

BOARD OF MAYOR AND ALDERMEN
July 27, 2009

A regular meeting of the Board of Mayor and Aldermen was held on July 27, 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, George Brogdon, Tom Cates, Pam Beasley, Jerry Cook, Inspector Frank Hester, Chief Dennis Wolf, Tony Ladd, Tim Gwaltney, Ralph Gabb, Lisa Piefer, Derek Chaput, Melody Pittman, Michael Saddler, Butch Eder and Dotty Johnson.

Invocation

Assistant City Administrator George Brogdon gave the invocation.

Pledge of Allegiance

Alderman Carole Hinely led the Pledge.

Approval of Agenda

Mayor Goldsworthy stated that Administration had asked to defer item 11c (Appointment to Telecommunications Commission) as there were other applicants that had requested the appointment. It was suggested to defer this item until all persons could be considered.

Administration had also asked to add on an appointment to the Education Commission.

Alderman Drinnon asked to bring a request to the Board after the last regular agenda item.

Alderman Palazzolo requested that item 11b (Project Development Contract No. 1009 – Rainey Andrews Office Building – Refund of Fees Paid to City) and 11d (Arthur and Riggs Road Design Supplement) on the Consent Agenda be pulled to the regular agenda for a full presentation.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to accept the agenda as modified.

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

Approval of Minutes

Alderman Billingsley suggested Resolution 09R11 be named prohibition of handguns while within or on a public park, natural area, historic park, greenway, waterway or other similar public place owned and operated by the City of Germantown. He also asked for a point of clarification of title the Municipal Weapons Prohibition to add TCA Code 39-17-1359.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to approve the minutes of the Board of Mayor and Aldermen meeting held July 13, 2009 as amended.

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

Beautification Commission Business Award

Alderman Palazzolo, Ms. Emily Bader and Ms. Trudy Simpson from the Beautification Commission came forward for the presentation. Ms. Bader stated that Ms. Simpson had been on the Beautification Commission for over 22 years and this would be her last official project as she was retiring the first of September.

Ms. Simpson stated Carrefour at Kirby Woods was chosen as the honoree for this month. Mr. Nelson Cannon, the owner and management of the property was presented the award. He thanked the Board and the City for the award.

The Board and audience applauded Trudy Simpson for her long service to the City and the Beautification Commission.

Citizens to be Heard

There were no citizens to come forward.

Appointments to Great Hall Task Force

Mr. Lawton stated that with the adoption of the FY10 budget effective July 1, 2009, the Great Hall became a separate enterprise fund from the Germantown Athletic Club, with the goal of focusing directed marketing and a consistent sales campaign for the Great Hall in an effort to generate additional rentals, the Board of Mayor and Aldermen, at the request of Alderman Chism, directed staff to form a Great Hall task force to assist the staff in this endeavor. The following individuals were identified as possible members to serve on this task force and were submitted to the Board for consideration and approval. They are as follows: Phil Cannon, Frank Bluestein, Anthony House, Teresa Rando and Gail Ridenhour. It was suggested that Mr. Phil Cannon serve as chairman for this task force.

Alderman Chism stated that this was indicative of the kind of support we get when we ask the citizens to come and bring their talents, their time, and dedication to do something that is a worthwhile project to help the City.

In response to a question from Alderman Palazzolo, Mr. Lawton stated there had not been a limit set on the number of citizens who could serve.

Alderman Palazzolo brought the name of Mark White to the table to serve on the Task Force. He stated he not contacted him but he could bring a lot to the table and be a good candidate for this type of task force.

Mayor Goldsworthy stated that procedurally it would be better if an inquiry was made and at the next board meeting he could be added or if anyone else was identified to add at that time.

Motion by Mr. Chism, seconded by Mr. Drinnon, to approve the appointments of Frank Bluestein, Phil Cannon, Anthony House, Teresa Rando and Gail Ridenhour to the Great Hall Task Force and to appoint Phil Cannon as the Chairman.

Alderman Billingsley recused himself from the vote due to an obvious conflict.

