

BOARD OF MAYOR AND ALDERMEN

November 11, 2013

A regular meeting of the Board of Mayor and Aldermen was held on Monday, November 11, 2013 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: Greg Marcom, John Drinnon, Mike Palazzolo, Forrest Owens and Rocky Janda. Staff present: Patrick Lawton, Debra Wiles, George Brogdon, Tim Gwaltney, Bo Mills, Susan Hopson, Chief John Selberg, Chief Richard Hall, Pam Beasley, Reynold Douglas, Butch Eder, Ralph Gabb, Lisa Piefer and Dotty Johnson.

Call to Order

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

Invocation

Finance Director Ralph Gabb gave the invocation.

Pledge of Allegiance

Alderman Rocky Janda led the Pledge of Allegiance.

Approval of Agenda

During the executive session the Board had agreed to move the following agenda items to the Consent Agenda:

Mayor Goldsworthy stated that during the executive session, the Board had agreed to two add-on's:

Regular Agenda - Resolution 13R16 – Support of Quality Public Education

Consent Agenda – Fire Station 3 Kitchen Renovations – Change Order No. 1

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

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens -yes, Janda–yes. Motion approved.

Approval of Minutes

There were no corrections or additions to the minutes.

Motion by Mr. Drinnon, seconded by Mr. Owens, to approve the minutes of the Board of Mayor and Aldermen meeting held October 28, 2013.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens -yes, Janda–yes. Motion approved.

October Youth Excellence Award

Alderman Janda, liaison to the Education Commission, stepped down for the presentations. He introduced commission members Audrey Grossman and Julia Ganey. Ms. Grossman presented Mr. Alexander Spanopoulos with the award for the month of October. Alexander is a senior at Evangelical Christian School and was described as an inspirational leader who is full of confidence and creativity.

October Teacher of the Month

Ms. Ganey presented Ms. Teri Hefley, a middle school math teacher at Our Lady of Perpetual Help Catholic School, with the Teacher of the Month Award. Ms. Hefley will receive \$100.00 from Wolf Chase Toyota.

Citizens to be Heard

No citizens came forward.

BEER BOARD

Mayor Goldsworthy suspended the regular Board meeting and opened the Beer Board

Suspension/Revocation – Beer Permit – Grand Buffet

Mr. Mark McDaniel, Police Advisor came forward and presented the case of the Grand Buffet to the Board. The Grand Buffet had been issued a citation for the unlawful sale of an alcohol beverage to a minor. Mr. Sun We Chen, manager of the Grand Buffet was present along with counsel Mr. Shawn Musser.

Mr. Musser stated that on behalf of his client he would be pleading guilty to the charge.

Mr. McDaniel then put forth the sworn testimony of Detective Nicole Bromely from Shelby County Sheriff Department, Officer Griffus and Officer Williams from the Germantown Police Department for a factual basis for the violation and to get more information.

In response to a question from Alderman Marcom regarding a previous violation, Mr. McDaniel responded there had not been a previous violation in the past.

Motion by Mr. Drinnon, seconded by Mr. Janda, to find the Grand Buffet located at 2015 Exeter guilty of a violation of the Germantown Beer Ordinance regarding selling of beer to a minor.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens -yes, Janda-yes. Motion approved.

Mr. McDaniel stated the Board had several options by ordinance, including suspend the permit one day to however many days the Board should see fit, or issue a maximum civil penalty under this ordinance of \$2,500.00. The other establishments that violated the ordinance were fined \$500 or a 30 day suspension if not paid within seven days. Mr. McDaniel stated that in future proceedings of violations, the Board would be asked for a more significant penalty.

Mr. Musser stated there was no past history of any violations. The person responsible had been terminated for a period of time. There was a language barrier with the employee who was a relative. Each week they have a period where they go over the steps that should be taken before serving liquor or beer. They are now requiring everyone to show an ID before they can be served.

Motion by Mr. Marcom, seconded by Mr. Drinnon, to fine a civil penalty of \$500.00 to the Grand Buffet and a 30 day suspension if not paid within seven days.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens -yes, Janda-yes. Motion approved.

Having no more business to come before the Beer Board, the Beer Board was suspended and the regular meeting of the Board of Mayor and Aldermen was continued.

Public Hearing - Ordinance 2013-13 – Smart Code – Third and Final Reading

Economic and Community Development Director Andy Pouncey stated the Smart Growth Code was for the Central Business District of the City. Over the past few years since this was developed a lot had been learned. The original “Smart Growth Area” is now referred to as the Central Business District. The second non-residential Small Area, is being reorganized and amending the Smart Growth Code and calling it Smart Code and proposing to adopt it for all five non-residential Small Areas.

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

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Motion by Mr. Owens, seconded by Mr. Palazzolo, to approve Ordinance 2013-13 – the “Smart Code” on the third reading, deleting the original Smart Growth Code (Art. 7, Chapter 23) of the City’s Code of Ordinances, replacing it in its entirety with the Smart Code, and making it applicable to all five non-residential districts upon adoption of a Small Area Plan, per the Economic Development Strategic Plan adopted September 24, 2012.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens -yes, Janda–yes. Motion approved.

Western Gateway Regulation Plan

Mr. Pouncey stated this Plan encompasses all the properties between the Gill property on the eastern end and the western end which is the City boundary between Poplar and Poplar Pike. He stated this was truly a public /private venture. There are property owners who invested their money, energy, and time on this Plan such as Ray Gill, Robert Fogelman, Ron Smith on behalf of Crye Leike, Henry Cannon, Spence Ray, and John Walker. The Plan is based on Smart Growth principles that encourage urban, mixed-use, walkable districts, similar to those in the City’s Central Business District. The plan supports the creation of a distinctive district, with strong public spaces, where people want to live, work, shop and play.

The plan identifies three development strategies for the 58 acre area, a fiscal analysis illustrating the financial benefit for the citizens and the costs to the City, recommendations for the mobility options on the public streets, the Regulating Plan (or recommended zoning plan and a proactive approach to the installation of a traffic signal on Poplar in order to facilitate the initial developments.

Mr. Pouncey then gave a PowerPoint presentation.

A discussion followed on the placement of traffic signals.

Alderman Palazzolo congratulated Mr. Pouncey and his staff on a job well done. This plan had been in motion for several years and now, with everyone’s hard work, it is becoming a reality.

Motion by Mr. Janda, seconded by Mr. Owens, to approve the Western Gateway Small Area Plan encompassing all the properties located between Poplar and Poplar Pike between the eastern boundary of 6755 Poplar (Ray Gill property) and the western boundary of the City of Germantown.

ROLL CALL: Marcom-yes, Drinnon-no, Palazzolo-yes, Owens -yes, Janda–yes. Motion approved.

Public Hearing – Ordinance 2013-14 – Amend Great Hall Ordinance – Second Reading

Community Services Division Director George Brogdon explained this ordinance would formally adopt the name, Great Hall & Conference Center Commission. The commission would also like to expand from five members to seven members and add “Hospitality” to the areas of expertise. One of the two additional members may be a non-resident with expertise in one of the required areas.

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

Motion by Mr. Janda, seconded by Mr. Palazzolo, to approve Ordinance 2013-14 on second reading.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens -yes, Janda–yes. Motion approved.

ADD-ON – Resolution 13R16 – Support of Quality Public Education

WHEREAS, the City of Germantown has a long history of support and involvement in public education and believes that a quality education for every child, regardless of heritage or circumstance, is the key to equality, freedom, and the realization of individual potential, and

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WHEREAS, the City of Germantown in January 2012 adopted a feasibility study, prepared by Southern Educational Strategies, outlining the legal and regulatory requirements for the establishment of a municipal school district for all of the children currently attending public schools within the city of Germantown, and

WHEREAS, based on this feasibility study, the citizens of Germantown voted twice overwhelmingly to establish the Germantown Municipal School District and to create the financial mechanism necessary to operate the school district, and

WHEREAS, over the past three years the City of Germantown has worked diligently to address these legal and regulatory requirements through the passage of appropriate ordinances allowing the people to vote on the establishment of the school system and the appropriate funding mechanism as well as the establishment of the local school board, and

WHEREAS, the Shelby County Board of Education on October 28, 2013 passed a resolution authorizing its Superintendent and General Counsel to negotiate leases for five of the eight school buildings located within the City of Germantown, and

WHEREAS, under this arrangement the Shelby County Board of Education would not lease to the City of Germantown and thereby maintain full operational control of Germantown Elementary School, Germantown Middle School and Germantown High School, and

WHEREAS, the City of Germantown has asserted over the past two years its desire to educate all of the children in the current attendance zones attached all eight schools within the City of Germantown based on the importance of a diverse student enrollment, the importance of stability on student achievement and the importance of parental involvement and participation, and

WHEREAS, on November 6, 2013, Germantown City officials presented to the Shelby County Board of Education two reasonable and rational alternatives regarding building leases and school operations:

OPTION 1: Maintain current attendance zones and execute 40 year leases with the City of Germantown for all eight existing schools located in Germantown under the terms of an inter-local agreement between the City of Germantown and the Shelby County Board of Education; or

OPTION 2: Execute 40 year leases for six schools in Germantown, including the five schools referenced in the October 28, 2013 Resolution plus the addition of Germantown Elementary School. The Shelby County Board of Education would retain operational control of Germantown Middle School and Germantown High School, and

WHEREAS, a copy of the entire presentation and request to the Shelby County Board of Education regarding the operation of schools within the City of Germantown is attached and made part of this resolution, and

WHEREAS, the Board of Mayor and Aldermen of the City of Germantown wish to memorialize this action through the adoption of this resolution.

NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF MAYOR AND ALDERMEN supports quality education for all children and urges the Shelby County Board of Education to react favorably to the alternatives presented by the City of Germantown and contained within this resolution for the operation of schools within the City of Germantown corporate limits.

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ADOPTED this 11th day of November, 2013

Motion by Mr. Palazzolo, seconded by Mr. Owens, to support quality education for all children and urge the Shelby County Board of Education to react favorably to the alternatives presented by the City of Germantown and contained within the resolution for the operation of schools within the City of Germantown corporate limits.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens -yes, Janda-yes. Motion approved.

CONSENT

Appointment to Germantown Library Board

The Board's approval is needed to place Ms. Carol Schwam on the Germantown Community Library Board to replace a member who recently resigned. Ms. Schwam will complete the existing three-year term expiring in July 2015.

MOTION: To approve the appointment of Carol Schwam to complete an existing three-year term on the Germantown Community Library Board, expiring in July 2015.

Approve Budget Adjustment No. 14-28 – Farm Park

Additional revenue has been generated by programs and activities at the Farm Park. This revenue will support the continued education, demonstration and outreach efforts at the Farm Park.

MOTION: To recognize revenue generated by programs and activities at the Farm Park for the first quarter of FY14 and to approve Budget Adjustment No. 14-28.

ADD-ON – Fire Station 3 Kitchen Renovations – Change Order No. 1

Unforeseen conditions were found such as fire suppression system does not meet current code requirements or qualify for insurance coverage and the newer low voltage wiring that has been installed over the years does not meet current electrical code requirements for proper attachment. The total charge for this change order is \$7,406.00.

MOTION: To authorize approval of Change Order No. 1 for the Fire Station 3 Renovation Project by increasing the contract amount by \$7,406.00 to \$113,350.00 and approve Budget Adjustment No. 14-30.

Motion by Mr. Drinnon, seconded by Mr. Owens, to accept the consent agenda as presented.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens -yes, Janda-yes. Motion approved.

ADJOURNMENT

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

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder