

BOARD OF MAYOR AND ALDERMEN
EXECUTIVE SESSION
January 26, 2009

An executive session of the Board of Mayor and Aldermen was held on January 26, 2009, at 6:15 p.m. in the Administrative Conference Room 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, George Brogdon, Kristen Geiger, Andy Pouncey, Jerry Cook, Pat McConnell, Michael Saddler, Chief Hall, Chief Wolf, Derek Chaput, Bo Mills, Michael Stoll, Tim Gwaltney, Ralph Gabb, and Lisa Piefer.

Mayor Goldsworthy stated the City Attorney Tom Cates would be present in time for the regular session.

Invocation

Assistant City Administrator George Brogdon will give the invocation.

Pledge of Allegiance

Alderman John Drinnon will lead the Pledge.

Approval of Minutes

In the Executive Session and Regular Meeting minutes from January 12, 2009, Alderman Hinely noted in the regular session page 6 the word describe should be described, on page 12 in the first paragraph the word lob should be low, and under Bid Rejection, the word contracted an should be contacted and.

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 noted there had been no changes since the second reading.

Purchase – Sports Lighting Equipment

Assistant City Administrator Kristen Geiger noted in this year's budget, \$250,000.00 was identified for sports lighting replacement to continue the program that started in 2005. This project would provide better court lighting quality, less light pollution, less energy consumption, reduction in lighting supply inventory and reduction in lighting repairs. The expense would be for \$72,000.00 to purchase the equipment from Musco Lighting. The installation would be bid later that should not be more than \$30,000.00. The money is budgeted from the Recreation Fund and it is a Special Revenue Fund that has been building up over the years and staff is recommending rather than using capital money from the General Fund or General Fund Expenses to replace infrastructure but to use some of the money that had been building up in the reserve that has to be used specifically for that specific purpose of recreational activities to invest in infrastructure.

City Administrator Patrick Lawton noted this was a separate fund from the General Fund and money collected from user fees should go to support a similar activity. The General Fund will benefit because this is the fund that will experience the energy savings.

In response to a question from Alderman Billingsley, Ms. Geiger stated at the end of this year the balance of the Special Revenue Fund was just over \$300,000.00.

Ms. Geiger went on to explain what the Special Revenue Fund is used for and how the money is spent.

Mr. Lawton explained the five-year planning period and the priority and ranking system of the IRP and the CIP based upon certain criteria and how projects make their way into the programs. It is always

brought before the Board before the budget is approved. This project was approved because of the energy saving cost and because the funding can come from the Special Revenue Fund.

Presently the lights are on all times of the night and the lights are old and inefficient. All the new lights can be programmed from a laptop in the office. In terms of priority, cost savings and moving forward and enhancement to the facility, are the reasons it made its way into the budget and its priority.

Alderman Billingsley noted he had already talked with Mr. Lawton regarding this project but he noted a group that Alderman Chism would be bringing up would be asking for some future infrastructure relative to the Morgan-Wood area. He asked if there were activities in the Morgan Woods area that were recreational in nature, could these same dollars that were earmarked for grading of land or seeding.

Mr. Lawton noted it would have to be fees that were collected for a specific purpose and these funds could not be used for grading or seeding.

Alderman Hinely stated that since we are big on managed competition; couldn't we use some of the staff or our full-time workers to work on clearing out the area or doing some of the work?

Mr. Lawton stated it was depending on the level of work and the scheduling and what was involved. He stated we do a lot of drainage projects where our workers have gone in and done temporary repair work. It would depend on the size, scope of the project and scheduling.

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

George Brogdon stated as part of the managed competition process, the maintenance function of Parks & Recreation was combined with streets, drainage and grounds. This action would make the Parks Maintenance function more efficient and better utilizes the resources of Public Services. The transfer is a housekeeping action that would transfer appropriate dollars to the funds where they are expended.

Mr. Lawton explained why parts of the departments were combined and how they would now operate and he assured the Parks & Recreation Department would not suffer as to the quality or standards.

The Mayor stated the function has not changed but how we go about getting it done and where it comes from has changed but will remain at the high standards it has.

Professional Services Agreement – Design of Germantown Road Realignment

Tim Gwaltney reported at the Board of Mayor and Aldermen Retreat staff had presented the results of the feasibility study confirming this project. The Board had given direction to proceed with the design. The proposal from Kimley-Horn & Associates is for \$120,600.00 to complete the design and construction documents.

Mr. Gwaltney stated the right-of-way acquisition was about \$2.2 million and construction was about \$2.2 million. There would be about an 18 month construction time frame from the notice to proceed.

Amendment to PILOT – West Fraser

Andy Pouncey stated there were two amendments to the PILOT for West Fraser, Inc. The first amendment is for personal property investment. They doubled their investment from \$1.3 million to \$2.6 million which gave them an additional year in both the real property and the personal property. Recently they asked to drop back from 64% to 54% of the building so it could be leased out to another firm. There is a reduction per year of the tax revenue and a return of money by the second amendment.

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

Declaration of Surplus Property

Disaster Recovery Agreement – SunGard Public Sector

In response to questions from Alderman Billingsley and Alderman Chism, Ms. Geiger stated this was brought before the Telecommunications Commission at their meeting in January. She went on to explain that this would enable the City within 12 to 36 hours to overnight the tape and they would load it on the software in Atlanta and then we could, via the internet, remotely get into our data.

Alderman Chism stated he did not remember it being brought before the Commission and he would like it to be brought before the Commission again so it could be discussed in greater detail.

Alderman Billingsley stated he would like to see the City utilize the expertise of the commissions. He stated it was not the purpose of the commission to choose the vendor but we should utilize their expertise. He asked that it be deferred.

It was the consensus of the Board to defer the item.

Approval of FY10 Budget Calendar

Mr. Lawton noted all the dates for the meetings were on the calendar and also the FAC meetings were listed.

Appointment to Germantown Athletic Club Commission

Amendment to Lease Agreement – Germantown Community Theatre - DEFERRED

Electric Services – Johnson Road Wells

Emergency Purchase - East Bridge Ditch Repair

Appointment to Financial Advisory Commission

Recognition of Donation – Germantown Community Library

Appointment to Telecommunications Commission - DEFERRED

In response to a question from Alderman Chism, Ms. Geiger stated this was deferred because the Chairman of the Telecommunication Commission had expressed concerns and he was to talk with Alderman Chism and she could not get the agenda sheet done in time for this meeting.

Derek Chaput gave an overview of memberships and the Open House the previous week. He commended the employees for all their hard work.

Alderman Hinely asked for a work session on the IDB Board and the bonds. She thought there was a lot of confusion regarding the bonds and how they work at the last meeting of the IDB.

Mr. Lawton stated the reason the Board was not notified was that the IDB meets so infrequently and every time they had met it had only been for the IDB. Mr. Lawton stated that the Board of Mayor and Aldermen would be aware of all future IDB meetings.

Alderman Hinely felt it would be important to invite the Board so they could keep informed.

Mayor Goldsworthy reported on the progress of a group called the "Ad Hoc committee on school financing" from the Shelby County Commission. The commission was formed a few months ago. Commissioner Mike Carpenter had attempted to build consensus across the community last summer with a series of town meetings. He developed certain conclusions about what the communities agree was about moving single source funding in particular. Commissioner Dedre Malone then took the project to move the discussion forward and appointed an Ad Hoc committee which did not include any representation from the suburban municipalities or the unincorporated areas. It included one commissioner that serves a portion of the community and had noted he was not representing the suburban communities in this matter. The Mayor stated the City had made it very clear that it was not appropriate for the committee to be so composed without the suburbs and unincorporated areas having a voice in the discussions.

Recently Commissioner Malone had meeting with the suburban Mayors and they had again expressed frustration of not being a part of the discussions. She committed that before they made a decision, they would let us know and invite us in. This morning they delivered to us a packet of information that provides three proposals and gave very little notice about the meeting.

Mayor Goldsworthy stated she wanted to bring the Board up to date on her frustration on not being able to participate in the discussion, because as the different proposals were laid out, there were a lot of questions that could have been asked by some of the ones who had been around a lot longer and participated in the two and half year excellence in school funding task force a few years ago.

A discussion followed on who made up the Ad Hoc committee and what it was proposing. The Board asked that Ms. Malone be invited to present the work of the Ad Hoc Committee.

Alderman Billingsley expressed his concern with the Town Hall Meeting that Alderman Palazzolo was going to have and wanted it to be clear that he was not representing the entire Board, just himself. He asked if it was a City sanctioned event and if he were speaking for the City of Germantown.

Mayor Goldsworthy stated she would always hope that elected officials would make themselves available to the public.

Alderman Hinely expressed her displeasure that she nor any of the other aldermen were not given the courtesy of being notified of the Town Hall Meeting and she wanted the citizens of Germantown to know Alderman Palazzolo was speaking for her.

Alderman Billingsley asked if any staff resources were being utilized for the meeting or any of the people present been advised to be at the meeting in the event Mr. Palazzolo would need.

Mr. Lawton stated he was aware of the meeting and like he would do for any Alderman, he told him he would be there in case there was a question that he could address or at least follow up on. He stated he would make himself available to any or all the aldermen if it were a neighborhood association meeting or other event.

Alderman Billingsley stated he wanted to caution the staff and Board that he thought it set an interesting precedent because it appears to be a third party endorsement when a single alderman sits in the Council Chambers and he perceived that he would be speaking on behalf of the Board.

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Mayor Goldsworthy stated she had no reason to think that Alderman Palazzolo would represent anyone but himself at the meeting. Anytime we had conducted a city-wide Town Hall Meeting it had been made very clear as to who was posting the meeting.

Adjournment

The meeting adjourned to the Council Chamber for the regular meeting.