

BOARD OF MAYOR AND ALDERMEN

March 9, 2015

The regular meeting of the Board of Mayor and Aldermen was held on Monday, March 9, 2015 at 6:00 p.m. in the Council Chambers of the Municipal Center.

Mayor Mike Palazzolo was present and presiding.

The following aldermen were present: John Barzizza, Mary Anne Gibson, Dave Klevan, Forrest Owens and Rocky Janda. Staff present: Patrick Lawton, Debra Wiles, Deputy Chief Rodney Bright, Chief John Selberg, Daniel Page, Bo Mills, Reynold Douglas, Cameron Ross, Pam Beasley, Butch Eder, Ralph Gabb, Paul Chandler, Tony Fischer, Phil Rogers, Tim Gwaltney, Wade Morgan, Lisa Piefer and Michele Betty.

Call to Order

Mayor Palazzolo 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

The Board agreed to set the Agenda with the additions of #11 – Subdivision Contract No. 506 – Cordova Road and #12 – Resolution 14R05 – Guns in Parks.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to approve the agenda as amended

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

Approval of Minutes

Corrections to the minutes were noted during the executive session.

Alderman Klevan noted on page 8 of the minutes under Ordinance 2015-05 in the third paragraph in his comments in the eighth sentence, the sentence should read “When this was brought to the attention of staff.”

Motion by Mr. Janda, seconded by Mr. Owens, to approve the minutes of the Board of Mayor and Aldermen meeting held February 23, 2015 as amended.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

Proclamation – March for Meals Month

Mayor Palazzolo proclaimed the month of March as “March for Meals Month” to honor our senior nutrition programs, the seniors they serve and the volunteers who care for them.

The following ladies were present representing the MIFA Meals on Wheels program: Ms. Arnetta Macklin, V.P of Senior Programs, Ms. Bobbie Wonderly McLaughlin from St. Georges Episcopal Church and Ms. Denise McCormick from Kingsway Christian Church.

Citizens to be Heard

No citizens came forward to speak.

Resolution 15R04 – City Historian

Mayor Palazzolo asked Andy Pouncey and members from the Historic Commission to come forward. The Mayor then read a resolution proclaiming Andy Pouncey as the first official City Historian.

The members of the Historic Commission voted unanimously to resolve to ask the Mayor and Board to appoint Andy Pouncey as the first official City Historian of Germantown.

Germantown City Historian Resolution 15R04

Whereas, the Historic Commission of Germantown voted unanimously at its regular monthly meeting on January 27, 2015, to resolve to ask the Mayor and Board of Aldermen of Germantown, Tennessee, to appoint Mr. Andrew Pouncey, a knowledgeable, honorable and distinguished member of the community, as the first official City Historian of Germantown, Tennessee; and

Whereas, the purpose of the Historic Commission of Germantown is to provide for the development and preservation of historic documents, structures, areas, oral history, pictorial history and other materials deemed essential to the historic significance of the City of Germantown, and

Whereas, the Germantown Historian position's duties shall include collecting and preserving local and state history relative to the City of Germantown, working with the Historic Commission of Germantown, Shelby County and State Historians, the Tennessee State Library and Archives and the Tennessee Historical Commission; and

Whereas, in his tenure of twenty-four years in this city of Germantown, Mr. Pouncey has worked privately and continuously on behalf of historical awareness, historical preservation and education of the public by writing articles about the history of Germantown for the print media and for the internet, by maintaining records, photographs and copies of minutes of meetings which reflect the growth and development of the city of Germantown, by requesting historical markers and maintaining a reference book about the historical markers in the city, by directing media and public attention to historic preservation, and by making presentations about historic events to public and private groups; and

Whereas, Mr. Pouncey has served the city as a member of the Historic Commission, and has shared with them his knowledge of the history of the City of Germantown, and has deposited the results of his research and writings in the Germantown Regional History and Genealogy Center for the public to read and study; and

Whereas, the members of the Historic Commission of Germantown have determined it is in the best interests of the City of Germantown that the City Historian shall serve for a term of five (5) years or until such time as a successor is selected and shall serve without compensation; and

Whereas, members of the Historic Commission request that the City Historian shall serve as an *ex-officio* voting member of the Historic Commission of Germantown; and

Whereas, the duties of the City Historian shall also include:

1. Reviewing and approving requests for historical markers
2. Maintaining a reference book on historical markers within the city's borders
3. Directing media and public attention to historic preservation
4. Recognizing historical scholars among local high school and college students
5. Recognizing local historical authors and literary works
6. Offering guest speakers to community groups
7. Participating in historical commemorative events
8. Interacting with schools and historic preservation groups
9. Assisting with applications for grants from groups and foundations for historic purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE BOARD OF ALDERMEN OF GERMANTOWN, TENNESSEE, the GERMANTOWN HISTORIC COMMISSION CONCURRING, that said appointment of Mr. Andrew Pouncey as the first official City Historian of Germantown be accomplished forthright.

BE IT FURTHER RESOLVED, that this Resolution shall become effective in accordance with the City of Germantown's Charter.

BE IT FURTHER RESOLVED, that this Resolution is respectfully submitted by the Historic Commission of Germantown.

Motion by Mr. Barzizza, seconded by Mr. Owens, to approve Resolution 15R04 to appoint Andy Pouncey as the first official City Historian.

The Board expressed their gratitude for all the work Andy had done over the years. They praised his leadership and hard work for the preservation of Germantown.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

Ms. Jacque Clift, chairman of the Historic Commission, thanked the BMA for passing the resolution. Andy had served on the Historic Commission and over the past 24 years he had been the go-to person for photographs, questions and stories.

Mr. Pouncey thanked the Historic Commission for the recommendation and he would work very hard to see that the history of Germantown is recorded.

Ordinance 2015-04 – Amendment to Zoning Ordinance – Swimming Pool & Utility Easements – Third and Final Reading

Economic and Community Development Director Cameron Ross stated this was the third and final reading on this ordinance. This is an amendment that will increase customer service and expedite permitting. The homeowner will enter into a “hold harmless agreement” that will release the City and any easement user from responsibility if a swimming pool that is within the easement is damaged as a result of work being performed within the easement. The approval of the amendment will reduce the number of variance applications that Planning staff have to process and review.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to approve on third reading Ordinance 2015-04 Amendments to the Regulations on Residential Swimming Pool Locations.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

CONSENT

Recognition of Donation – Germantown Police Department

The Police Department attended the Grand Opening of the new Firestone Store located at 9461 Poplar and was presented a check for \$250.00 to be utilized by the Police Department.

MOTION: To recognize a donation received from the Firestone Store located at 9461 Poplar in the amount of \$250.00.

Recognition of Donation – Parks & Recreation Department

The Parks and Recreation Department received a recent donation from the Germantown Woman's Club to sponsor the following community events:

Summer Farm Park Farmer's Market	\$1,000.00
Special Recreation Spring Formal Event	\$1,000.00

The Germantown Woman's Club continues to make annual contributions to the Parks and Recreation Department for various programs, projects and initiatives. Their long-term partnership with the department demonstrates their commitment to education, recreation and the Germantown community.

MOTION: To recognize a donation from the Germantown Woman's Club to the Parks and Recreation Department for community events totaling \$2,000.00 and to approve Budget Adjustment No. 15-58.

Recognition of Donation – Historic Commission

The Historic Commission received two donations this quarter from the following organizations:

\$100 - Sons of the Confederate Veterans, General Robert E Lee Camp for a Civil War marker for the 4th Tennessee Regiment to be installed at Depot Park later this year.

\$1,000 - Heritage Women's Club – To support the restoration of the Depot building. The funds will be used to enhance the on-going efforts of the Historic Commission to preserve historical buildings and sites in Germantown. The additional financial support for these two projects allows the Commission to fulfill their mission.

MOTION: To recognize donations made to the Germantown Historic Commission totaling \$1,100.00 and to approve Budget Adjustment No. 15-57.

Recognition of Donation – Fire Department

The Fire Department has received donations from the following:

Firestone, 9461 Poplar	\$250.00
Phillip and Nancy Ford	\$ 50.00

These funds will be used for medical supplies. The Budget Adjustment will also transfer some additional funds within the Ambulance Budget to cover anticipated oxygen expenses.

MOTION: To accept donations to the Fire Department in the total amount of \$300.00 and to approve Budget Adjustment No. 15-59.

Appointments to Tree Board

Mr. Terran Arwood and Mr. Sidney Kuehn had applied to serve on the Tree Board.

MOTION: To approve the appointments of Mr. Terran Arwood and Mr. Sidney Kuehn to the Germantown Tree Board.

Motion by Mr. Owens, seconded by Ms. Gibson, to accept the consent agenda as printed.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

ADD-ON

Subdivision Development Contract No. 506 – Cordova Road - 2 Lot Subdivision

Mr. Ross stated this was a 2 lot subdivision that will be developed into two single family homes that will continue the development along Cordova Road. This will include a series of improvements within the public right of way including sidewalks, limits construction time from 7:00 a.m. to 6:00 p.m. and requires a security amount from the developer as well as improvements that total just over \$7,000.00 which include water plant fees, inspection fees, parkland dedication, stormwater management and other items associated with the development.

Motion by Mr. Owens, seconded by Mr. Janda, to approve Subdivision Development Contract No. 506 for the development of Cordova Road 2 Lot Subdivision.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

Resolution No. 15R05 – Regarding Guns in Parks

City Administrator Patrick Lawton stated the General Assembly is currently in session and is a bill that includes handgun regulation throughout the state. In January the Board passed its own policy agenda and one of the items deals with guns in parks. In 2009, the State of Tennessee passed legislation that would allow people who have carry permits to take their weapons into national and local parks. Germantown was opposed to this legislation and an opt-out provision was added which would allow local governments who did not want to have that presence in their local parks to pass a resolution that would allow a municipality to opt-out of that statute. In July of that year, Germantown passed a resolution and opted the City out of that legislation.

There are two bills that are making their way to various sub-committees and House Bill 0995 and Senate Bill 1171 are currently before the General Assembly and this would eliminate the provision that allowed us to opt-out. The Board feels this is not in the best interest of our citizens and we are going to take progressive steps to make sure our voice is heard in Nashville.

This resolution is in opposition to the removal of the opt-out provision and in favor of keeping the provision in place.

Mayor Palazzolo asked Park Director Pam Beasley to give a brief history of Parks and Recreations position on this bill and Deputy Chief Bright to give the Police Associations view.

Ms. Beasley stated the City is an agency member of the Tennessee Recreation and Parks Association (TRPA) and on this year's agenda at the state level, there is an action item called "Safe Play and Work". The TRPA has gone on the record to oppose any legislation that restricts the rights of local government to manage and make rules on lands in which they are liable for activities including decisions on weapons in public parks. They support local rights and are in favor of local control for local liability.

Deputy Chief Bright stated the policy agenda adopted by the Board reflects the position of the Tennessee Association of Chiefs of Police. They are in opposition to the state's proposed legislation.

Alderman Gibson stated the Parks and Recreation Commission, in 2009, voted to support a ban on guns in our city parks. As a commission they looked at the fact the City has an exceptional response time from our Police. She stated she did not believe that guns have any place where our children are playing.

Alderman Janda stated he was an NRA life member and felt the NRA was wrong in supporting this legislation and the municipalities should have the right to decide if they want guns in the parks. Our Police Department can react to any issues we have in our parks and he objected to this legislation and our right to opt-out being taken away from us. Alderman Janda stated he is in support of this resolution.

Mr. Lawton stated the Mayor has a letter prepared that will be sent to the General Assembly and those representatives and senators who represent the City of Germantown and all the leadership in the House and the Senate stating our strong opposition. We are also concerned about the proximity of our parks in relationship to our schools. Four out of five of the parks are athletic fields.

Mayor Palazzolo stated he wholeheartedly agreed that our Police professionals and Parks Departments always have had good guidance and good recommendations.

RESOLUTION NO. 15R05

A RESOLUTION IN OPPOSITION TO LEGISLATION THAT WOULD ELIMINATE PROVISIONS ALLOWING LOCAL GOVERNMENTS TO PROHIBIT THE CARRYING OF HANDGUNS IN MUNICIPAL PARKS.

WHEREAS, the Tennessee General Assembly in May 2009 enacted Public Chapter No. 428 amending Tennessee Code Annotated §39-17-1311 to allow persons, who are authorized to carry handguns pursuant to Tennessee Code Annotated §39-17-1351, to possess a handgun while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by the state, a county, a municipality or instrumentality thereof (hereinafter collectively called “Public Recreational Areas”); and

WHEREAS, Public Chapter No. 428 provides that any municipality or county may prohibit, by resolution adopted by a majority vote of its legislative body, persons authorized to carry a handgun pursuant to Tennessee Code Annotated §39-17-1351, from possessing such handgun while within or on a public park that is owned or operated by a municipality or instrumentality thereof; and

WHEREAS, the Board of Mayor and Aldermen for the City of Germantown, adopted by a majority vote, a resolution to prohibit 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.

WHEREAS, House Bill 0995 and Senate Bill 1171 currently before the Tennessee General Assembly as introduced would allow a person with a handgun permit to carry a firearm in any state, county or municipal park or other recreation area and deletes provisions allowing local governments to prohibit carrying in parks by resolution or ordinance.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE CITY OF GERMANTOWN, TENNESSEE THAT:

The City of Germantown is in opposition to House Bill 0995 and Senate Bill 1171 and will continue to express its concern regarding any legislation that will allow individuals holding a handgun permit to take their weapons into any state, local or national park and we ask the general assembly and the leadership in the House and Senate to maintain the current opt-out provision for local governments contained in Tennessee Code Annotated Title 39, Chapter 17, Part 13.

BE IT FURTHER RESOLVED that this resolution shall become effective immediately after its passage, the public welfare requiring it.

Adopted March 9, 2015

Motion by Mr. Janda, seconded by Ms. Gibson, to adopt Resolution No. 14R05 regarding the carrying of handguns in local parks.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

COMMENTS

Alderman Owens offered his thanks to the HR Director Steve Wilensky for submitting an application for Germantown to become a charter city in the Healthier Tennessee Communities Program. We were one of nine communities selected to receive this award and selection.

Alderman Janda reported that the Lipscomb & Pitts Breakfast Club has moved to the Great Hall. Thanks to the staff of the Great Hall.

Alderman Janda also commented on the Parks and Recreation Departments event at the Pickering Center on raising chickens. There was a tremendous amount of response with about 25-30 people in attendance.

Alderman Gibson noted the Neighborhood Preservation Commission would be presenting their Neighborhood Tour on April 26 from 2:00 to 5:00 p.m.

Alderman Barzizza commented on the Historic Commission and their work on the Depot and transforming it into a train museum.

ADJOURNMENT

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

Mike Palazzolo, Mayor

Dotty Johnson, City Clerk/Recorder