

## **BOARD OF MAYOR AND ALDERMEN**

**April 26, 2010**

A regular meeting of the Board of Mayor and Aldermen was held on April 26, 2010 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, Kristen Geiger, Tom Cates, Chief Richard Hall, Jerry Cook, Pat McConnell, Bo Mills, Lisa Piefer, Ralph Gabb, Butch Eder, Tim Gwaltney, Michael Stoll, and Dotty Johnson.

### **Call to Order**

Mayor Goldsworthy called the meeting to order.

### **Invocation**

Community Services Division Director George Brogdon gave the invocation.

### **Pledge of Allegiance**

Boy Scout Troop 99 from Germantown Baptist Church presented the Colors and led the Pledge of Allegiance.

### **Approval of Agenda**

Alderman Billingsley asked to move Number 17a – Civic Support Grant – Leadership Germantown to the Regular Agenda.

Mayor Goldsworthy stated that items Number 12 – Appeal of Design Review Commission Decision and Number 13 – Award of Construction Contract, had been deferred.

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

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

### **Approval of Minutes**

There were no corrections or additions to the minutes.

Motion by Mr. Chism, seconded by Mr. Palazzolo, to accept the minutes of the April 12, 2010 meeting as written.

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

### **Beautification Commission Business Award**

Alderman Palazzolo and Beautification Commission member LeAnn Byrum presented the Business Award to Mr. Jason Polley, Managing Leasing Director for Stonecreek Centre.

### **Citizens to be Heard**

No citizens came forward.

Mayor Goldsworthy recessed the Board of Mayor and Aldermen and convened the Beer Board.

**BEER BOARD**

**Public Hearing – Temporary Beer Permit – Leadership Germantown.**

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

City Administrator Patrick Lawton explained that Mr. Steve Bernhardt, Chairman of Leadership Germantown had requested a temporary beer permit for a fundraiser. The Board plans to sell beer during their Trivia Night 2010 event scheduled to be held at the Pickering Center on May 7, 2010 from 6:30 until 9:00 p.m. The profits will be used for the benefit of the 501(c)3 organization.

Alderman Drinnon expressed his concern over civic organizations requesting and the Board allowing permits to sell beer on City property. He felt this was not for the betterment of the community and all alcohol should be kept off of City grounds.

Mayor Goldsworthy opened the public hearing.

Mr. Richard Kinsinger of 8501 Buttonwood Cove came forward and stated he agreed with Alderman Drinnon and felt it was a bad example especially for charitable organizations in the City and asked the Board to deny the request.

Having no one else come forward, the public hearing was closed.

Motion by Ms. Hinely, seconded by Mr. Chism, to approve a temporary beer permit allowing the sale of beer on publicly owned property at the Pickering Center on Friday, May 7, 2010.

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

Mayor Goldsworthy concluded the Beer Board and reconvened as the Board of Mayor and Aldermen.

Alderman Billingsley returned to the dais.

**BOARD OF MAYOR AND ALDERMEN**

**Ordinance 2010 – 3 Amendment to the Code of Ordinances – Chapter 23, Zoning, Regarding the Age Restriction and Parking Requirements of Congregate Housing within the R-H (Retirement Housing) Zoning District –Second Reading**

Economic and Development Services Director Andy Pouncey stated this amendment will remove the age restriction and alter the parking requirements within the Retirement Housing zoning district. Staff was advised by the City Attorney that a zoning district based on an age restriction was unconstitutional.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve Ordinance No. 2010-3 on second reading.

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

**PUBLIC HEARING – Ordinance 2010-2 – Establishment of the Great Hall Advisory Commission – Second Reading**

Mr. Brogdon explained that the Great Hall Task Force had recommended forming a five-member advisory commission. The first reading was held on March 27, 2010.

In response to a question from Alderman Drinnon, Mr. Brogdon stated the members would be chosen as the other commission members and that is to advertise and ask for people to apply and then the Board must select.

Alderman Drinnon asked the Board to exercise their best judgment and not let it be a political matter but to get some qualified people.

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 Ordinance 2010-2 establishing a Great Hall Commission on second reading.

Alderman Chism asked if the new director of the Great Hall had been chosen and that it might be a good idea to let that person be in on the selection.

Mr. Brogdon stated the interview process was done in two phases. First there were screening interviews and then after those are chosen, ask them to present a marketing and sales plan for the Great Hall. Hopefully a selection will be made by the third reading on May 10.

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

#### **Germantown Road/Farmington Blvd. Intersection Improvements**

City Engineer Tim Gwaltney stated this was a request for payment of an invoice from Shelby County Government for the City's share of decorative mast arm signal poles for the Germantown Road and Farmington Boulevard Intersection Improvements project. The City's only cost responsibility is the cost difference of standard wire mounted signal heads on stainless steel strain poles versus the decorative black mast arm signal poles. The cost was determined to be \$12,153.00. The improvements will include two left hand turn lanes for east bound Farmington onto northbound Germantown Road.

A discussion followed on the construction of medians and the timing of the construction for both the intersection and the medians.

Motion by Mr. Drinnon, seconded by Mr. Billingsley, to authorize approval of payment to Shelby County Government in the amount of \$12,153.00 to cover the City's cost to install decorative mast arm signal poles in lieu of standard wire mounted signal heads.

