

## **BOARD OF MAYOR AND ALDERMEN**

**September 26, 2011**

A regular meeting of the Board of Mayor and Aldermen was held on September 26, 2011 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, John Drinnon, Greg Marcom and Mike Palazzolo. Alderman Ernest Chism was absent. Staff present: Patrick Lawton, Tom Cates, Andy Pouncey, Tim Gwaltney, Chief Richard Hall, Chief John Selberg, Michael Stoll, Pat McConnell, Pam Beasley, Bo Mills, Ralph Gabb, Lisa Piefer and Dotty Johnson.

### **Call to Order**

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

### **Invocation**

Public Services Director Bo Mills gave the invocation.

### **Pledge of Allegiance**

Alderman Marcom led the Pledge of Allegiance.

### **Approval of Agenda**

Item #10 (Asphalt Pavement Rejuvenation Program) and #11 (Special Permit for Methodist LeBonheur Balloon Sign at Race for Cure) were moved to the consent agenda.

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

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

### **Approval of Minutes**

The minutes were approved as read.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to approve the minutes of the Board of Mayor and Aldermen meeting held September 12, 2011.

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

### **Beautification Commission Business Award**

Alderman Billingsley introduced Mr. Donald Herring from the Beautification Commission. Mr. Herring stated the Comfort Inn and Suites, located at 7787 Wolf River Blvd. had been selected to receive the September Beautification Award because of their beautiful landscaping and maintenance standards.

### **Citizens to be Heard**

No citizens came forward

### **BEER BOARD**

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

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**PUBLIC HEARING – Beer Permit – Kroger Food Store #419**

City Administrator Patrick Lawton stated this was a beer permit for off-premise consumption for the Kroger Food Store at 7735 Farmington Blvd. This was the former Schnucks store. He stated the application was in compliance with the City's ordinance and recommended approval of the application.

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

Motion by Mr. Billingsley, seconded by Mr. Marcom, to approve the request from Mr. Dan McDaniel, Controller and CEO of the Delta Division of Kroger for a permit to sell beer for off-premise consumption at the Kroger Food Store #419 located at 7735 Farmington Blvd.

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

Mayor Goldsworthy declared the Beer Board adjourned and reconvened as the Board of Mayor and Aldermen.

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**Germantown Community Theatre Contract**

Parks and Recreation Director Pam Beasley came forward and stated this was a contract agreement for the FY12 budget year between the City and the Germantown Community Theatre. The agreement includes a budgeted payment of \$38,250.00 for this purpose.

Ms. Beasley stated that a partnership with GCT has existed since 2005 when the City restructured the children's theatre program, opting to form a partnership with the very well established non-profit for the service delivery. For several years the program was funded under civic support in the General Fund budget. It was determined that operating the program as a part of the Parks and Recreation fiscal year operating budget was more effective since the partnership was managed by Parks and Recreation staff.

Mr. Brent Davis, Executive Director for GCT came forward and stated his appreciation of the Board's support. Mr. Davis introduced Ms. Megan Carter, the Director of Education and Outreach.

Motion by Mr. Palazzolo, seconded by Mr. Marcom to authorize the Mayor to execute an agreement for the FY12 budget year between the City of Germantown and the Germantown Community Theatre and to authorize the budgeted payment of \$38,250.00 for this purpose.

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

**Pavement Rejuvenation Contract – MOVED TO CONSENT AGENDA**

**Special Permit for Methodist LeBonheur Balloon Sign – MOVED TO CONSENT AGENDA**

**PUBLIC HEARING – Ordinance 2011-8 – Amendment to the Code of Ordinances, Chapter 14, Permanent Signs, Regarding Projecting Signs – Public Hearing and Second Reading**

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Economic and Development Services Director Andy Pouncey stated this ordinance amendment would create a category and regulations for “projecting signs”. The amendment will allow signs to be hung from supports extended from the building façade on office and commercial establishments in the Old Germantown district. The Salvaggio Development Group proposed this amendment for the recently completed Brownstone building on Poplar Pike.

The amendment establishes a maximum size of four square feet per sign blade, sets a maximum total sign area of eight square feet per face and requires the sign to be placed in the vicinity of the main public entrance. The only type of illumination allowed will be by external spotlights.

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

Motion by Mr. Drinnon, seconded by Mr. Marcom, to approve Ordinance No. 2011-8, regarding projecting signs, on second reading.

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

**Ordinance 2011-9 – Amendment to the Code of Ordinances, Chapter 14, Permanent Signs, Regarding Medical Monument Signs – Second Reading**

Alderman Billingsley recused himself from the discussion and vote on this amendment.

Mr. Pouncey stated the amendment will remove the requirement that tenants occupy a minimum of 10,000 sq. ft. of floor area in order to have their name listed on the medical office sign. The maximum allowed height and area of the sign coupled with minimum letter sizes will determine the number of tenant names that can be placed on the sign. The amendment will also correct a minor oversight that allows non-medical tenants to be listed on the sign. The regulations set maximum and minimum letter heights, depending on the number of names on the sign.

Motion by Mr. Drinnon, seconded by Mr. Marcom to approve Ordinance No. 2011-9, regarding medical monument signs, on second reading.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–recused, Chism–absent. Motion approved.

**CONSENT**

**Revised Subdivision Development Contract No. 497 – Forestbrook Subdivision**

This is a standard development contract between the City and the new owner of the property, Magna Bank. The bank proposes to complete the conversion of streets and infrastructure from public to private ownership, install gates at the subdivision entrance and market the remaining lots.

MOTION: To approve Subdivision Development Contract No. 497 for the development of Forestbrook Subdivision.

**Recognition of Donation – Parks and Recreation Department**

The Recreation Division coordinates and promotes an event called the Small Fry Tri, a preschool triathlon for youngsters 2 to 6 years old. Campbell Clinic has generously offered \$3,000.00 for financial support of the event.

MOTION: To recognize a donation made to the Parks and Recreation Department for a special event totaling \$3,000.00 and to approve Budget Adjustment No. 12-15.

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**Training Reimbursement – Police Department**

The cost for sending twenty-two dispatchers and supervisors to dispatch training was initially paid for out of the Police Department Education and Meeting and Travel budget line. The Emergency Communications District reimburses local agencies for the training. The reimbursement will be placed back into the Police line item through the budget adjustment.

MOTION: To recognize training reimbursement from the Emergency communications District of Shelby County and to approve Budget Adjustment No. 12-10.

**Appointment to Education Commission**

Mrs. Mindy Fischer, a resident of Germantown, has expressed a desire to serve on the Education Commission.

MOTION: To approve the appointment of Mrs. Mindy Fischer to serve on the 2011-2012 Education Commission.

**Boundless Playground Surface Material**

The material donation accepted on September 12<sup>th</sup>, was proposed to cover 3,000 sq. ft. of the playground footprint or approximately two-thirds of the total area. The additional surfacing purchase will allow the entire footprint of the playground area to be covered in the soft surface material, at a cost of \$25,000.00. This will increase safety and decrease the long-term maintenance costs.

MOTION: To authorize the purchase and installation of poured in place playground surfacing from the PlayCore company in the amount of \$25,000.00 to complete the surfacing at the Dogwood playground and to approve Budget Adjustment No. 12-20.

**Budget Adjustment – Forest Hill-Irene Road Improvements**

The is a Professional Services Agreement with Askew Hargraves Harcourt & Associates, Inc. in the amount of \$9,920.00 for improvements to Forest Hill-Irene Road in various locations.

MOTION: To approve Budget Adjustment No. 12-17 providing the funding for a Professional Services Agreement with Askew Hargraves Harcourt & Associates, Inc. in the amount of \$9,920.00 for design and preparation of construction documents related to roadway improvements at various locations along Forest Hill-Irene Road.

**Pavement Rejuvenation Contract – MOVED FROM REGULAR AGENDA**

This process is a maintenance function that will extend pavement life thus extending the paving cycle. Pavement rejuvenation is a process where the natural oils of the pavement, which are eroded by the sun, weather and traffic are restored to the surface to keep the pavement sealed from water intrusion and keep it flexible.

MOTION: To contract with Pavement Technology, Inc., for the annual pavement rejuvenation program in an amount not to exceed \$65,860.00.

**Special Permit for Methodist LeBonheur Balloon Sign – MOVED FROM REGULAR AGENDA**

This special permit will allow Methodist LeBonheur Healthcare to have a balloon above their tent, with their logo, to identify the first aid tent during the October 29, 2011 Race for the Cure.

MOTION: To approve a Special Permit for a temporary inflatable sphere for Methodist LeBonheur Healthcare at the Race for the Cure expo on October 29, 2011.

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

Alderman Billingsley recused himself from voting on the Special Permit for Methodist LeBonheur Balloon Sign.

Vote on Balloon Sign for LeBonheur:

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Billingsley–recused, Chism–absent. Motion approved.

Vote on all consent items except the Balloon Sign for LeBonheur:

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

**ADJOURNMENT**

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

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Sharon Goldsworthy, Mayor

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Dotty Johnson, City Clerk/Recorder