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

Professional Services Agreement – Park Public Assembly Area

Assistant City Administrator Andy Pouncey stated that the Master Park Plan for the park land on the south side of Poplar Pike was approved by the Board of Mayor and Aldermen on June 9, 2008. This included treatments for the public assembly area that were included in the FY10 CIP. This improvement provides an outdoor performance venue that is not available in any other City Park. The proposed public improvements will be accomplished through a joint public-private partnership. DALHOFF THOMAS DAWS (DTD) will provide professional design services which staff cannot perform.

The public – private partnership was built as a team with the talents that are on staff. The City will provide the topographic survey, grading and drainage plan, landscape plan, road lighting, tree survey and construction inspection saving the City as much as \$20,000. The package with the consultants which is led by DTD, with a lot of experience with the City of Germantown, bring together a landscape architect, lighting designer, electrical engineer, structural engineer and various consultants.

The team has met with the various stakeholders.

Alderman Chism asked to see some type of design or drawing.

Mr. Pouncey stated that the purpose of this agenda item is to hire a firm to help with the design. The Shakespeare Company had hired a theatrical space designer and a lighting designer. The theatrical space designer provided enough preliminary drawings to take off from there and we are using that as a base. With the input for all the stakeholders, it may need some adjusting so that everyone can use the space. However, even though the designers are a part of the package, none of them are registered professionals that can take a drawing to construction.

Mr. Pouncey explained further that although there were some basic drawings done by the Shakespeare Company but these drawings did not take into consideration the other stakeholders nor are they registered professionals who can complete and sign off on the drawings.

In response to a question from Alderman Chism, Mayor Goldsworthy stated after meeting with all the various stakeholders and finding what each needs, the professionals are gathered to take the information to work toward a design. This is the course of development.

Alderman Chism stated he would like to have a picture or sketch or something of what will be put on the property.

Alderman Drinnon asked if bids had been taken from other consulting firms.

Mr. Pouncey stated all the consultants, such as lighting specialist, electrical engineer, structural engineer, etc. were all included in the \$31,625.00. We will be paying for not only the oversight and design by the landscape architecture and planning firm, we will also be getting the audio specialist. DALHOFF THOMAS DAWS were chosen because of their experience in this venue as well as their experience with Germantown.

Mr. Lawton stated that on the outset we considered doing this project in-house. There were some gaps to fill because we did not have some of the expertise in-house. However, we have considerably provided savings because of what in-house staff can do.

In response to a question from Alderman Drinnon, Mr. Lawton stated the money would not come out of Civic Support but from the \$250,000 appropriated in the CIP.

Mr. Pouncey stated he did not know how far the \$250,000.00 will go. There will not be a sewer line there but they will have facilities because running the sewer line would be too costly right now. An access road for the Fire Department will be needed but he did not know if that would be a part of this. This will grow as the money is available.

Alderman Palazzolo stated as a general rule of thumb in the construction industry is that the design work is generally 10 to 15% of the project which would put this project somewhere around \$310,000 to \$450,000 and we have in the budget \$250,000.

Mr. Pouncey stated it could cost that amount of money but, we will monitor all expenditures and stay within the \$250,000.000.

In response to a question from Alderman Palazzolo, Mr. Pouncey stated he would like to see the possible construction costs somewhere in the middle. Until there is a concept we do not know. We have already saved a couple of thousand dollars just clearing the site ourselves.

Alderman Palazzolo stated the master plan for the park had connectivity whether it is pedestrian or vehicle. With this being the second project of the master plan he asked if consideration would be given to how movement would be handled throughout the entire park.

Mr. Pouncey stated staff had already begun analyzing this. He explained that the team would be analyzing all of this. After the design is done, it will have to come back to the Board for funds for the construction.

Motion by Mr. Chism, seconded by Mr. Drinnon, to authorize the Mayor to enter in to a Professional Services Agreement with DALHOFF THOMAS DAWS for design of improvements to the Public Assembly Area in the amount of \$31,625.00.

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

Library Janitorial Services Contract Extension

Mr. Lawton stated this was a one-year contract with ABM Janitorial services for cleaning services at the Germantown Community Library. ABM has been the City's contractor since we opened the doors of the library in 1997. They will provide cleaning services 6 nights a week from 9 p.m. until approximately midnight or 1a.m. They provide us with a staff of 3 to 4 people to provide this service. City maintenance staff cleans the building on Sunday.