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

#### **Appeal of Design Review Commission Decision: Gary Myers Company 9289 Poplar Ave. Poplar Collection – Request Renewal of a Temporary Real Estate Sign - DEFERRED**

#### **Award of Construction Contract – Farmington Blvd. Reconstruction Phase I (ARRA) - DEFERRED**

#### **Subdivision Development Contract No. 290, Forest Hill Cove Subdivision – Refund of Fees Paid to City**

Mr. Pouncey stated the developer Richmond Brown had paid the city \$22,000 for Forest Hill Cove Subdivision development fees. The contract was made in 1985 and required the developer of the subdivision to either improve Forest Hill-Irene Road in the vicinity of Forest Hill-Irene Cove within one year of the agreement or pay 100% of the costs of said improvements to the City. The developer

dedicated the appropriate rights-of-way for Forest Hill-Irene Road, which is set at 53 feet west of centerline.

The developer has requested that the fees that were paid to the City for the widening of Forest Hill-Irene Road be fully refunded and is not requesting any interest.

Motion by Mr. Chism, seconded by Ms. Hinely, to approve a payment to Norman Brown, Jr. (developer) for the amount of \$22,000; the amount of fees paid in conjunction with the improvement of Forest-Hill Irene Road with Subdivision Development Contract No. 290.

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

### **Wolf River Blvd. Engineering Design Supplemental Agreement**

Director of Development Jerry Cook stated this was a supplemental agreement in the amount of \$50,000.00 for the Wolf River Blvd. Engineering Design Contract with W.H. Porter Consultants. Many rule changes had occurred since 1999 when the original contract was approved. These changes could not have been foreseen within the scope of the original design contract.

The construction plans are being finalized and the project will be put out for bids prior to September 30, 2010. This will be a locally managed project where the City will provide the construction plans and oversee the construction project. However, TDOT will remain a player until the finish of construction as an overseer of what we do because of federal and state funding. The supplements that have been made to date, including this project, represent about 3.4% of the estimated construction costs of this project, about \$25 million.

Motion by Mr. Drinnon, seconded by Mr. Chism, to approve Supplemental Agreement No. 5 in the amount of \$50,000.00 for the Wolf River Blvd. Engineering Design Contract with W.H. Porter Consultants, PLLC and to approve Budget Adjustment No. 10-130.

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

### **Audubon International Supplemental Agreement for Wolf River Blvd.**

Mr. Cook stated this was a supplemental agreement with Audubon International for the Audubon Silver Signature Design Program associated with the Wolf River Blvd. Extension Project for \$50,000.00.

The City entered into an agreement in 2005 for Audubon International to provide consultant services during the engineering design phase of the project. This supplemental agreement will continue the City's relationship with Audubon International through the construction phase and includes: 1) design phase assistance through the end of the FY10 fiscal year, 2) pre-construction conference participation after construction contract award, 3) education guide and training, and 4) construction assistance. As construction begins, Audubon International will help ensure that, upon completion of the project, Silver Certification is obtained.

Alderman Drinnon questioned whether it was really necessary to have the Silver Certification because of the added costs. Mr. Cook felt that they would not be where we were today if it had not been for the input from Audubon International.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to approve a Supplemental Agreement in the amount of \$50,000.00 with Audubon International for the Audubon Silver Signature Design Program associated with the Wolf River Blvd. Extension Project, and to approve Budget Adjustment No. 10-132.

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

Alderman Billingsley asked to recuse himself due to his serving on the Board of Leadership Germantown.

**Civic Support Grant – Leadership Germantown – Moved from Consent Agenda**

Mr. Brogdon stated that Leadership Germantown was not funded in the Civic Support funding for FY10. The Board approved \$2,000.00 for Leadership Germantown at the November 9, 2009 Board meeting and also stated they would consider an additional \$2,000.00 in the spring of 2010. They are in compliance with the Civic Support guidelines.

Motion by Mr. Drinnon, seconded by Mr. Chism to award a grant to Leadership Germantown in the amount of \$2,000.00 and to approve Budget Adjustment No. 10-131.

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

Alderman Billingsley returned to the dais.

**CONSENT AGENDA**

**Civic Support Grant – Leadership Germantown – Moved to Regular Agenda**

**TPA Resolutions 10R04 and 10R05 and Signature Cards**

This is a request to close the existing employee benefit plan account and establish a new employee benefit plan account. The resolutions will authorize designated City officials to execute banking activities on the City of Germantown Third Party Administrator account with J.P. Farley Corporation.

MOTION: To request authorization to close the existing employee benefit plan account and establish a new employee benefit plan account, adopt a corporate resolution authorizing designated City officials to execute banking activities on the City of Germantown Third Party Administrator account with J.P. Farley Corporation.

**Farmers' Market – 2083 S. Germantown Road, Germantown Hardware – Request Farmers' Market Event Permit**

Mr. John Wagner has requested a permit to allow a farmers' market to operate on his property at 2083 S. Germantown Road, Germantown Hardware. If approved, the market has the option of operating on Saturdays from 7 a.m. until noon, thru November 30, 2010. The projected opening date for the market is Saturday, May 8, 2010.

MOTION: To approve a farmers' market event permit for 2083 S. Germantown Road, located in the Germantown Hardware parking lot. The permit shall be issued until November 30, 2010.

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

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.