

BOARD OF MAYOR AND ALDERMEN

November 8, 2010

A regular meeting of the Board of Mayor and Aldermen was held on November 8, 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, Debbie Wiles, Chief Richard Hall, Chief Dennis Wolf, Jerry Cook, Ralph Gabb, Wade Morgan, Bo Mills, Kristen Geiger, Pam Beasley, George Brogdon, Lisa Piefer, Andy Pouncey and Dotty Johnson.

Call to Order

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

Invocation

Director of Development Jerry Cook gave the invocation.

Pledge of Allegiance

Alderman Drinnon led the Pledge of Allegiance.

Approval of Agenda

Alderman Hinely stated she would be recusing herself from item 12, Certificate of Compliance.

Alderman Drinnon stated he would be recusing himself from item 15, Customer Service Training – Union University, because he sits on one of the boards of Union University.

Alderman Billingsley asked to move item 19d, Civic Support – Germantown Arts Alliance, to the Regular Agenda to be heard.

Motion by Mr. Palazzolo, seconded by Ms. Hinely, to adopt the agenda as amended.

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

Approval of Minutes

There were no corrections or additions to the minutes.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to approve the minutes of the Board of Mayor and Aldermen meeting held October 25, 2010.

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

Proclamation

Mayor Goldsworthy read a proclamation honoring Ms. Janey Jackson, the chairman of the English Department at Germantown High School who has been with Shelby County School System for 35 years. Ms. Jackson was named Shelby County Secondary Teacher of the Year and West Tennessee Teacher of the Year. The Mayor proclaimed November 8, 2010 as Janey Jackson Day in the City of Germantown.

Ms. Jackson thanked the City for the honor.

Proclamation – America Recycles Day

Mayor Goldsworthy invited the members present from the Environmental Commission to come forward. The Mayor read a proclamation recognizing the importance of protecting and preserving our natural resources and proclaimed Monday, November 15, 2010 as America Recycles Day.

Members of the Environmental Commission present were Chairman Joe Skelley, Jimmy Davis and Brandy Miller. Mr. Skelley presented the Mayor with a gift for her years of service and her environmental stewardship. They also presented the Board with gifts of environmental tote bags.

Teacher of the Month Award

Mayor Goldsworthy, Alderman Hinely and members of the Education Commission presented Ms. Jenny Levi, a physics teacher at Germantown High School, with the award for the month of September. She was presented with an apple award by Traditions and a check sponsored by Jim Pope, a State Farm Insurance agent.

Youth Excellence Award

Mr. Alex Rocha, a senior at Germantown High School was presented the plaque for the Youth Excellence Award for September.

LPRF Grant Presentation

Community Services Division Director George Brogdon introduced Mr. Gerald Parrish the Director of Recreation Services for the Tennessee Department of Environment and Conservation. Mr. Parrish presented the City with a LPRF check for a matching grant in the amount of \$150,000.00 to renovate and expand the playground at Dogwood Park.

Citizens to be Heard

Attorney Marty Regan stated he was representing Mr. Chris Vescovo, one of his law partners who owns a liquor store at the corner of Poplar and Kirby Parkway. He stated Mr. Vescovo was opposed to the location of the proposed liquor store. The Memphis ordinance requires it to be 1,500 feet between liquor stores and the Germantown ordinance requires 200 feet distance between residential and liquor stores. This would have an adverse effect with the City of Memphis ordinance and for his client.

Certificate of Compliance – CORK IT! – 6645 Poplar

Alderman Hinely recused herself and left the dais because she lives in Fountain Square and her husband is on the Board of Directors.

City Administrator Patrick Lawton stated the Germantown Police Department had done a background check on the owners and there was nothing to discredit them. There was one condition the Board should consider and that was the retail liquor store's proximity to churches, schools or residential property. The location of this establishment is within the 200 feet of residentially zoned property, the Fountain Square Condominiums. Based on the background checks the Administration recommended approval of the application. There had not been any calls to staff from the residents either in support or opposition.

Attorney Debbie Wiles stated the decision whether to grant the certificate was strictly up to the Board. In response to Mayor Goldsworthy's question on clarification on the ordinance, Mr. Lawton stated he had a discussion with City Attorney Tom Cates and he stated the Board had the option to grant the certificate based on the ordinance even though it is within the 200 feet, it would not be causing any harm to the residential area, not hurt anyone and the Board could approve the application.

Motion by Mr. Palazzolo, seconded by Mr. Billingsley, to issue a certificate of compliance to Jenny L. and Craig Foreman for a retail liquor store located at 6645 Poplar Ave.

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

Mayor Goldsworthy declared the Board of Mayor and Aldermen meeting was recessed and convened as a Beer Board.

BEER BOARD

Public Hearing – Beer Permit – Tao Too Asian Eatery

Mr. Lawton stated Mei Lam was requesting a beer permit for on-premise consumption at her restaurant located at 2072 West Street. The application was in compliance with the City's ordinance and Administration recommended approval.

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

Motion by Mr. Billingsley, seconded by Ms. Hinely, to approve the request from Ms. Mei Ha Lam, the owner of Tao Too Asian Eatery located at 2072 West Street for a beer permit for on-premise consumption.

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

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

BOARD OF MAYOR AND ALDERMEN

Amendment to Resolution 10R06 – Resolution on Revenues - TABLED

Mr. Lawton stated that in June the Board adopted a resolution, concurrent with the adoption of the budget, on various revenues and amounts the City would charge for the year.

In September, the Board adopted the street and infrastructure conversion policy outlining the steps and staff reviews necessary to determine if a subdivision could convert from private to public. Planning staff determined that an appropriate fee for this review would be \$500.00 plus \$20.00 per lot nonrefundable. This amendment to the resolution on revenues would incorporate this new fee.

Alderman Drinnon stated that some information had come to his attention on this matter and he thought it wise to have a work session devoted exclusively to this item.

Motion by Mr. Drinnon, seconded by Mr. Billingsley, to table this amendment until a work session can be held.

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

Customer Service Training – Union University

Alderman Drinnon had previously announced he would be recusing himself from discussions on this item.

GAC Business Manager Curt Cromis stated the Club had very few opportunities to make a second, first impression on the members and stressed how important it was to train part-time employees in customer service. The Athletic Club Commission had voted to support this training.

Alderman Billingsley stated if the City was going to spend money on customer service training he felt it would be beneficial and worthwhile to have documentation and track and benchmark the satisfaction of our citizens.

Motion by Mr. Chism, seconded by Mr. Palazzolo, to authorize the Germantown Athletic Club to execute an agreement not to exceed the amount of \$17,360.00 with Extended Learning and Professional Development/Union University based on the proposal for training.

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

PUBLIC HEARING – Ordinance 2009-19 – Signs – DRC Authority to Grant Exceptions – Second Reading - TABLED

Community Development Director Jerry Cook stated the DRC had recommended certain amendments to the Sign Ordinance. The amendments are designed to allow the DRC to grant exceptions to the regulations where warranted. Exceptions can only be granted by the DRC with good cause, which is defined in the amendment.

Mr. Cook stated that while most ordinances are quite descriptive, not all circumstances can be written into the regulations.

Alderman Drinnon asked for this ordinance to be tabled until a work session can be considered.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to table Ordinance 2009-19 until a work session can be held.

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

PUBLIC HEARING - Ordinance 2010-9 – Amendment to Chapter 2, Administration and Chapter 14, Signs – Signs for Churches and Schools – Third and Final Reading - TABLED

Mr. Cook explained that the DRC had recommended this sign ordinance amendment to the Board which concerns churches, schools and other public buildings. Currently, the ordinance only allows churches and schools to have ground-mounted signs identifying a building. One ground mounted sign is for the whole campus. This amendment would allow public schools, private schools and churches to have a ground-mounted sign identifying the name of the church or school; a 25 square foot wall-mounted sign identifying the name of the church or school; and an 18 square foot wall-mounted sign identifying the name or purpose of each building. In addition the amendment would allow the DRC to approve exceptions to the standard regulations on the size, location and content of the signs.

Mayor Goldsworthy opened the public hearing.

Lisa Parker of 1649 Kimbrough stated she had submitted an application for a sign for a ground mounted signs for pre-school at St. George's and because of item 16; it had been put on hold for a year. She asked if she could now tack on to this amendment.

Mr. Cook stated the ground mounted sign applied to only the use of the property itself. This amendment only allows wall mounted signs identifying additional uses on campuses, not additional ground mounted signs in addition to the sign for the school itself.

Mr. Cook stated there would be another amendment coming forward to the Board regarding temporary signs.

Sidney Kuhn, of 8779 Three Chimneys Dr., gave his support for this ordinance as it relates to the addition and consolidation of all the variances for churches, public and private schools. He did object to the exceptions.

Mr. Cook stated if this ordinance was passed, then these regulations would go into effect. The exceptions in the previous agenda item already exist in the sign ordinance with certain criteria and regulations.

If item 16 is reconsidered by the Board and this ordinance is approved, then that will amend the sign ordinance which will allow churches and schools and public buildings to have the signs. When item 16 is reconsidered, then that particular revision of the sign ordinance will be removed from that amendment because it has already been adopted and does not need to be brought forward again.

Mr. Kuhn was concerned with the exceptions part of the ordinance as there were over 100 exceptions that could be made and he felt that was too many in any document.

Sarah Freeman, of 7684 Apahon Lane, expressed her concern that once the language of the exceptions is to be expanded in these ordinances, there would be commercial ventures that could be expanded onto other ventures. She asked the Board to amend the ordinance, taking out the exceptions. She stated the Board was headed into a “slippery slope” with the amendment as it is written.

Jerry Herman, of 1561 E. Churchill Downs, was concerned with the exceptions to several of the ordinances.

Having no others come forward, the Public Hearing was closed.

Alderman Drinnon felt there were still misunderstandings with these amendments.

Alderman Billingsley stated he would like to see a work session of the Board and also incorporate the members of the DRC and Economic Development to make a decision once and for all because it was not fair to citizens, some had been waiting for over a year.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to table any action on Ordinance 2010-9 until a work session can be held.

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

Policy Letter 33 – Recommended Revisions

Parks and Recreation Director Pam Beasley explained the revisions proposed to Policy Letter 33 which is the sports operating procedures and sports package. The revisions were due to the transition in youth sports this past year. After several work sessions of the Youth Sports Task Force Committee and taking into consideration suggestions and comments from a broad range of parents, coaches and youth players involved in Germantown sports, a full review of the policy was completed and the recommended revisions were reviewed and approved by the Parks and Recreation Commission.

Ms. Beasley summarized the three major revisions:

1. In an effort to broaden the participant base and allow for greater diversity, the policy would allow students attending a Germantown school to be counted as a resident as it relates to residency requirements. Non-residency fees would still apply to those students.
2. Provide a multi-year contract with any of the sports providers. By extending the contracts, it would give the sports providers an opportunity to do long-range planning for their organizations and develop a business plan with sponsorship opportunities.

3. As a management tool, to look at the residency requirements to be defined per team. Presently there is a residency requirement of 70% per age group and that is very difficult to administer and enforce.

Motion by Mr. Drinnon, seconded by Mr. Billingsley, to approve the recommended revisions to Policy Letter Number 33 – Sports Operating Procedures and Sports Package.

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

Alderman Drinnon asked to make a statement for the record. He stated the Senior Citizen Expo was held last week and it was a tremendous success thanks to George Brogdon, Pam Beasley and the Senior Citizens Advisory Commission and their hard work. The City should be very proud.

Civic Support – Germantown Arts Alliance – MOVED FROM CONSENT AGENDA

Community Services Division Director George Brogdon stated the Arts Alliance had followed the guidelines of the Board in order to receive funding. The Alliance had included financial records and Form 990 and developed specific goals for the grant as well as an evaluation plan. The Alliance had not conducted an audit and felt it was too expensive to have an audit done when they only receive \$34,000.00.

In response to a question from Alderman Drinnon, Mr. Lawton stated there was a provision in the request for grants for civic support for an audit to be done and copies be provided to the City. The request is sent out at the beginning of the year asking for certain information and that is a part of it. Alderman Drinnon felt it was not fair to the other organizations that request money from the City because they all have audits and this is the only one that has not and the request applies to all. He stated this was City money and should be handled per the policy that had been set for all grant recipients.

Motion by Mr. Palazzolo, seconded by Mr. Chism, to award a grant to the Germantown Arts Alliance in the amount of \$34,000.00.

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

CONSENT

Recognition of Donation – Parks & Recreation – Riverdale Park Playground

A donation of \$2,500.00 has been made by Mr. and Mrs. John Williams to be used in the upcoming garden planting project at the new Riverdale Park playground.

MOTION: To recognize a donation made to the Parks and Recreation Department for garden plantings at the new Riverdale Park playground totaling \$2,500.00 and to approve Budget Adjustment No. 11-50.

Bulk Asphalt Purchase

Asphalt mix is used for street maintenance repairs, utility cuts and drainage projects. Public Service crews pick up the asphalt mix as needed at the vendor's closest distribution plant location and transport it to the job site for immediate application. The bid was for the purchase of 2,000 tons of 411 D hot asphalt mix in the amount of \$104,500.00.

MOTION: To contract with Standard Construction Company, Inc. for the purchase of 2,000 tons of 411D hot asphalt mix in the amount of \$104,500.00.

Concrete Treated Base Purchase

This is the annual purchase for 2,000 tons of concrete treated base mix used for street, drainage and utility maintenance repairs at a cost of \$45,225.00.

MOTION: To authorize the purchase of 2,000 tons of concrete treated base mix from Standard Construction Co., Inc. and Metro Materials, Inc. in the amount of \$45,225.00.

Civic Support – Germantown Arts Alliance – MOVED TO REG. AGENDA

Cleaning Supplies

This inventory purchase is to replenish the supply of paper products and cleaning supplies to be used in City buildings and in the restrooms in City parks for a total cost of \$27,772.00.

MOTION: To request authorization to purchase paper products and cleaning supplies from American Paper & Twine in the amount of \$672.30, Magnolia Paper & Janitorial Supply in the amount of \$354.50, All-American Poly in the amount of \$10,144.50, Action Chemical in the amount of \$921.50 and Topmost Chemical in the amount of \$15,679.20 for a total of \$27,772.00.

Amendment to Tennis Contract

Currently the City processes all payments for the contract items for tennis lessons and other programs that are collected by Parks and Recreation. In the future, all these payments will be collected and made payable to Innovative Athletics. Innovative Athletics will pay to the City its share of such funds in accordance with the financial proposal in the existing contract.

Along with each payment made to the City, Innovative Athletics shall provide an itemized, detailed report in support of the amount paid to the City.

MOTION: To approve the amendment to Tennis Professional Services Contract with Innovative Athletics.

Overtime Reimbursement – Police Department

The Germantown Police Department has an officer assigned to the FBI Joint Safe Streets Task Force and the Secret Service Task Force. The officer usually works overtime in the performance of his duties. The FBI SSTF and the Secret Service TF reimburses any overtime that the officers receives while carrying out his duties.

MOTION: To recognize overtime reimbursement from the Federal Department of Justice and the Shelby County Government and to approve Budget Adjustment No. 11-51.

Uncollectible Personalty Tax

The City established an agreement with Shelby County Trustee to assist in the collections of real and personalty delinquent tax accounts. The Trustee has determined that four tax parcels with a total personalty property tax of \$236.12 are out of business and recommend their removal from the tax rolls.

MOTION: To request authorization from the Board of Mayor and Aldermen to remove the four parcels the Shelby County Trustee has determined uncollectible totaling \$236.12.

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

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

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The Mayor announced that Veterans Day would be observed in the City of Germantown at the Veterans Cemetery on Forest Hill South. The ceremony begins at 2:00 p.m. and everyone is invited to attend.

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