointment of Henry Evans and Mike Harless to serve as members of the City of Germantown Industrial Development Board until the year 2014.

Membership Software – Germantown Athletic Club

Germantown Athletic Club’s current software does not meet the needs of staff and its current membership. CheckFree software will allow the members to access their own accounts, register for programs and check availabilities for rentals online. The software will also allow the Club to have direct communication with members concerning announcements/schedule changes and automatic debit/credits to member accounts.

Four software systems were evaluated and compared. CheckFree was the most user friendly and cost effective.

MOTION: To authorize the Mayor to enter into a contract with CheckFree Corporation for use of a web-based fitness operations software. Said agreement will be subject to approval by the City Attorney’s office.

Professional Services Agreement – the Lawrence Group, Inc. – Moved to Consent

The City has recently had several interested parties indicate that they plan to develop in the Smart Growth area. The Lawrence Group will serve to assist in planning, design coordination and implementation of the Smart Growth Plan in an amount not to exceed \$15,000.00.

MOTION: To approve a professional services agreement with The Lawrence Group Architects, Inc. for 2008 planning and design services for the City of Germantown, to assist in planning, design coordination and implementation of the City’s Smart Growth Plan, in an amount not to exceed \$15,000, and to approve Budget Adjustment No. 08-70.

Professional Services Agreement – Kimley-Horn & Associates – Design of RR Crossing Improvements – Poplar Pike/Hacks Cross Road – Moved to Consent

This project involves installation of a new crossing gate assembly, new constant warning track time circuitry, replacement of railroad cross buck signs, upgrades of all railroad flashing-light signals,

installation of two new bells and resurfacing of the vehicular approaches and crossing. Upon completion of the project, the TDOT will reimburse the City for 100% of the design and construction costs.

MOTION: To approve a Professional Services Agreement with Kimley-Horn & Associates, Inc. to perform professional engineering design and construction administration services related to railroad crossing improvements at Poplar Pike and Hacks Cross for an amount not to exceed \$26,000.00.

Professional Services Agreement – Kimley-Horn & Associates – Design of RR Crossing Improvements – Poplar Pike/Southern Avenue – Moved to Consent

This project involves installation of a new crossing gate assembly, new constant warning track time circuitry, replacement of railroad cross buck signs, upgrades of all railroad flashing-light signals, installation of two new bells and resurfacing of the vehicular approaches and crossing. Upon completion of the project, the TDOT will reimburse the City for 100% of the design and construction costs.

MOTION: To approve a Professional Services Agreement with Kimley-Horn & Associates, Inc. to perform professional engineering design and construction administration services related to railroad crossing improvements at Poplar Pike and Southern for an amount not to exceed \$21,800.00.

Motion by Mr. Drinnon, seconded by Ms. Hinely, 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 at 7:40 p.m.

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder