

BOARD OF MAYOR AND ALDERMEN

August 10, 2009

A regular meeting of the Board of Mayor and Aldermen was held on August 10, 2009 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, John Drinnon, Carole Hinely, and Mike Palazzolo. Staff present: Patrick Lawton, Andy Pouncey, Kristen Geiger, Tom Cates, Pam Beasley, Jerry Cook, Chief Richard Hall, Pat McConnell, Bo Mills, Chief Dennis Wolf, Tim Gwaltney, Josh Whitehead, Ralph Gabb, Lisa Piefer, Derek Chaput, Melody Pittman, Michael Saddler, Butch Eder and Dotty Johnson.

Invocation

City Administrator Patrick Lawton gave the invocation.

Pledge of Allegiance

Alderman John Drinnon led the Pledge.

Approval of Agenda

There were no changes to the agenda.

Motion by Mr. Palazzolo, seconded by Ms. Hinely, to accept the agenda as printed.

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

Approval of Minutes

Alderman Hinely noted on page 2 of the minutes under Appointments to the Great Hall Task Force, the fourth paragraph, second sentence should read “He stated he *had* not contacted him....”.

Alderman Palazzolo noted on page 1 under Beautification Business Award, second paragraph, second sentence the word *management* should be *manager*. Another correction was on page 6, under Arthur and Riggs Road Design Supplement, he asked for the sentence to be restated: “Alderman Palazzolo recused himself *because he lives in the neighborhood*.”

Mayor Goldsworthy noted on page 2, under Appointments to Great Hall Task Force, 7th paragraph should read “Alderman Billingsley recused himself from the vote due to *a conflict*.”

Alderman Billingsley stated he agreed with the rewording of his statement.

Motion by Mr. Billingsley, seconded by Mr. Chism, to approve the minutes of the Board of Mayor and Aldermen meeting held July 27, 2009 as amended.

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

Set the Agenda

Alderman Chism asked for an add-on to the agenda. He asked staff to investigate getting some federal funds through our representatives for the Nature Center that had been under discussion several years ago.

Mayor Goldsworthy stated that according to procedure it would be necessary to move to amend the agenda by adding the discussion topic regarding federal funding for the Nature Center.

Motion by Billingsley, seconded by Ms. Hinely to amend the agenda by adding the discussion topic regarding federal funding for the Nature Center.

Mayor Goldsworthy stated after the Consent Agenda was approved the Board would move into a discussion on this subject and see if the Board was interested in discussing this subject at the next meeting.

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

Proclamation – Germantown Fire Fighter Appreciation Month

Mayor Goldsworthy read a proclamation honoring the Fire Fighters for their service to communities throughout the state and across the nation who have joined the Muscular Dystrophy Association for the past 55 years in the fight against neuromuscular diseases. The Germantown fire fighters collected \$4,100 in the county of Shelby for the 2008 “Fill the Boot” campaign for MDA. She proclaimed August 2009 as Germantown Fire Fighter Appreciation Month.

Citizens to be Heard

Sarah Freeman of 7684 Apahon, requested that another drainage work session be held since there were storms the night the last one was held and requested a federal FEMA representative be on hand to answer questions about ditch, flood zone designations and the statements upon which these are based.

Ms. Freeman was concerned about the procedure that was used to produce the Saddle Creek Four Fiscal Impact Analysis and some of the things that were left out of the last analysis.

Tom Johnson of 8342 Glen Meadow Lane, representing his homeowners association, stated they were opposed to the rezoning of the Barzizza Property. One of the reasons he stated was justification because there were already lots of vacancies in the existing senior living developments and adding more would just be overbuilding. Another reason was the welfare of the people because of the traffic. With no stop light, there is a risk of turning left out of the area. It would also bring more cars in the neighborhood to cut through from Poplar to Hacks Cross Road. Another concern was turning the independent living housing into actual apartments.

Seymour Heller of 7954 Neshoba, felt that banning guns was against the U.S. Constitution and the Second Amendment. He also stated the City did not have the right to restrict citizens to three minutes because it violated the First Amendment. Mr. Heller asked what the City gave up by “guard stepping” federal funds. He stated the Administration does not give up something without getting something back.

Mayor Goldsworthy adjourned the Board of Mayor and Aldermen meeting and convened the Beer Board.

BEER BOARD

Temporary Beer Permit – Leadership Germantown

City Administrator Patrick Lawton stated the Leadership Germantown program had been in existence since 1996 and had received support from the City, the Germantown Area Chamber of Commerce, donations and tuition fees. In 2006, the program became a separate not-for-profit 501(c)3 organization. In an effort to sustain the program the Leadership Germantown Board recognized the need to raise additional funds. One of the fund raisers identified was a trivia night to be held on September 18, 2009 at the Pickering Center, and they are requesting a temporary permit to sell beer on this publicly-owned property.

Alderman Drinnon commented that he was very supportive of Leadership Germantown and their fund-raising events but he was against having alcohol on public property.

Alderman Billingsley recused himself because he serves on the Leadership Germantown Board.

Mayor Goldsworthy opened the public hearing. Having no one come forward to comment on the item, the Mayor concluded the public hearing.

Motion by Ms. Hinely, seconded by Mr. Palazzolo, to approve a temporary beer permit allowing the sale of beer on publicly-owned property at the Pickering Center on Friday, September 18, 2009.

ROLL CALL: Chism-yes, Drinnon-no, Hinely-yes, Palazzolo-yes. Motion approved.

Mayor Goldsworthy adjourned the Beer Board and reconvened the Board of Mayor and Aldermen meeting.

BOARD OF MAYOR AND ALDERMEN

Meeting with County Commissioners Regarding Consolidation and Single Source Funding

Mr. Lawton explained that during our most recent Board of Mayor and Aldermen meeting on July 27, Alderman Drinnon had suggested the Board be provided with information related to school single source funding issues and the consolidation of city and county government also known as “metro government”. Administration presented a summary prepared by Mayor Goldsworthy highlighting the issues contained in both consolidated city/county government and the overview of single source funding. The Board was also provided two op-ed pieces prepared by School Board President David Pickler and then County Commission Chairman Deidra Malone.

Administration recommended the Board review the items and a work session be held on August 19, at 6:00 p.m., in the Administration Conference Room to discuss this in more depth. Further, a presentation will be made by Municipal Technical Advisory Service on Thursday, September 10, at 7:00 p.m. at the Memphis Area Home Builders Association, which will be hosted by the Council of Suburban Chambers of Commerce. The representatives from MTAS will explain the ideas and what is involved in forming consolidated metro government. After the work session and the presentation, Administration would invite those county commissioners who represent Germantown to meet with the Board of Mayor and Aldermen and present the commission’s position on consolidation and single source funding.

Alderman Drinnon stated all indications were that this was nothing more than a method by which to increase the tax burden on county residents and he felt this was wrong. He thanked Mr. Lawton for arranging this calendar of events.

Alderman Palazzolo inquired about the notice for public hearings on work sessions.

Mr. Lawton stated public hearings are generally two weeks but work sessions do not require that many days.

Motion by Mr. Chism, seconded by Mr. Drinnon, to approve this schedule as presented by the Administration regarding our discussions on consolidation and single source funding and to direct the Administration to invite those members of the Shelby County Commission who represent Germantown to meet with the Board of Mayor and Aldermen within the next 60 to 90 days.

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

Ordinance 2009-15 – Appeal of Decision by Planning Commission – Barzizza Property

Josh Whitehead stated this was the first reading of a rezoning of a particular property on Poplar and also an appeal. The tract is a 7-acres parcel just east of the Poplar and Kimbrough intersection on the south side of Poplar. It represents about one-half of the Barzizza tract. The application is to rezone the property from “R” Low Density Residential to “R-H” Retirement Housing zoning.

Mr. Whitehead gave some history of the property. There had been two previous plans approved for the entire 14-acre property in recent years. In 2002, the Board approved a Subdivision Development Contract for Dogwood Ridge PUD. In 2006, the Board approved Subdivision Development Contract for the revised development plan of 7 residential lots of the Dogwood Ridge PUD, also on the full tract. Neither contract was executed by the developer because of lack of interest on the part of the market. The applicant requested the rezoning of the 14-acre tract at the June Planning Commission meeting, which was denied by a vote of 4-3. The applicant has submitted a new application for the rezoning of seven acres which was given a recommendation of approval by the June 17th Planning Commission Zoning and Annexation Subcommittee, but subsequently was denied by the tie vote of 3-3 at the full July 7th Planning Commission.

Mr. Whitehead showed an aerial view and noted the landowners that surrounded the property. He stated that staff had based its recommendation of approval to the Planning Commission on public necessity and good zoning practice. The proposed rezoning is justified from the general land use and demographic changes of the City as well as the transition of Poplar Avenue from a higher-speed rural highway to a lower-speed urban avenue.

City Engineer Tim Gwaltney stated that one of the requirements for this application was to provide a traffic impact statement. The developer hired the services transportation engineer Dr. Marty Lipinski. The purpose of the study was to project the amount of traffic this type of development would be expected to generate and the potential impacts the traffic would have on the existing roadway network. Based on the proposed land use and the number of units involved, the anticipated volume of additional traffic is 518 vehicles/day. One of the assumptions made was that 65% of that number would originate from the west of the site and 35% would originate from the east of the site. The impact on the closest signalized intersection which is Poplar and Kimbrough was analyzed to determine whether the increase in traffic impacted the existing level service. The level of service at this intersection is not anticipated to be negatively impacted.

Staff had analyzed the potential impact on Scruggs. It is anticipated there would be approximately 181 additional vehicles per day (35% of 518). Scruggs Road is east of the site. Assuming one-half of those used Scruggs, that would add approximately 90 vehicles per day on Scruggs.

In September of 2008, staff in the Engineering Department conducted an in-house traffic analysis of Scruggs Road. The results indicated an average daily volume today of 1,469 vehicles. The 85% speed was 35 miles per hour. They also conducted a license plate survey to determine the amount of pass-through traffic. The results were on an average morning approximately 57% of the traffic was pass-through. In the evening that amount decreased to 46%.

City Attorney Tom Cates explained the appeal process. He stated this was actually an application to amend the zoning ordinance to change the present zoning to another zone. Any amendment of the zoning ordinance requires three readings. He stated that he had advised the Board in the past, regardless of how one might feel initially about this particular matter, it is incumbent on the Board to vote positively tonight

to approve on first reading of the ordinance and to set the public hearing so that both the applicant and the opposition to this matter would have due process at the time of the public hearing.

Pursuant to State Law which we are bound to follow in zoning matters, when a zoning request is not approved by the Planning Commission then it may only be approved at the level of the Board of Mayor and Aldermen by a majority vote of the entire membership of the Board which would be four votes or the matter will fail on each reading.

In response to a question from Alderman Billingsley, Mr. Gwaltney stated the PM peak counts were made between 4:00 – 6:00 p.m.

Mr. Gwaltney responded to a question from Alderman Palazzolo regarding the numbers on Scruggs Road. The average daily trips were 1,469 trips per day. The anticipated increase of vehicles per day would add 90 vehicles per day.

Alderman Hinely asked if these numbers were from people who live in the neighborhood or people using it as a pass-through.

Mr. Gwaltney stated it would be people using it as an access road to get to the proposed site.

In response to a question from Alderman Hinely, Josh Whitehead stated that under the grading permit and tree ordinance, as a site, they could not make considerable changes. He stated R-H zoning is very similar to C-2 zoning classifications in that you have 50 foot setback and 25 foot landscape screens between single family zoning and office, R-H, and retail zoning. The 25 foot privet would remain.

Mayor Goldsworthy asked if the Board would like to hear from the applicant.

Alderman Drinnon asked that the applicant be allowed to speak.

Debra Daws with Dalhoff Thomas Daws Consultants gave a brief history and the process that they went through. They had gone to the neighbors, listened to their issues and concerns and those of staff, and worked with the engineers and came back with this new application for seven acres. She felt the concerns of the neighbors had been eliminated. She stated that by eliminating the seven acres to the east, the drainage concerns had been eliminated because they were in a separate drainage basin and will not impact the neighbors. They had several neighborhood meetings, and meeting with OLPH, St George's, the Darr's, the Long's, and feel they have no opposition from the immediate neighbors who are adjacent to this property.

Alderman Palazzolo asked staff to provide the actual housing inventory in Germantown for R-H zoning and for Collierville as well.

Motion by Ms. Hinely, seconded by Mr. Palazzolo, to approve the Request for Rezoning from "R" Low density Residential zoning district to "R-H" Retirement Housing zoning district on first reading and set a public hearing date of September 14, 2009.

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

Civic Support – Tennessee Shakespeare Festival

Mr. Lawton stated this was the second year in a row the City has provided operational support to the Tennessee Shakespeare Company. This year the grant from the civic support account is \$89,000.00. As a grantee and recipient of civic support funding, the Company was asked to provide specific information to

the Administration and the Board regarding last year's financial reporting and program goals and objectives for this coming year.

When the Board adopted the FY10 budget, they allocated funds in civic support for this purpose. There will be two performances in this year's season. These are a Midsummer Nights Dream and Julius Caesar. A portion of the City's grant of \$65,000.00 will be used to sponsor student morning matinees for 13 performances in 2009 and 2010. This component to the funding will help defray the costs of ticket prices for these students. \$5,200.00 of the grant will be used to offer a total of seven free kid's nights for Germantown children ages 17 and younger. \$12,000.00 of the grant will be used to begin a Shakespeare residency program in middle and high schools for both Midsummer Nights Dream and Julius Caesar. \$6,800.00 will be used for the development of the study guide for both performances for teachers and students who prepare them to learn in more detail the significance of these literary works. In response to a question from Alderman Palazzolo, Artistic Director Mr. Dan McCleary stated the grant was more than matched approximately two and a half times.

Alderman Palazzolo asked if he would be requesting the same amount or more for the next year. His response was that nothing would be possible without the City's generous grant but he could not promise without that funding that they would still be able to defray the cost of the tickets, study guides, and free kids nights specifically for Germantown students.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to authorize the payment of an \$89,000.00 Civic Support grant to the Tennessee Shakespeare Company for their FY09-10 season.

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

Civic Support – GHS Television Foundation

Mr. Lawton stated that the funding for the grant for the Germantown Community Television Foundation in the amount of \$280,000.00 was allocated in the FY10 budget under the civic support account in the general fund. The Foundation had submitted the required information regarding their status as a 501(c)3 not-for-profit organization, their audited financial statements, their goals for this upcoming year and their requests for capital funding for this current budget year. The money allocated in this year's budget will be used specifically to purchase four high definition cameras for use in the GHS-TV studio. These cameras will work in concert with and take advantage of the high definition switcher purchased and installed in the studio control room last year. These purchases all tie into the capital plan for 2008-2012 to make the studio fully digital and state of the art in terms of high definition television.

In response to a question from Alderman Billingsley, Mr. Frank Bluestein stated the Mayor and Board had been very helpful in helping to lobby the federal government to get the FCC to open the low power FM areas for places like Germantown to get radio station. He stated that we continue to lobby. He felt it would be helpful for the Board to pass a resolution in support of the radio station that would go to the Congress and the two Senators.

Alderman Hinely asked how many programs the station produced for the City of Germantown. His response was 12 programs per month that are specific for the City. Last year there were over 100 programs that were specific for the City. There were a total of almost 350 shows including the televising of the Board of Mayor and Aldermen meetings and Planning Commission meetings. The Mayor has a show and has won several awards over the years. The station won 12 first place hometown video awards this year which is the most of any community access station in the nation. There were over 2000 entries and most were adult stations from all over the United States.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to award a Civic Support Grant to the Germantown Community Television Foundation, Inc. in the amount of \$280,000.00.

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

Professional Services Agreement for Poplar Ave. Culvert Inspections

Patrick Lawton pointed out that a significant portion of the City's capital improvement plan was being funded by surface transportation program dollars that were reallocated by the TDOT and the Metropolitan Planning Organization. This reallocation occurred as a result of the City of Memphis being unable to place under contract many of their capital projects funded by the surface transportation program. The City's CIP has allocated \$125,000.00 for this project. \$100,000.00 will come in the form of an 80% federal grant under the STP program with a \$25,000.00 match coming from the City. Earlier this year the Board authorized various design and construction contracts to be executed for these projects being funded with STP and stimulus dollars in an effort to expedite the requirements as set forth by the federal government in terms of having these dollars obligated by October 2009.

Shortly after the Board approved the execution of these contracts with the State, staff began the process of securing engineering services for the design and inspection of these various culverts that crisscross the City. A request for qualifications was issued on May 24 and we received five statements of qualifications. The selection committee went through an extensive review and interview process and is recommending Askew Hargraves & Harcourt as the engineers to provide this work.

The culverts are as old as 50 years in some sections of Poplar and it is expected that they will suffer some form of structural damage and collapse in the near future. In an effort to be proactive, this project will inspect the interior of all of these culverts by walking them in some cases or videotaping via remote camera for some of the smaller crossings. The deliverables from the consultant will consist of a detailed engineering plan and documentation sufficient for the City to submit for future funding with the MPO including cost estimates. The CIP for the outer years also includes funding for the actual renovation and repair of these culverts.

In response to a question from Alderman Hinely, Mr. Gwaltney stated it would be about a six month completion and this portion would not affect traffic on Poplar. He stated this was only the inspection and evaluation stage. There will be some traffic control setup during this time but no construction.

Motion by Mr. Chism, seconded by Mr. Palazzolo, to authorize the approval of a Professional Services Agreement with Askew Hargraves and Harcourt in the amount of \$115,700.00 for inspection and engineering services related to existing storm drains crossing under Poplar Avenue within the City Limits.

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

Professional Services Agreement for Wolf River Blvd. Median Enhancements

Mr. Lawton stated this median enhancement project was being funded with another surface transportation grant provided through TDOT and the MPO. The fiscal year CIP adopted for FY10 has allocated \$150,000.00 for this purpose, \$120,000.00 in the form of a grant and \$30,000.00 being the local responsibility. Seven firms responded to the City's request for qualifications and, after an extensive review of the qualifications and interviews with the firm, Administration has recommended Fisher & Arnold to provide the work.

The design scope will encompass the entire length of the median and will provide the City with detailed plans and specifications to enhance the irrigation system, identify the proper trees to be replaced and the soil conditions and soil replacement.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to authorize the approval of a Professional Services Agreement with Fisher and Arnold in the amount of \$28,655.00 for engineering services related to Wolf River Boulevard median enhancements within the City Limits.

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

Germantown Athletic Club Locker Rooms – Change Order #1

Mr. Lawton explained that recently the contractor had encountered an unforeseen condition that had resulted in the contractor requesting additional payment for the removal of additional concrete. The plans and specifications indicated that the concrete floor to be removed would have a thickness of around 4 inches. However, the thickness throughout the floor in the locker rooms is between 8 to 10 inches resulting in additional costs to the contractor of \$22,661.00. Staff has reviewed this cost estimate for removal of the concrete and is satisfied with these demolition and disposal costs. In addition to the work required for concrete removal, the contractor cut a primary electrical feed that was buried in the concrete approximately 3 inches into the surface of the concrete. The location of this electrical was not indicated on the plans and specs and was not anticipated to be in the concrete slab. The additional costs to repair this line and install two junction boxes are \$3,652.00.

In addition to these two unforeseen conditions, staff recommended the scope of service be changed by allowing wider doors to be constructed and installed in the indoor pool pump area to allow for easy delivery of supplies. This would be an additional cost of \$1,207.00 and with the addition of two direct drains that will collect runoff from the swim suite dryer area with a cost of \$2,357.00. The total amount of Change Order No. 1 is \$29,877.00.

In response to a question from Alderman Drinnon inquiring the total amount of the original contract, Mr. Lawton stated the total amount was \$625,202.00.

Alderman Drinnon was concerned that when an item is bid they always come back wanting more money for something that was overlooked. He felt this was a part of the construction bid.

Mr. Lawton stated that looking at the plans and specifications the contractor bid on, they based their costs on the drawings and the depth of the contract was much more than what was on there. It stated 4” on the drawings but found it was 10” in some places that had to be removed. This was an additional cost to the contractor.

Mayor Goldsworthy stated in this particular case, when the project was bid, the City produced the plans and after they started digging they found it was not what was on the plans, but a lot more. The bidders made their bids based on the plans and were not aware that more concrete was put down.

Alderman Chism stated he went down and looked at the project and there was nothing to lead one to think there was anything other than what was on the drawings.

Alderman Drinnon stated the contractor that was bidding on the project should have made some determination as to the extent of what they would be faced with and made some evaluation as far as costs at that time.

Mr. Lawton stated in looking at the condition of the work to be done, this is work the City had not paid for already in the bid. This is additional work that had the contractor known about the additional

thickness it would have been incorporated in additional bids. Staff had looked at the basis of the costs associated with this and felt it was a fair price.

Alderman Billingsley asked if the City was obligated to pay the \$3,652.00 or were we just being nice?

Mr. Butch Eder stated that normally the electrical feed comes in and goes under the slab. In this instance the electrical feed came in on a load bearing structural beam so they either had to run the conduit around the footing or way under the footing. They laid the conduit on top of the footing and poured the slab over it. It was only 2 to 3 inches into the slab. There was no way they would have known this.

Motion by Mr. Chism, seconded by Mr. Palazzolo, to approve Change Order No. 1 for the Germantown Athletic Club Renovation Project by increasing the contract amount by \$29,877.00 with Budget Adjustment Number 10-14.

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

Alderman Drinnon asked to have 15g – TML Pool Safety Partners Matching Grant Program pulled from the Consent Agenda.

Resolution 09R12 – TML Pool Safety Partners Matching Grant Program – Moved from Consent

Mr. Michael Stoll stated the TML Risk Management Pool provides a “Safety Partners” Matching Grant Program each year. This program allots \$100,000.00 to all the insured. Based on our submittal, they will consider matching our expenditure for safety type purchases. We submitted for a matching grant the protective vests the City purchased in April. This grant is up to \$2,000.00 and they will actually match 50% up to \$2,000.00.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to authorize and approve a resolution for the City to participate in the TML Risk Management Pool “Safety Partners” Matching Grant Program for FY10.

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

CONSENT AGENDA

Youth Sport Proposal – Recreational Youth Cheerleading

The new Germantown Youth Cheerleading program will replace the former GYAA cheerleading program. The Parks and Recreation Department will be responsible for handling all administrative functions including program administration, financial management and insurance with support from a volunteer parent group who will take responsibility for program operations and delivery.

Funds received for fall 2009 registration are being given to the City to finance all expenditures of the Cheerleading program for the fall 2009 season. Therefore, the cost of the program will be paid for by monies collected from participants and will not require additional funding from the City budget.

MOTION: To establish the Germantown Youth Cheerleading program under the City of Germantown Parks and Recreation Department, to accept monies from GYAA Cheerleading in the amount of \$15,315.00 as revenue and to approve Budget Adjustment No. 10-06.

Annual Maintenance Fee for Public Water System

In 1991, the State implemented a Public Water Facility Maintenance Fee based on the type of facility and the number of service connections. The fee is collected from all public water systems in the State. This fee provides funds for a technical staff that consults with local utility officials on water system issues.

MOTION: To approve the annual payment to the Tennessee Department of Environment and Conservation, in the amount of \$17,209.40 for the State Facility Maintenance Fee.

Wolf River Extended – Appraisers for Right of Way Acquisition

Trotz Real Estate Services, Inc. was selected as the appraiser and Bouldin and Associates was chosen as the reviewer, based on the evaluations set by staff. Wolf River Boulevard Extension is a 2-mile roadway improvement from Kimbrough Road on the west to Farmington Boulevard Extension on the east. The appraisal and reviewer expense is a reimbursable cost (80% State/Federal and 20% City) for this project. The total cost to the City will be \$7,040.00.

MOTION: To approve Trotz Real Estate Service, Inc. as the Appraiser and Bouldin Associates as the Reviewer for the Wolf River Boulevard Extension Improvement Project for Appraisal Services in the amount of \$35,200.00.

Recognition of Overtime Reimbursement

The Germantown Police Department has an officer assigned to the Metro DUI Squad assisting in the apprehension, investigation and testing of impaired drivers within Shelby County and Germantown. The officer usually works overtime in the performance of his duties. Shelby County Government reimburses any overtime that the officer receives while carrying out his/her duties.

MOTION: To recognize overtime reimbursement from Shelby County Government and to approve Budget Adjustment #10-09.

Appointment to Education Commission

Due to the resignation of Abigail Braddock there was a vacancy on the Education commission. Mr. Xiangen Hu has expressed a desire to serve the community and fill the vacancy on the commission.

MOTION: To approve the appointment of Mr. Xiangen Hu to serve on the 2009-2010 Education Commission until July 1, 2010.

Germantown Athletic Club Customer Services Training – Union University

In order to be competitive in today's fitness market, customer service is the one component that can distinguish itself from competition. The Club feels as an Enterprise Fund it is important for its employees to be trained to communicate effectively to build better relations and trust with its paying members.

MOTION: To authorize the Germantown Athletic Club to execute an agreement not to exceed the amount of \$15,050.00 with Extended Learning and Professional Development/Union University based on the proposal for training.

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

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

Alderman Chism requested this item be added to the agenda – to pursue federal funding for a Nature Center.

Mr. Lawton informed the Board there was a federal grant program available under the new “Reinvestment Act” program formerly know was the “Stimulus Program”. The City was looking at every possible direction for additional federal funding. We were successful in getting money appropriated in the CIP

this year through the MPO. We have a grant application in the works submitted by engineering, finance and fire department for over \$1million to help defray the costs our new fire station on Forest Hill. We have had conversations with our elected representatives regarding drainage improvement projects. We will continue looking for funds to bring back to Germantown.

Alderman Drinnon stated he remembered discussing this some years ago and visiting one of the nature centers just east of Nashville. His concern then as now was the cost of operating a center once it was built. He felt this should be kept in mind when discussing building a nature center.

Alderman Chism stated this was something the Board approved at that time but at the last minute it was removed from the budget. He stated the Board had approved it once and he felt it should receive some preferential treatment over some of the things that had come before the Board recently.

Mayor Goldsworthy stated the direction from the Board would be to check to see if there are federal funds available for such a purpose and to bring the information back to the Board so that it can react as it chooses.

Alderman Palazzolo stated it might be helpful if there was some clarification on the history and chronology of the nature center.

Alderman Billingsley stated on November 10, 2008, the previous Board approved \$77,162.00 for the web site RFP. He asked if respective staff could give the Telecommunication's Commission an update on the expected timeline and where we are today. He felt it was appropriate for this commission to be the ones to be informed and review if that was appropriate.

ADJOURNMENT

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

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder