

BOARD OF MAYOR AND ALDERMEN

May 14, 2012

A regular meeting of the Board of Mayor and Aldermen was held on May 14, 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, Ernest Chism, Greg Marcom, and Mike Palazzolo. Alderman John Drinnon was absent. Staff present: Patrick Lawton, Tom Cates, Kristen Geiger, George Brogdon, Bo Mills, Chief Richard Hall, Asst. Chief Jeff Beaman, Michael Stoll, Ralph Gabb, Butch Eder, Wade Morgan, Tony Fisher, Pam Beasley, Susan Hopson, Phil Rogers, Joe Nunes, Melody Pittman, Lisa Piefer and Dotty Johnson.

Call to Order

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

Invocation

Public Services Director Bo Mills gave the invocation.

Pledge of Allegiance

Boy Scout Troop 274 from Holy Rosary Church led the Pledge of Allegiance.

Approval of Agenda

There were some changes brought before the Board and they were that #21 be omitted because it was a duplicate to an item on the consent agenda and #23 had been deferred.

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

Motion by Mr. Billingsley, seconded by Mr. Chism, to amend the motion and to defer #22 – Endowment Fund Establishment.

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

Roll Call Vote on original motion as amended:

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

Approval of Minutes

There were no corrections or additions to the minutes.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to approve the minutes of the Board of Mayor and Aldermen meeting held April 23, 2012.

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

Proclamation – Public Services Week

Mayor Goldsworthy read a proclamation honoring the profession of Public Works and the City of Germantown's Public Services Department which provides basic quality of life services including: Animal Control, Street/Drainage and Sign Maintenance, Grounds Maintenance, Potable Water Production and Distribution, and Sanitary Sewer Collection. National Public Works Week is May 20 – May 26, 2012.

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Youth Excellence Award

Mayor Goldsworthy and members of the Education Commission presented Ms. Vivian Hu with the Youth Excellence Award for the month of March. Ms. Hu is a senior at Germantown High School and is currently ranked first in her class of 465 students.

Citizens to be Heard

Sarah Freeman, 7684 Apahon Ln., came forward and asked that as the City moves forward in establishing the new Germantown school system, she felt preservation of the family centered neighborhoods should be first and foremost in the development and zoning decisions. She was also concerned that the neighborhoods would be kept informed on any impact on the schools and neighborhoods.

Brent Davis, Germantown Community Theatre, 3037 Forest Hill/Irene Road, thanked the Board on behalf of the theatre for the facility provided for the programming they do.

Mayor Goldsworthy recessed the Board and reconvened as the Beer Board.

BEER BOARD

PUBLIC HEARING – Temporary Beer Permit – Germantown Festival

City Administrator Patrick Lawton stated the City had received a request from Mr. Howard Giffin, chairman of the Germantown Festival Committee, for approval of a temporary beer sale permit for the Germantown Festival Association. The Germantown Festival will be held on Saturday, September 8, 2012 and Sunday, September 9, 2012.

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

Motion by Mr. Billingsley, seconded by Mr. Chism, to approve a temporary beer permit allowing the sale of beer on publicly owned property at the 2012 Germantown Festival on Saturday, September 8, 2012, during the hours of 9:30 a.m. until 6:00 p.m. and on Sunday, September 9, 2012, from noon until 6:00 p.m.

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

Public Hearing – Hop In (Exxon) – Forest Hill

Mr. Lawton stated Mr. Abdullah Khetani, owner of the Hop In located at 9100 US Highway 72 and Forest Hill/Irene Road, had requested a permit to sell beer for off-premise consumption. Mr. Khetani had completed the necessary application. The police report found nothing to discredit the owner.

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

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to approve the request from Abdullah Khetani, owner of Hop In, for a permit to sell beer at 9100 US Highway 72, for off-premise consumption.

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

Public Hearing – Hop In (Exxon) – Germantown Road/Wolf River Blvd.

Mr. Lawton explained that Tennessee Management Group, LLC, (Sardar Aman, owner), had requested a beer permit to sell beer for off-premise consumption. According to the police report, nothing had been found to discredit the owner.

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

Motion by Mr. Billingsley, seconded by Mr. Chism, to approve the request from Sardar Aman, owner of Hop In for a permit to sell beer at 1300 S. Germantown Road, for off-premise consumption.

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

Public Hearing – Hop In (Exxon) – Germantown Road/Poplar

The Tennessee Management Group, LLC (Sardar Aman, owner of the Hop In at 7616 Poplar), requested a permit to sell beer for off-premise consumption. From the police report, nothing had been found to discredit the owner.

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

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to approve the request from Sardar Aman, owner of Hop In, for a permit to sell beer for off-premise consumption at 7616 Poplar.

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

Mayor Goldsworthy declared the Beer Board closed and reconvened the Board of Mayor and Aldermen.

BOARD OF MAYOR AND ALDERMEN

Ordinance 2012-6 – Year-End Budget Adjustments – First Reading

Finance and General Services Division Director Kristen Geiger explained, a number of year-end budget adjustments are required to be made, at the end of the fiscal year, in order to avoid budget and fund overruns in the various funds. Accounting transaction may cross separate funds and consequently require approval by ordinance.

All the expenditures being funded by the budget adjustments were approved under the City’s purchasing policies and adhere to Generally Accepted Accounting Principles (GAAP) guidelines.

A number of budget adjustments are made to the various City funds, which realign operating expenses/expenditure accounts with actual activity. Budget adjustments will be made to the following funds: State Street Aid Fund, Great Hall Fund, General Fund, Pickering Center Fund, Recreation Fund, Capital Improvements Program Fund, Health Fund and Utility Fund. Ms. Geiger explained in detail the transactions to take place in each of the funds.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to approve Ordinance No. 2012-6 Year-End Budget Adjustments on first reading and set Monday, June 11, 2012 for second reading and public hearing.

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

Ordinance 2012 – 7 – Real and Personalty Property Tax – First Reading

Finance Director Ralph Gabb stated this ordinance was intended to adopt a real and personalty property tax rate. The recommended property tax rate is \$1,485 per \$100.00 of assessed value, which remains unchanged since last year.

Staff and the Financial Advisory Commission recommend no increase in the tax rate this year.

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Motion by Mr. Billingsley, seconded by Mr. Chism, to approve Ordinance No. 2012-7 on first reading and set Monday, June 11, 2012 for second reading and public hearing.

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

Ordinance 2012-8 – 2013 Budget – First Reading

Mr. Lawton stated the Board was asked to consider, on first reading and to set Monday, June 11, as the second reading and public hearing date for the FY13 proposed budget. The consideration and adoption of the budget by the Board of Mayor and Aldermen is the single most important action taken by the Board on an annual basis. It authorizes the allocation of resources and establishes the direction for programs and services for our Triple A city for the coming year and during the five-year planning period.

The proposed FY13 budget is balanced and totals \$74.3 million dollars for all funds. The general fund, which is the largest city fund, totals \$40.4 million dollars. The balanced budget is the result of ongoing departmental cost controls and efficiency measures implemented before the start of the recession.

The budget represents hundreds of hours of review and analysis by City departments and the Financial Advisory Commission. The Board has had several work sessions regarding the budget to consider these major governmental funds and key policy areas. On Wednesday, May 2, the Board conducted an extensive work session on the entire budget document. Prior to the public hearing on June 11 an informational brochure entitled “The Budget in Brief” will be mailed to every household in Germantown. The Budget in Brief highlights the major revenue and expenditure categories in the proposed budget and the Board of Mayor and Aldermen’s funding priorities.

In FY12 Germantown last raised property taxes by 6 cents in July. This modest adjustment was to last for two years as opposed to our five-year planning period. Although there is every indication that the economy is stronger and Germantown’s financial outlook has improved dramatically from this time last year, the recovery still appears to be delicate. We will continue to monitor these leading indicators on a monthly basis.

The FY13 proposed budget continues to support the Vision 2020 plan adopted by Board of Mayor and Aldermen. In January the Board revisited and refined the strategic plan in vision for our community, including a stronger emphasis on economic development. That effort reinforced our triple bottom line commitment to economic, environmental and social sustainability. These programs and services included in this year’s budget continue to support this policy direction given by the Board of Mayor and Aldermen.

Alderman Billingsley questioned the capital outlay for the Athletic Club for the last five years. He stated he was concerned money would be again taken from the General Fund.

Ms. Geiger stated this year’s capital program for the Athletic Club which is \$1 million plus another \$140,000.00 for the pool is coming just from his fund for this year. This year, this fund is able to sustain that investment.

Alderman Billingsley also was concerned with the maintenance of the Athletic Club and its appearance and if the maintenance could be outsourced.

Ms. Geiger stated she anticipated going out for bids for cleaning. It had taken an enormous amount of time to get all the facilities, the schedules, and an understanding of the requirements from the vender included in that bid. This includes the Great Hall, the Athletic Club, Park restrooms, Pickering Center, Library and the Training Facility.

Motion by Mr. Billingsley, seconded by Mr. Palazzolo, to approve Ordinance No. 2012-8, establishing the FY13 Proposed Budget, and set Monday, June 11, 2012 for second reading and public hearing.

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

Rescind Ordinance 2012-1 - Establishment of a Municipal School System – First Reading -

Mr. Lawton stated, in February and March of this year, the Board of Mayor and Aldermen adopted Ordinance No. 2012-1 establishing a municipal school system for the city and approved the referendum question to be placed before the registered voters on May 10, 2012.

At the request of a Memphis representative to the General Assembly, the Attorney General opined that the election on May 10th should not take place because the lifting of the ban on the creation of municipal school districts would not take place until the merger of the two school systems in August 2013. The election commission agreed and therefore there would be no special election on May 10th.

The action before the Board is to revoke this original ordinance and action by the Board.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to approve on first reading Ordinance Number 2012-09 and set May 21, 2012 as the second reading and May 29, 2012 for the third reading and public hearing date an ordinance to revoke Ordinance Number 2012-1, which is an ordinance establishing a municipal school system within the City of Germantown.

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

Ordinance 2012 – 10 – Creation and Funding of a Municipal School District – First Reading -

Mr. Lawton stated after the presentation of the feasibility study on the establishment of a municipal school system, the Board of Mayor and Aldermen directed the administration to move forward with the necessary procedural and legal requirements of the Board and ultimately the citizens of Germantown to create a Germantown municipal school system.

This ordinance is the next step in this process and can only be initiated by the Board. The ordinance recounts previous legislative action locally and in Nashville that has enabled this ordinance to be considered by the Board as well the fulfillment of the State of Tennessee statutory requirements in creating a municipal school system and the rules established by the State board of education.

These statutes and rules are very clear and require that the City, through the adoption of the attached ordinance, place before the citizens of Germantown the following question in the form of a referendum and let the public decide if they want a municipal school system.

“Shall the City of Germantown be authorized to create a municipal school district that shall meet the standards of adequacy established by applicable state law and regulations, which standards include raising and spending each year the required amount of local funds for the operation of the municipal school district that, for calculation purposes only, would be at least equal to the amount that would be raised through a fifteen cents (\$.15) tax levy on each one hundred dollars (\$100.00) of taxable property for each year if all such taxes were collected?”

Yes _____

No _____

This ordinance also asks the Shelby County Election Commission to place this referendum on the August 2, 2012 ballot. The Board is also asked to set May 29, 2012 at 6 p.m. as the public hearing date to consider this ordinance.

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Motion by Mr. Marcom, seconded by Mr. Palazzolo, to approve on first reading and set May 21, 2012 as the second reading and May 29, 2012 as the public hearing date on Ordinance Number 2012-10 being an ordinance to add a new section 180-76 to the Code of Ordinances of the City of Germantown authorizing the creation and funding of a municipal school district in the City of Germantown and to submit the proposed ordinance to the qualified voters of the City at a referendum to be held on August 2, 2012, the date of the general election in Shelby County, or other appropriate date.

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

Ordinance 2012-11 – Establishing a Municipal School Board – First Reading

Mr. Lawton explained that the recent action by the Tennessee General Assembly allows local governments, through adoption of an ordinance, to establish a Municipal Board of Education in compliance with State law.

Ordinance 2012-11 accomplishes this and can only be initiated by the Board of Mayor and Aldermen. The ordinance also assumes that the referendum being put forward by the previous ordinance under consideration by the Board, is passed on the August 2, 2012 general election by a majority of the registered voters in the City of Germantown.

The legislation authorizing this action by the Board of Mayor and Aldermen also allows for the school board to be elected at large or by districts. The ordinance assumes the school board members will be elected at large consistent with the election of the Board of Mayor and Aldermen.

Sections 1 – 14 of the ordinance address the statutory and legal requirements in establishing the school board.

- The number of school board members – 5
- Minimum age requirements – 18
- The initial terms for the members
- Vacancies on the school board
- Compensation
 - \$4,200 per year for members
 - \$4,700 per year for chairman
- Date of the initial election of the school board – November 6, 2012 or another appropriate date

In addition to consideration of this ordinance, the Board is also asked to set the public hearing date for May 29, 2012 at 6 p.m.

Alderman Palazzolo asked if any member of the current Board were eligible to hold offices or seek school board position.

Mr. Lawton stated they were not eligible under state law.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to approve on first reading and to set May 21, 2012 as the second reading and May 29, 2012 as the third reading and public hearing date on Ordinance Number 2012-11 being an ordinance to add to Chapter 2, a new Article IX – Schools, to the Code of Ordinances of the City of Germantown to establish a municipal school board and to submit the election of the members of the municipal school board to the qualified voters of the City of Germantown on November 6, 2012, the date of a general election in Shelby County, or an election to be held on some other appropriate date.

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

Contract – Economic Development – Strategic Plan

Mr. Lawton stated the Board of Mayor and Aldermen spent considerable time, during the annual retreat and update to the strategic plan, discussing economic development and ways to increase our local sales tax base. The conversation was relevant as the Board discussed the budget for the first six months of FY12 and the proposed funding, via a ½ cent increase to the local option sales tax, of the municipal school system.

As a result of this discussion, the Board directed the administration to prepare a game plan to develop a long-range economic development strategic plan. With this direction from the Board, the administration put together an outline of events for the next 100 days including the development of a RFP to secure the services of a firm to assist in the development of this strategic plan, presentation to the Economic Development Commission, an agreed upon scope of work and the deliverables outlined from consultants.

Ten proposals were received for this work, several of which were qualified to do this work. The administration chose to interview Rose & Associates. After a daylong interview process and presentation followed by a presentation to the Economic Development Commission that evening, the city administrator and the consultant, Kathleen Rose, agreed upon the final scope of work, the price for the services, the schedule of work and the deliverables to be received upon project completion.

The City worked with Rose & Associates during the Smart Growth plan and code development, the development of the public/private partnership policy and the fiscal impact analysis for the proposed Saddle Creek smart growth project. Given the City's experience with the firm, Mr. Lawton stated he had no hesitation in recommending them for this project. Funding for this project was not included in the FY12 budget, therefore a year end budget adjustment will be necessary to fund this study.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to authorize the Mayor to approve a contract with Rose & Associates in the amount not to exceed \$25,450.00 to conduct an economic development strategic plan for the City of Germantown.

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

Computer Aided Dispatch System

IT Director Tony Fischer stated this was a request for a software and hardware upgrade for the City's Computer Aided Fire and Police Dispatch System from New World Systems.

The current CAD system platform has been utilized since 1989. The purchase of an upgrade to a Windows based platform will greatly enhance the ability to maintain an optimal 911 system. This upgrade will be an essential component of deployment of GIS based Next Generation and State of Tennessee 911 Board mandate.

The Windows based CAD system upgrade will be 100% reimbursed by the Shelby County 911 District. Funding was approved at the Shelby County 911 District Board of Directors meeting held on April 5, 2012. This upgrade also includes the development and installation of a redundant system in the City's newly completed backup Public Safety Answering Point located at Fire Station 4.

Annual costs associated with the Standard Software Maintenance Agreement (SSMA) for the upgraded system will replace the existing SSMA in place. These fees will become due and will be the City's responsibility once the system has been completed.

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Motion by Mr. Marcom, seconded by Mr. Palazzolo, to authorize the purchase of the Aegis MSP Software upgrade and hardware for Computer Aided Dispatch (CAD) from New World Systems in the amount of \$1,149,660.00

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

Bid Rejection – Economic & Community Development Roof Replacement – OMIT

Endowment Fund Establishment – Library - DEFERRED

CIP – Miller Farms Ditch Improvement Project – Close Out - DEFERRED

CONSENT AGENDA

Hot Asphalt Purchase

This is an annual purchase of asphalt mix that is used for street maintenance repairs, pot holes, utility cuts and stormwater projects.

MOTION: To contract with Standard Construction Company, Inc. for the purchase of 2,000 tons of 411D hot asphalt mix in the amount of \$120,500.00.

UPS System

In order to protect the newly approved phone system from power surges/failures, as well as prevent system outages, staff recommends new UPS systems be installed.

MOTION: To approve authorization for the Mayor to enter into a contract with Computer AC in the amount of \$14,789.00 to purchase and install Uninterrupted Power Supply (UPS) systems required in implementing the new phone and voice mail system project and approve Budget Adjustment No. 12-118.

Germantown Youth Cheer Uniforms

The Parks and Recreation Department provides uniforms for the cheer participants and, upon approval of the acceptance of the bid, uniform fees are collected from participants.

MOTION: To authorize the purchase of cheer uniforms from Varsity Spirit Fashion in an amount not to exceed \$16,006.95.

Overtime Reimbursement – Police Department

The Germantown Police Department has an officer assigned to the Federal Bureau of Investigation Joint Safe Streets Task Force, the Drug Enforcement Administration Task Force, the Terrorism Task Force and the Secret Service Task Force. The Task Forces reimburse any over time that the officers receive while carrying out his/her duties and the Governors Highway Safety Office refunds overtime for the Metro DUI Officer.

MOTION: To recognize overtime reimbursement from the Federal Department of Justice the Department of Homeland Security and Governors Highway Safety Office and to approve Budget Adjustment No. 12-119.

Public Educational and Governmental Funds

As part of the franchise agreement, Comcast and AT&T are required to pay a PEG access support fee to the City and in turn the City remits the funds to a designated PEG station.

MOTION: To approve the transfer of funds in the amount of \$51,681.24, which was received from Comcast and AT&T, to the designated PEG station Germantown Community Television Foundation, and approve Budget Adjustment No. 12-117.

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Recognition of Neighborhood Payments for Decorative Street Signs

Six neighborhood associations have made payments for their share of costs for the decorative street signs installed in their neighborhoods. The associations are Germantown Station, Neshoba, Georgelawn, Poplar Estates and Dogwood Meadows.

MOTION: To recognize \$5,429.50 in payments made by five neighborhood associations as their share of costs for the decorative street signposts and approve Budget Adjustment No. 12-110.

Bid Rejection for Emergency Notification System

The request for Competitive Sealed Proposals was issued on September 7, 2011. After proposals were advertised by the City, Shelby County 911 District brought local municipal representatives together to discuss the possibility of a county-wide system. Funding for the project is expected to be provided by the Shelby county 911 District. Given the time frame of the county-wide project, staff is recommending putting this project on hold and rejecting the proposals.

MOTION: To reject all proposals submitted for the Emergency Notification System.

Sewer Pumping Station Renovation

Authorization is requested for the installation of two sewer lift station drop-in retrofit systems for Moore Road and Stout Road.

MOTION: To approve the contract with Chris-Hill Construction Co., LLC for the installation of two sewer lift station drop-in retrofit systems for Moore Road and Stout Road in the amount of \$48,685.00 and approve Budget Adjustment No. 12-121.

Soccerplex Parking Lot Lighting

Authorization is requested to purchase and install new parking lot lighting for the Soccerplex. During the sealed bid opening process for this project, it has been determined that the base bid is not within budget estimate and additional funding is requested for the base bid. The project was bid with a base bid and an alternate bid. Recommendation is to accept the base bid.

MOTION: To contract with Dan Walker Associates, Inc. for the purchase and installation of new parking lot lighting at the Soccerplex in the amount of \$42,6464.00 and approve Budget Adjustment No. 12-123.

Purchase of Police Vehicle Equipment

This request will provide police vehicle equipment for six new replacement vehicles.

MOTION: To purchase police vehicle equipment from Conserv Services, LLC in the amount of \$37,548.00.

Germantown Community Theatre Lease Agreement

Staff and the City Attorney's office have reviewed and updated a new lease agreement that will provide another one-year lease term with two one-year options to renew the same agreement as the previous lease.

MOTION: To authorize the Mayor to execute a lease agreement between the City of Germantown and the Germantown Community Theatre (GCT) for the use of the facility and property at 3037 Forest-Hill Irene Road.

Bid Rejection for Economic and Community Development Roof Replacement

This project consists of the demolition and removal of the existing metal roofing and the installation of a new metal roofing system. Five bids were received. All the bids were over budget. Staff believes this project is needed and has contacted the consultant to review an alternative approach to repair the roofing

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system that will be financially feasible. The project will be re-evaluated to determine whether or not it can be modified and prepared for bid later this fiscal year.

MOTION: To reject all bids for the roof replacement on the Economic & Community Development (ECD) building.

Acceptance of Donations to Germantown Community Library

Donations totaling \$207.00 have been made to the Germantown Regional History and Genealogy Center. Donations totaling \$1,252.12 have been made to the Germantown Community Library which consists of \$396.00 of the funds coming from the State of TN-Interlibrary Loan Reimbursement Grant.

MOTION: To recognize the donations made to the Germantown Community Library by the State of Tennessee, the Germantown Kiwanis Club, the Friends of the Library, Better World Books, and several individuals in the amounts of \$207.00 GRHGC and \$1252.23 GCL and to approve Budget Adjustment No. 12-116.

Motion by Mr. Palazzolo, seconded by Mr. Billingsley, to approve the consent agenda as presented.

ROLL CALL: Marcom–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