

BOARD OF MAYOR AND ALDERMEN

January 28, 2008

A regular meeting of the Board of Mayor and Aldermen was held on January 28, 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, and Mike Palazzolo. Alderman Frank Uhlhorn was absent. 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, Melody Pittman, Butch Eder, Lisa Piefer and Dotty Johnson.

Mayor Goldsworthy announced the Board had unanimously agreed to move item number 10, Smart Growth Development Sewer Impact Study to the Consent Agenda.

Invocation

Assistant City Administrator George Brogdon gave the invocation.

Pledge of Allegiance

Boy Scout Troop 248 from St. Bridget Catholic Church will led the Pledge.

Approval of Minutes

Approval was requested of the minutes of the executive and regular session held January 14, 2008 with a correction to the minutes as noted in the executive session.

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 January 14, 2008 as amended.

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

Citizens to be Heard

No citizens came forward to be heard.

Proclamation – Open Meetings

Patrick Lawton noted that the Tennessee General Assembly and the Tennessee Municipal League had been considering amendments and changes to the Open Meetings Law or the “Sunshine Law”, particularly regarding enlarging the number of elected officials who can meet and deliberate on public business from the current definition of two members to three members.

The Board had decided the City needed to take a firm stance on this issue and that we were not in favor of the changes being considered. The proclamation addressed this issue very clearly.

The Mayor read the proclamation supporting the existing State Statute establishing the open meetings law.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve the proclamation regarding Open Meetings.

Alderman Palazzolo encouraged the citizens to contact their state representatives or state senators if they felt strongly about keeping the Sunshine Law intact.

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

Police Medal of Valor Award

Mayor Goldsworthy asked the Board to step down and Police Chief Richard Hall and Officer Gene Davis Herndon to come forward for a special presentation.

Chief Hall stated that on the morning of August 16, the Police Department received a call from an individual who said he had killed his wife and was going to kill himself. Several officers, including Officer Herndon responded. The suspect was crouched down and had a loaded gun. Officer Herndon commanded he put the shotgun down. The suspect raised an automatic pistol and fired in the direction of the officer a total of ten times. Officer Herndon returned fire twice incapacitating the individual. His courageous efforts that morning not only saved his life but the lives of the other officers and the suspect.

Officer Herndon was presented the highest award in the Police Department and that was the Medal of Valor.

City Beautification Award

Ms. Daneise Burnette, chairman of the Beautification Commission presented Jerry Peebles and Sue Kelton representing Germantown Plantation Senior Living located at 9293 Poplar with the award for January. Mr. Peebles stated that on behalf of the residents and staff they appreciated the award and were very proud to be a part of Germantown.

Emergency Generators – Municipal and Southern Avenue

Mr. Lawton explained that over the past several years the City had been allocating funds in the City's capital improvements program for the upgrade our emergency generator capacity throughout the City. One of the projects completed in FY07 was the ability to provide emergency power to our sewer lift stations in the event of a power outage. With purchase of these two emergency generator power systems, the City will be able to provide sufficient emergency electrical power for City Hall and the Southern Avenue water plant when normal electrical service is interrupted. The current generators at both these locations are over 25 years old and do not provide complete power throughout the entire installation at these locations. Four bids had been received.

Motion by Ms. Hinely, seconded by Mr. Palazzolo, to authorize American Electrical Contractors, Inc. to install new emergency generator power systems at the Municipal Center in the amount of \$4244,392.00 and at the Southern Avenue Water Treatment Plant in the amount of \$291,992.00, resulting in a total net expenditure of \$542,675.04 including a bond payment of \$6,291.04, declare the old generators as surplus and approve Budget Adjustment 08-75.

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

Germantown Athletic Club – Entranceway Renovation Project

Mr. Lawton explained that this renovation would consist of providing a more efficient and aesthetically pleasing entrance to the east entrance into the building. The look and design of the new kiosk will also promote a greater control of members and non-members entering the building. Seven bids were received. In view of the wide range in the bids received, and after careful review of the bid submitted by Descon, staff was satisfied that the contractor could do the work for the price submitted.

Motion by Mr. Drinnon, seconded by Mr. Chism, to authorize the Mayor to enter into a contract with Descon, Inc. for the construction of improvements to Germantown Athletic Club's main entranceway off Exeter Road in the amount of \$109,540.00.

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

Professional Service Contract – Ethics Policy Awareness Training

Mr. Lawton stated the Board had adopted an ethics policy regarding elected and appointed officials and regarding ethical behavior and conduct of all City employees. This ethics training would ensure that all the employees, elected officials and chairmen of our various boards and commissions would have received a thorough review of both ethics policies. A pilot program with Union University was done in the fall of 2007 with great success. Funding for the program was not included in the FY08 Budget, however Administration was recommending that a budget adjustment in the amount of \$10,000 be made from the contingency account to Administration to help fund this program. This would provide training for the Board of Mayor and Aldermen and chairmen of the boards and commissions and 100 of the employees. Training for the balance of the employees will be provided with the adoption of FY09 Budget on July 1, 2008.

Motion by Mr. Palazzolo, seconded by Ms. Hinely, 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 \$20,200.00 and to approve Budget Adjustment No. 08-76. The agreement will be subject to approval by the City Attorney prior to execution by the Mayor.

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

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

Mr. Lawton stated this piece of property housed a former pumping station used by the City to purchase water from Memphis. It had not been used in 15 years and is considered surplus. The property is situated on the south side of Poplar Avenue, west of Fountain Square Condominiums. The purchase price is based on an appraisal by Trotts and Assoc. in the amount of \$25 a square foot with the total property size being 16,388 sq. feet.

In 2007 the Board was presented this sale of property with amendments to the terms of the agreement regarding the purchase deadline resulting in a termination of that agreement with the City. The previous buyer, Poplar Station LLC, wishes to execute a new purchase agreement with the City with a purchase date of May 1, 2008. There is a condition of the sale that the purchaser will have obtained the necessary approvals from the City for the use of this property, in this case, from the BZA and Planning Commission. It also allows for a 30-day extension of the closing date by the purchaser should these approvals not be given in this time frame.

Mr. Lawton stated that during the work session preceding the meeting the Board of Mayor and Aldermen amended the motion to include the addition that the motion be approved subject to the property being resurveyed by independent surveyors to determine if the square footage is congruent with survey upon which this sale price was based.

City Attorney Tom Cates noted that the closing would not occur on April 30th, this will be the last day the purchaser would determine whether or not he would go forward. He could buy another 30 day time period for \$2500 but the closing would take place either June 2 or July 2 depending on whether or not he bought that extra time. Mr. Cates stated a provision would be added to the contract regarding the survey of the property, time the seller and purchaser will have, and other changes to the contract.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to approve the Agreement of Purchase and Sale of City-owned property to Poplar Station, LLC, in the amount of \$409,700 for the property located at 6535 Poplar Ave. subject to the property being resurveyed by independent surveyor to determine if the square footage is congruent with survey upon which this sale price was based.

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

CONSENT AGENDA

Project Development Contract Number 1167 – Alzheimer’s Assisted Living Center – Forest Hill Professional Plaza, Phase II, Lot 1

The property is located on Forest Hill Professional Plaza, Phase II, Lot 1. The applicant proposes to construct a 30,000 square foot building that will be 35’ tall from the ground to the midpoint of the roof. The building will be located in the center of the lot with landscaping and a grass-paved road for fire access surrounding the back and sides of the lot.

MOTION: To approve Project Development Contract No. 1167 for Alzheimer’s Assisted Living Center.

Concrete Mix Purchase

Concrete mix is used for street, drainage and utility maintenance repairs. This amount represents an annual purchase to be delivered as requested and scheduled by the Street and Drainage maintenance Divisions. Four bids were received. The low bid on this item was a 6% decrease from the last purchase price.

MOTION: To purchase 1,000 cubic yards of 4000 PSI concrete mix from Metro Materials, Inc., in the amount of \$78,000.00.

Recognition of Donations – Germantown Community Library

The following individuals and organizations donated these funds for the period 11/13/07 through 1/11/08: Germantown Presbyterian Church - \$50.00, Susan Davis - \$15.00, Unknown - \$1.00, Heritage Woman’s Club - \$500.00, Dogwood Creek Bunco - \$40.00, Carol and Cedric Chinn - \$1,000.00 and Friends of the GCI - \$4,487.16 totaling \$6,093.16.

MOTION: To recognize the donations made to the Germantown Community Library totaling \$6,093.16, and to approve Budget Adjustment No. 08-77.

Civic Support Grant – Germantown Education Foundation

The money given to the Education Foundation will be distributed through a grant round to the Shelby County Schools to assist them in implementing academic and educational projects to our schools. The grants total \$100,000.

MOTION: To approve a grant to the Germantown Education Foundation in the amount of \$100,000 to fund grants to Germantown public schools for academic and educational projects to improve our schools.

Smart Growth Development Sewer Impact Study

Allen & Hoshall has served as the City Utility System engineers for over 40 years and have the system models and historical data necessary to evaluate the impact of Smart Growth Development. This comprehensive evaluation, as related to Smart Growth basins, will give staff information and direction to address sewer system needs related to development of the Smart Growth area.

MOTION: To authorize the Mayor to enter into a Professional Services Agreement with Allen & Hoshall, Inc., to evaluate the developmental impact on the City of Germantown sanitary sewer system associated with the Smart Growth Development, in an amount not to exceed \$30,000.00.

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. Motion approved.

ADJOURNMENT

There being no further business to be brought before the Board, the meeting was adjourned at 7:55 p.m.

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder