

BOARD OF MAYOR AND ALDERMEN

January 23, 2012

A regular meeting of the Board of Mayor and Aldermen was held on January 23, 2012 at 6:00 p.m. in the Council Chambers of the Municipal Center.

Mayor Sharon Goldsworthy was present and presiding.

The following Aldermen were present: Mark Billingsley, John Drinnon, Greg Marcom, Mike Palazzolo and Ernest Chism. Staff present: Patrick Lawton, Tom Cates, Kristen Geiger, George Brogdon, Bo Mills, Tim Gwaltney, Butch Eder, Chief Richard Hall, Chief John Selberg, Michael Stoll, Ralph Gabb, Becky Schultz and Dotty Johnson.

Call to Order

Mayor Goldsworthy called the meeting to order at 6:00 p.m.

Invocation

City Administrator Patrick Lawton gave the invocation.

Pledge of Allegiance

Alderman Mike Palazzolo led the Pledge of Allegiance.

Approval of Agenda

Mayor Goldsworthy announced that during the executive session the Board had agreed to move two items to the Consent Agenda. Number 11 - 2013 Budget Calendar, and Number 13 – ADA Restroom – Germantown Regional History and Genealogy Center.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to approve the agenda amended.

A motion was made by Alderman Palazzolo to amend the original motion and move item Number 10 – Homeowners Association Agreement with Devonshire S/D to the Consent Agenda. There being no second to the motion, the amendment to the motion failed.

Roll call on the original motion was as follows:

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

Approval of Minutes

There were no corrections or additions to the minutes.

Motion by Mr. Billingsley, seconded by Mr. Drinnon, to approve the minutes of the regular Board of Mayor and Aldermen Meeting held January 9, 2012.

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

Youth Excellence Award

Mayor Goldsworthy, Alderman Chism and members of the Education Commission came forward to present the Youth Excellence Award to Ms. Gretchen Domm, a senior at Briarcrest Christian School. The Mayor read Gretchen's many accomplishments academically and her time in service to others.

Teacher of the Month Award

Mrs. Karen Barbieri, a devoted kindergarten teacher at Riverdale Elementary School, was presented the Teacher of the Month Award for her commitment to her students. Mayor Goldsworthy stated that even though students enter kindergarten at very different levels, Karen's amazing dedication and patience allow each student to reach their highest potential no matter where they start.

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The Neshoba North Neighborhood Association sponsored the award.

Ms. Barbieri stated she felt very honored and thanked the Education Commission and the Neighborhood Association for the recognition for her little friends she is with every day and thankful for being able to work in the City of Germantown and the Riverdale School.

Citizens to be Heard

No citizens came forward.

Professional Services Agreement: Lateral F & G Repairs

City Engineer Tim Gwaltney came forward and stated the major laterals to the Wolf River, Laterals D, E, F, and G are natural, unprotected streams with highly erodible shores. Due to the early development and the continuous head cutting of the Wolf River, those unprotected laterals have gotten wider and deeper. Permanent bank repair and stabilization measures are needed at various locations along all the major laterals. However, recent flooding has caused several locations to erode at an accelerated rate.

Lateral F is approximately 1,250 feet north of Wolf River Blvd. and 200 feet east of Enclave Green Cove. The Lateral G location is approximately 2,350 feet north of Wolf River Blvd. and 200 feet east of Dogwood Creek Cove. The stream banks at each location are severely eroding and encroaching on private property.

Barge Waggoner Sumner & Cannon, Inc. (BWSC) assisted staff in preparing preliminary construction cost estimates that were presented to the Board at the December 12, 2011 work session.

Staff instructed BWSC to provide a complete fee proposal for each location separately to enable the City to decide to ward Lateral F only, Lateral G only or both depending on available funding. The proposed design fees are: Lateral F - \$43,250.00 and Lateral G - \$132,250.00, for a total of \$175,500.00.

A discussion followed on how the repairs of these laterals were prioritized. The critical areas were prioritized by need.

Motion by Mr. Palazzolo, seconded by Mr. Billingsley, to approve Budget Adjustment No. 12-61 and to authorize the approval of a Professional Services Agreement with Barge Waggoner Sumner & Cannon, Inc. in the amount of \$175,500.00 for design services related to permanent bank stabilization of Lateral F and G.

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

Homeowners Association Agreement with Devonshire S/D

Alderman Marcom recused himself from this agenda item because his firm is doing engineering work for the homeowners association.

Tim Gwaltney gave some background on the Devonshire Gardens subdivision since the development was approved by the Board in 1999. On March 1, 2011, the Devonshire Homeowners Association (HOA) applied for and received preliminary Planning Commission approval to convert their private subdivision streets and infrastructure to public ownership under the Street and Infrastructure Conversion Policy. Certain areas of the existing streets and infrastructure within the subdivision are showing signs of rapid deterioration and are in need of repair. The HOA has voiced their concerns about the rapid deterioration and questions the diligence of the City's construction inspection efforts.

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The HOA and the City have reached an agreement as to the areas of responsibility for the necessary repairs of the streets and infrastructure and the overall administration of the repairs by the City.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to approve the agreement between the Devonshire Gardens Homeowners Association and the City for certain street and infrastructure repairs within the development.

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

2013 Budget Calendar – MOVED TO CONSENT

Flooring Improvements – Pickering Center

Community Services Division Director George Brogdon stated the existing Terrazzo floor of the Pickering Center has been sustainable for forty-years but it is in need of repairs due to multiple cracks that have developed over the years. Staff is recommending repair to all the cracks in the existing Terrazzo and then overlay the existing Terrazzo flooring with Terrazzo.

Mr. Brogdon stated there were no taxpayer dollars spent on this item that it was being paid for by rental fees.

Motion by Mr. Billingsley, seconded by Mr. Drinnon, to approve the authorization to contract with New Creation Construction, LLC to provide new flooring as per specifications in the amount of \$89,705.00.

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

ADA Restroom – Germantown Regional History and Genealogy Center – MOVED TO CONSENT

ADD-ON – Germantown Municipal Schools

Mr. Lawton stated this was a request for the Board to provide formal direction to the Mayor and city administration to discuss Germantown’s desire and interest in forming and operating a municipal school system by August 2013 with members of the Shelby County School Board and the Transition Planning Commission.

Motion by Mr. Drinnon, seconded by Mr. Billingsley, to authorize the Mayor to engage the Shelby County Unified School Board and the Transition Planning Commission in meaningful dialogue regarding the development and operation of a Germantown Municipal School system by August 2013 to include student enrollment, support services, funding, securing facilities and cooperative educational contracts and other such issues as might be appropriate.

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

Alderman Billingsley commented on the responsibility of the Mayor and how much he and the Board appreciated all the hours she had spent on this issue and trusted her to speak for them on the municipal school issues.

CONSENT

Germantown Area Chamber of Commerce Sponsorship

For the past 20 years, the City has given a grant to the Germantown Area Chamber of Commerce. The grant has now become a sponsorship to become consistent with the City’s interest in taking a business approach to its operations.

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MOTION: To award a sponsorship to the Germantown Area Chamber of Commerce in the amount of \$12,750.00.

Recognition of Revenue - Shop Germantown Newsletter

Businesses that advertise in the Shop Germantown newsletter pay \$330 each to fund the printing each month. This month Dazzle and Dinstuhl's Fine Candy advertised in the newsletter.

MOTION: To recognize revenue generated by reimbursement of expenses related to the Shop Germantown newsletter totaling \$660.00 and to approve Budget Adjustment No. 12-48.

Living Legacy Budget Adjustment

The "Living Legacy" tree fund is a plan to implement a coordinated landscape design for public areas in the City through contributions and donations. The concrete plaza located at the Bob Hailey Athletic Complex is suffering from an extreme "heat island" effect with no shade at the site. Installation of five large trees will provide immediate shade, protection and comfort to park users. A donation was also received in the amount of \$150.00 from the Lucille McCreight family for one "Living Legacy" tree to be placed in Grove Park. The total purchase price for both projects is \$4,200.00.

MOTION: To recognize donations of funds in the amount of \$4,200.00 from the Germantown "Living Legacy" fund to purchase and install trees at the Bob Hailey Athletic Complex and Grove Park and to approve Budget Adjustment No. 12-62.

Overtime Reimbursement – Police Department

The Germantown Police Department has an officer assigned to the FBI Joint Safe Streets Task Force, the Drug Enforcement Administration Task Force, the Terrorism Task Force and the Secret Service Task Force. The officer usually works overtime in the performance of his duties. The FBI SSTF, TTF, SSTF and DEA reimburse any overtime that the officer receives while carrying out his duties.

MOTION: To recognize overtime reimbursement from the Federal Department of Justice and the Department of Homeland Security and to approve Budget Adjustment No. 12-54.

Purchase of Automobile from State Drug Fund

The Germantown Police Department has a full-time officer assigned to the Drug Enforcement Agency Drug Task Force. The officer must work undercover in plain clothes and must utilize an unmarked non-traditional police vehicle. The vehicle will be used in undercover operations as well as surveillance operations.

The 2013 Ford Explorer will be purchased off the Tennessee State-Wide Contract and paid out of the State Drug Fund account saving the taxpaying citizens any costs.

MOTION: To authorize the purchase of a 2013 Ford Explorer SUV utilizing State Drug Funds and to approve Budget Adjustment No. 12-57.

Appointments to Neighborhood Preservation Commission

Ms. Renee DeGutis, Ms. Pattie Kempka, Ms. Cathy Phillips and Ms. Jill Sparks have applied for the vacancies on the Neighborhood Preservation Commission. The appointment of these four members will bring the commission to the full complement of twelve members.

MOTION: To appoint Renee S. DeGutis, Pattie Kempka, Cathy Phillips and Jill Sparks to the Neighborhood Preservation Commission for 2012.

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2013 Budget Calendar

This is the proposed Budget Calendar for FY13 which will highlight key dates for the FAC and the Board for the completion of the budget prior to June 30, 2012.

MOTION: To approve the Fiscal Year 2013 Budget Calendar.

ADA Restroom – Germantown Regional History and Genealogy Center

The existing men and women restrooms at the facility do not comply with ADA regulations. This project will include extending the existing closet adjacent to the existing women's restroom and constructing a new restroom that will comply with ADA regulations.

MOTION: To approve the authorization to contract with Dan Walker Associations, Inc. to provide turnkey general contracting services as per plans and specifications in the amount of \$22,256.00.

Motion by Mr. Drinnon, seconded by Mr. Chism, to accept the consent agenda as read.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–yes, Chism–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