This is the 12th year that ABM Janitorial Services has provided this service for the City and at the same price since 1997. The City has been extremely pleased with the services provided by ABM and recommend approval of this contract. Staff has also had additional conversations with ABM and has asked that they consider moving their cleaning chemicals and supplies to those that are more "green" in nature during this contract period. ABM has stated that they will convert all of their cleaning supplies to green chemicals the next time they place an order for supplies.

In response to a question from Alderman Drinnon, Mr. Lawton stated they had talked with other vendors and had informed ABM and ABM offered that contract at the same price. Staff had recommended that they could not get a better price based on the number of people and the quality of the service that had been provided.

Mr. Lawton responded to a question from Alderman Palazzolo that the managed competition review and a cost analysis had been done. The City had even used two additional part-time staff members from ABM to help supplement the cleaning at the Germantown Athletic Club as opposed to hiring additional full-time staff.

Motion by Mr. Drinnon, seconded by Mr. Billingsley, to extend the contract, under the same terms and conditions, for janitorial services at the Germantown Library for one year with ABM Janitorial Services at a cost of \$2,827.00 per month for a total cost of \$33,924.00 for the period ending July 1, 2010.

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

Amendment to Resolution 08R06 – Naming of Parks

Mr. Lawton stated at the past two Board of Mayor and Aldermen meetings, the Board has raised the question with City staff regarding the naming of the nearly 100-acre tract of land south of Poplar Pike encompassing Morgan Woods, C.O. Franklin Park, Ocean View Farms and Horseshow grounds as Central Park. Research by staff into this question revealed that at the time the Board passed the resolution approving the master plan for this entire 100 acre area, the park was named Central Park as well. At the last Board meeting, the Board directed staff to present a resolution for the Board's consideration that would "un-name" this park and send a recommendation to the Parks & Recreation Commission that they

follow Policy Letter # 50 in developing a name for this parkland area. The motion before the Board addresses the Board's concern and provides the Parks Commission with this direction from the Board.

Motion by Mr. Chism, seconded by Mr. Drinnon, to amend Resolution 08R06 to delete any reference to a park name while still retaining the adoption of the park master plan and to direct the Parks and Recreation Commission to implement the process set forth in Policy Letter 50 in the official naming of the referenced site.

A discussion followed on when this will be brought back to the Board. The Parks & Recreation will have a meeting this month and will bring it back to the Board after they have given it full consideration.

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

Alderman Drinnon stated that part of the Board had been privileged to be present at the presentation by the chairman of the Shelby County Board of Education David Pickler in regard to a movement in regard to single source financing for the schools. There is also a movement to encourage consolidation of governments. He thought it would be a good idea for the Board to invite the county commissioners that represent Germantown to a public meeting to get their position on consolidation.

Mayor Goldsworthy stated in keeping with the Board's policy when something is brought before the Board for the first time, the Board was not to take action on a suggestion or recommendation and it would be inappropriate to take action at this time. At the next meeting the Board can make a formal request.

Alderman Drinnon stated it was his suggestion not for the Board but for the City Administrator and the Mayor to give this some thought and proceed now that the Board has heard his thoughts.

Mayor Goldsworthy stated in all respect to Alderman Drinnon she would like for the direction to come from the entire Board. The Board can give direction at the next Board meeting as to how to proceed in providing information or arranging a meeting.

Alderman Palazzolo concurred with Alderman Drinnon and he would like to have a work session on the same type of format letting the commissioners state their positions on consolidation.

Project Development Contract No. 1009 – Rainey Andrews Office Building – Refund of Fees Paid to City - Moved from Consent Agenda

Andy Pouncey stated the Rainey Andrews Office Building, at the corner of McVay and Second Street, was approved on August 11, 1997. They were required to make a dedication of right-of-way on McVay Road and payment in lieu of the improvements for the widening, curbs and gutters, etc. They were required to pay the City \$8,900.00 in lieu of road improvements because McVay Road, one of the streets on which the project is sited, is paved but not improved. The request is from the property owner to refund him and his co-developer this amount of money. The City will retain the right-of-way.

In response to a question from Alderman Drinnon, Mr. Cates stated it had finally been determined that there will be no road widening at this particular place where this is involved. Under those circumstances, if the decision is made that this money will never be used by the City for this purpose, then this body has refunded the money. He could not answer if any other money was on deposit being held.

Motion by Mr. Billingsley, seconded by Mr. Palazzolo, to approve a refund to Mack Andrews and Brad Rainey in the amount of \$8,900.00 paid to the City in conjunction with Project Development Contract No. 1009.

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

Arthur and Riggs Road Design Supplement – Moved from Consent Agenda

Alderman Palazzolo recused himself because he lives near the area.

Motion by Mr. Billingsley, seconded by Ms. Hinely, to authorize the Mayor to enter into a Professional Services Agreement supplement with SSR Ellers, Inc. for additional design of water/drainage improvements to the Arthur & Riggs Road NPI in the amount of \$15,500.00.

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

Appointment to the Education Commission

This was for the approval of Ms. Stacy Diane Foreman to the Education Commission.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve the appointment of Mrs. Stacy Foreman to serve on the 2009-2010 Education Commission.

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

CONSENT AGENDA

Ammunition for Police Department

Members of the Police Department are required by the POST Commission to qualify with their duty weapon, off duty weapon, shotgun and patrol rifles each year. Currently the Police Department qualifies three times each year with their duty weapon and patrol rifle and once a year with the shotgun and off duty weapon. This ammunition will allow each officer the availability to be proficient with their weapon.

MOTION: To purchase ammunition for qualifications, duty ammunition and training ammunition for the Police Department.

Project Development Contract No. 1009 – Rainey Andrews Office Building – Refund of Fees Paid to City – MOVED TO REGULAR AGENDA

Appointment to Telecommunications Commission - DEFERRED

Appointments to Germantown Community Library Board

The Germantown Community Library Board is comprised of seven members with staggered terms. Hillery Efke and Margaret Owens have been recommended to serve on the Library Board until July 2012.

MOTION: To approve the appointments of Hillery Efke and Margaret Owens to three-year terms on the Germantown Community Library Board, expiring in July 2012.

Arthur and Riggs Road Design Supplement – MOVED TO REGULAR AGENDA

Firearm Restrictions Signage

The Board voted to approve Resolution 09R11 which allows the City to opt out of the Gun Carry Law. The Board also voted to prohibit the possession of weapons, including handguns and other weapons authorized by permits, by posted notice, on property owned or operated by the City.

Staff will place signs at all of the proper areas required by law at a cost not to exceed \$5,800.00.

MOTION: To approve Budget Adjustment No. 10-08 authorizing the use of contingency funds not to exceed \$5,800.00 to fund signage.

Purchase of Chlorine

The Germantown Athletic Club utilizes a tablet or briquette form of chlorine to maintain the balance and quality of the water in the indoor and outdoor pools. This purchase reflects the estimated amount of chlorine to be used for the next ten to twelve months.

MOTION: To authorize the purchase of chlorine briquettes for the Germantown Athletic Club pools under the Tennessee statewide contract SWC No. 105 from Duffield Inc. in the amount of \$17,100.00.

Checkfree Software Processing Fees – Germantown Athletic Club

Fees represent charges for the Club to use web based software for billing operations. Two additional stations were added to the clubs software package to accommodate indoor and outdoor concession operations. Fees are paid to Checkfree Corporation on a monthly basis. The monthly payments will be \$960.00 with total payments not to exceed \$11,520.00 annually.

MOTION: To authorize monthly payments of \$960.00 to Checkfree Corporation for the use of web based software. Total payments will not exceed \$11,520.00 annually.

New World Software Training – Court

The Board approved the purchase of New World software for City Court. This software project was more challenging than most since the software had to go live and the ability to run concurrent platforms was not an option. Because of the need to convert existing court data, need to be fully operational, need to address programming issues while going live, staff recommends one week of additional on-site training for staff. Funding for this training was not included in the FY10 Budget and therefore use of the operating contingency fund is being requested.

MOTION: To approve additional training from New World Systems for Court in the amount not to exceed \$7,800.00 and to approve Budget Adjustment No. 10-04.

Youth Sport Proposal – Recreational Youth Cheerleading - DEFERRED

Motion by Mr. Chism, 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.

ADJOURNMENT

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

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder