

BOARD OF MAYOR AND ALDERMEN

January 26, 2009

A regular meeting of the Board of Mayor and Aldermen was held on January 26, 2009 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: Mark Billingsley, Ernest Chism, John Drinnon, Carole Hinely, and Mike Palazzolo. Staff present: Patrick Lawton, Andy Pouncey, George Brogdon, Kristen Geiger, Tom Cates, Jerry Cook, Pat McConnell, Michael Sadler, Ralph Gabb, Chief Richard Hall, Chief Dennis Wolf, Bo Mills, Derek Chaput, Tim Gwaltney, Joe Nunes and Dotty Johnson.

Mayor Goldsworthy noted the changes to the agenda. The following items had been deferred, Ordinance 2009-8 – Amendment to Chapter 21 – Utilities, and on the Consent Agenda, the Disaster Recovery Agreement and Appointment to Telecommunications Commission were deferred.

Invocation

Assistant City Administrator George Brogdon gave the invocation.

Pledge of Allegiance

Alderman John Drinnon led the Pledge.

Approval of Minutes

Approval was requested of the minutes of the executive and regular session held January 12, 2009.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve the minutes of the Executive Session and Regular Meeting held January 12, 2009 as amended during the Executive Session.

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

Citizens to be Heard

No citizens came forward.

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 – Third and Final Reading

Assistant City Administrator Andy Pouncey stated this would correct wording related to the ordinance regarding restricted parking on city streets and driveways. There had been no changes to the amendment since the second reading.

Motion by Ms. Hinely, seconded by Mr. Palazzolo, to approve the amendment on third and final reading.

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

Purchase – Sports Lighting Equipment

Assistant City Administrator Kristen Geiger stated the Board was asked to purchase Musco sports lighting equipment for the C.O. Franklin tennis courts in the amount of \$72,000.00. Included with this purchase is a twenty-five year warranty maintenance contract. She stated there were a total of six tennis courts at C.O. Franklin and it is open all year long. The current facility has inadequate lighting. After extensive research and analysis in 2005, it was determined that Musco Lighting would be the lighting of choice for the sports lighting equipment. The installation of the equipment will be bid separately.

Alderman Billingsley voiced his concern that there was \$300,000 in the Recreation Fund and it would deplete the fund by 1/3. He stated he understood that about \$40,000 is accrued annually in this fund and

he did understand the lighting pollution and the ability to control the lights from a remote location. However, he stated he would vote against this item because of his concern for the future of Germantown and what the City would be facing. He also felt there would be other projects that might be appropriate for the Recreational Fund in the coming months that might have a higher impact to the citizens of Germantown.

In a response to a question from Alderman Hinely, Ms. Geiger stated the Recreation Fund is supposed to be drawn down periodically, it is a not for profit accumulation like the General Fund. It can be postponed but we are looking for investments like this. The \$250,000 was budgeted for this expense for this year and we will not come near to spending this amount.

Alderman Drinnon stated we also have a Contingency Fund to resort to if something else comes before the Board for a pressing need.

Ms. Geiger stated there were two Contingency Funds, both for emergencies. One is in the General Fund for \$50,000 the other is in the Capital Fund for \$200,000.

In response to a question from Alderman Palazzolo, Ms. Geiger stated in this fund in a specific account this amount has been set aside just for lighting.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to authorize the Mayor to execute a contract with Musco Lighting in the amount of \$72,000.00 for sports lighting replacements and implement a twenty-five year full warranty and maintenance contract for the requested sports lighting.

ROLL CALL: Billingsley–no, Chism-no, Drinnon-yes, Hinely-no, Palazzolo–yes. Motion failed.

Budget Adjustment – Park Maintenance to Streets, Drainage, and Grounds

Assistant City Administrator George Brogdon stated this was a transfer of dollars. As part of the managed competition process, it was decided that efficiency and utilization of resources would better serve the City and its citizens if Public Service Department assumed the responsibility of parks maintenance. The original budget was placed in the Parks and Recreation Department prior to managed competition. Therefore, the budget needs to shift from the Parks and Recreation Department to the Public Services.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to approve budget adjustment number 09-61 authorizing the budget transfer from Parks and Recreation Department to the Public Services Department.

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

Professional Services Agreement – Design of Germantown Road Realignment

City Engineer Tim Gwaltney noted this was a Professional Services Agreement with Kimley-Horn & Associates for \$120,600 to complete the design and construction documents to a realignment of Germantown Road within the central business district.

In 2008, the Board of Mayor and Aldermen requested a feasibility study that identified the positive and negative impacts. Based on the results of Phase 1, (the feasibility study) it was staff's opinion that the potential benefits of this project substantially outweigh the potential negative impacts and recommends proceeding to Phase II of this project which is completion of the engineering design and preparation of construction documents.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to approve a Professional Services Agreement with Kimley-Horn & Associates, Inc. to perform professional engineering design services for the realignment of Germantown Road in an amount not to exceed \$120,600.00.

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

Amendment to PILOT – West Fraser

Assistant City Administrator Andy Pouncey stated there were two amendments before the Board. On June 18, 2008, the GIDB approved the first amendment to their personal property investment and corresponding PILOT status making the company eligible for an additional year of PILOT status for both the Real Property Lease and Personal Property Lease with the GIDB.

On January 20, 2009, West Fraser stated they intended to sublease 3,935 square feet to Atlantic Pacific Automotive, LLC, requiring an amendment to the Real Property Lease to reflect this decrease in the West Fraser’s Sublease Area from 64.17% to 54.95% of the building, and to amend the basis of computation of the PILOT payment in accordance with such decrease.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to approve an amendment to the Personal Property Lease and Real Property Lease for the West Fraser, Inc. PILOT, as adopted by the City of Germantown Industrial Development Board on June 18, 2008.

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

Motion by Ms. Hinely, seconded by Mr. Drinnon, to approve a second amendment to the Real property Lease for the West Fraser, Inc. PILOT, as adopted by the City of Germantown Industrial Development Board on January 20, 2009.

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

Ordinance 2009-8 – Amendment to Chapter 21 – Utilities – Utility Cabinets –First Reading/Set Public Hearing Date - DEFERRED

CONSENT AGENDA

Second Amendment to Subdivision Development Contract No. 455 – Garner Woods Subdivision – Extend Date of Completion

This is the second amendment to the Development Contract for Garner Woods Subdivision. The Board approved the First Amendment to extend the date on February 11, 2008. If approved, this would extend the completion date for one more year, to January 26, 2010.

MOTION: To approve the Second Amendment to Subdivision Development Contract Number 455 for Garner Woods Subdivision.

Declaration of Surplus Property

The City is seeking to dispose of a list of vehicles and equipment from the Police, fire, Parks, Public Services and Sewer Departments. These are vehicles and equipment that were replaced with new ones in FY08 and some that are no longer in-service due to body damage.

MOTION: To declare a list of vehicles and various pieces of equipment as surplus property:

Disaster Recovery Agreement – SunGard Public Sector - DEFERRED

Approval of FY10 Budget Calendar

The Budget Calendar serves as an internal tool for staff in producing the budget and as a means to provide information to departments, division and to the Board regarding the progress in the budget process. The calendar will highlight key dates for the FAC and the Board for the completion of the budget prior to June 30, 2009.

MOTION: To approve the FY10 Budget Calendar.

Appointment to Germantown Athletic Club Commission

Mr. Larry Williams has expressed a desire to fill a vacancy on the Athletic Club Commission.

MOTION: To approve the appointment of Mr. Larry Williams to serve on the 2009 Germantown Athletic Club Advisory Commission.

Amendment to Lease Agreement – Germantown Community Theatre - DEFERRED

Electric Services – Johnson Road Wells

This is a contract with Memphis Light Gas and Water that will provide electrical service to two of the wells at Johnson Road Water Treatment Plant in the amount of \$39,840.13.

MOTION: To contract with Memphis Light, Gas, and Water for the installation of electrical services to the wells at the Johnson Road Water Treatment Plant in an amount of \$39,840.13 and approve Budget Adjustment #09-75.

Emergency Purchase - East Bridge Ditch Repair

Two sidewall panels of the East Bridge Drainage Ditch are in need of emergency repair. One of the thirty feet wide by eight feet tall panels is leaning into the ditch and another panel is subject to fail in the near future. An emergency bid was submitted by Hamilton-Elles, Inc. to provide all labor, materials and equipment to complete the project.

MOTION: To contract with Hamilton-Elles, Inc. for emergency repairs to the East Bridge Ditch in the amount of \$51,000.00 and to approve Budget Adjustment #09-73.

Appointment to Financial Advisory Commission

Mr. Mike Agee has expressed a desire to fill a vacancy on the FAC.

MOTION: To approve the appointment of Mr. Mike Agee to serve on the 2009 Financial Advisory Commission.

Recognition of Donation – Germantown Community Library

This item is to recognize monetary donations made to the Germantown Community Library totaling \$575.00.

MOTION: To recognize the monetary donations made to the Germantown Community Library totaling \$575.00; and, to approve Budget Adjustment No. 09-74.

Appointment to Telecommunications Commission – DEFERRED – Added back to the consent agenda.

In response to a question from Alderman Chism, Mr. Lawton stated this item had been deferred. There had been a time issue because the staff liaison had wanted to talk with the chairman of the commission to get his approval and Mr. Fischer had not had an opportunity to discuss the application in more detail with the Alderman liaison.

Alderman Chism felt the position had been discussed since August of last year and the present applicant he felt was very good and action should now be taken. He asked the Board to go ahead and fill the vacancy. This item was pulled from the consent agenda.

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

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

Appointment to Telecommunications Commission – DEFERRED – Added back to the consent agenda.

Mr. Rodney McKelroy had expressed a desire to fill the vacancy on the Telecommunications Commission.

Motion by Mr. Chism, seconded by Mr. Billingsley to accept the appointment of Mr. Rodney McKelroy to the Telecommunications Commission.

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

Alderman Drinnon stated in regard to the Ad Hoc Committee that had been created and in lieu of the fact that there were no representatives from each of the municipalities, he felt the City should invite Ms. Deidre Malone to come out and speak to the Germantown Board, and the general public be invited.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to invite Shelby County Commission Chairman Deidre Malone who also serves as chairman of the Ad Hoc Committee on School Funding to meet with the Board of Mayor and Aldermen at a convenient date for all parties.

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

City Attorney Tom Cates asked to address the Board. He stated he was late coming to the meeting having not a lack of respect for the Board. He is currently chairman of the Germantown Library Board and tonight was the annual meeting of the Friends of the Library which is a very important organization associated with the library. He had contacted the Mayor and City Administrator notifying them and he appreciated the Board's indulgence.

ADJOURNMENT

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

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder