

BOARD OF MAYOR AND ALDERMEN

April 13, 2009

A regular meeting of the Board of Mayor and Aldermen was held on April 13, 2009 at 7:00 p.m. in the Council Chamber 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, Pam Beasley, Jerry Cook, Pat McConnell, Michael Saddler, Ralph Gabb, Chief Richard Hall, Michael Stoll, Chief Dennis Wolf, Bo Mills, Derek Chaput, Lisa Piefer, Melody Pittman, Joe Nunes, Josh Whitehead, Lisa Piefer, Assistant City Attorney Scott Crosby and Dotty Johnson.

Invocation

Assistant City Administrator George Brogdon gave the invocation.

Pledge of Allegiance

Alderman Carol Hinely led the Pledge.

Approval of Agenda

Approval was requested of the agenda as printed.

Alderman Billingsley asked for item number 15 to be moved to after item 9 so some people would not have to wait so long.

Alderman Hinely asked for Consent Agenda item number 17h to be moved to the regular agenda.

Alderman Palazzolo asked for Consent Agenda items number 17f and 17g to be moved to the regular agenda.

Item number 17b had been removed by staff.

Motion by Mr. Chism, seconded by Ms. Hinely, to approve the April 13, 2009 agenda as amended.

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

Approval of Minutes

Approval was requested of the minutes of the Board of Mayor and Aldermen Meeting held March 23, 2009.

Motion by Mr. Chism, seconded by Ms. Hinely, to approve the minutes of the Board of Mayor and Aldermen meeting held March 23, 2009.

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

Youth Excellence Award

Mayor Goldsworthy, Alderman Hinely, and members of the Education Commission presented Ms. Rachel Anne Ness, a senior at Hutchison School with the Youth Excellence Award for the month of February.

The award for March was presented to Ms. Allison Ross-Spang, a senior at Germantown High School.

Mr. Michael Lee was the recipient of the award for April. Michael is a senior at Houston High School.

Teacher of the Month Award

The Teacher of the Month award for March was presented to Mrs. Cynthia Gorski, a second grade teacher at Our Lady of Perpetual Help School. Mr. Jim Lee with Memphis Tile and Marble was the sponsor for this month.

Mr. So Chhim, the physical education teacher at Germantown Elementary was presented with the award for April. State Farm Agent Mr. Jim Pope, the sponsor for the month of April, presented Mr. Chhim with a check.

Neighborhood Preservation Commission Donation

Ms. Cindi Harrison from BankTennessee came forward to present a check for \$500.00 to the Neighborhood Preservation Commission for the sponsorship of the 2009 Tour of Remodeled Homes and Landscapes. She invited everyone to come by the bank and thanked the City for allowing the bank to be a sponsor.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to recognize and accept the \$500.00 donation to the Neighborhood Preservation Commission and approve Budget Adjustment No. 09-110.

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

Citizens to be Heard

Mr. Jim Golden of 8539 Poplar Pike came forward and expressed his participation in the discussions regarding the dog park. He asked the Board to make the improvements to the park so that the neighbors and the users of the park could come to terms and keep the dog park open.

Mr. Tim Williams of 67 Walnut Cove, Memphis with the Germantown Firefighters Local 3858 wanted to let the Board know that as a group of firefighters he asked them to vote no to the resolution and to give the firefighters the opportunity to have a voice at the table to discuss working conditions, compensation, and benefits with their employer.

Ms. Annette Liles of 6938 Stillbrook Dr. asked the Board to vote against collective bargaining. She was surprised that the Board had not unanimously sent the resolution to Nashville and Washington stating that we do not endorse collective bargaining. She stated we had an excellent Fire, Police Departments and Parks & Recreation Department and the City as a whole had been managed very well. The City had achieved the high level of government by governing fairly and creating a trust relationship with the employees. She urged the Board not to endorse collective bargaining.

Howard Bernstein of 2628 Overlook Dr. stated he had been active in the meetings that had been held regarding the dog park and he asked there be enough passes for the City residents and the method of notice be something other than the newspaper.

Mr. Michael Fahy of 2059 Arden Landing Cove asked the Board to vote against the collective bargaining issue. He felt the bill HR413 was a document that had been prepared with no funding. He felt the only beneficiaries of the bill would be the labor unions. He referenced a test case for collective bargaining and that was baseball.

Mr. Bill Linder of 7716 Poplar Pike stated his property backed up to C.O. Franklin Park and enjoyed living there and enjoyed the vision the City had for the park. He encouraged the Board to revisit the lighting system at the park. He was concerned with energy efficiency.

Ms. Sue Kelley of 2528 Moore Rd. asked the Board to reconsider the funding of the tennis court lighting system at CO Franklin Park. The tennis court lights remain on sometimes all night seven days a week

even if the courts are not being used. This is a waste of energy and it had been going on for over 35 years. She stated the money was available at no expense to tax payers through the special recreation fund and it was a shame that three of the Board members had voted against Administrations recommendation to replace the lights. She urged the Board to reconsider.

Mr. Jack Kelley of 2528 Moore Road and president of the home owners association said he was concerned for one reason because the lights are on even though no one could play tennis in the rain for the past two days. The lights have remained on until after 10:00 at night. He felt this was a blatant waste of energy and urged the Board to reconsider.

Mr. Danny Todd with the International Association of Firefighters with offices at 5150 Stage Road asked the Board to vote against the Collective Bargaining Resolution before the Board. He stated he works for the International Association of Firefighters and served on the committee that has jurisdiction and oversight over this legislation and had worked on it for over 10 years. He stated there was no mandated funding that has to occur without approval of the Board. He felt that the Board was taking the same approach that Mayor Loeb took in 1968 when he failed to recognize or to agree to sit down at the table with the sanitation workers in Memphis.

Mr. Parker McCaleb of 8975 Armadale stated that Germantown has a system that is unique to other cities in the world. We elect aldermen who have business backgrounds and they bring that business experience to the Board. We also have a series of commissions that are appointed by the Board that allow direct input into the Board as well as city management. The City has very high salaries and good benefits for the employees and we get the highest service. He asked the Board to oppose collective bargaining.

Ms. Jan Harrison of 1655 E. Churchill Down was a big proponent of the dog park. She felt that a majority of the citizens wanted to keep the park open and asked the Board to please consider the majority views and keep the park open.

Mr. Gary E. Bennett of 2536 Moore Road stated his home was about 250 feet from the tennis courts at CO Franklin Park. He asked the Board to reconsider the lights.

Ms. Lydia Burchfield of 2504 Moore Road asked the Board to reconsider the lighting at CO Franklin Park.

Mr. Paul Eisenberg of 2520 Moore Road stated there was lighting pollution at CO Franklin Park. He asked that maybe a timer could be installed that the players could turn on when they play tennis.

Mr. Frank SanPietro of 1901 Kilbirnie Dr. stated that the Leadership Germantown Alumni Association was going to hold a Crime Forum in the council chambers next week. Sheriff Luttrell and other speakers will be present to discuss the crime in the area and how we can deter some of that crime.

He thought it was important that the City oppose the collective bargaining bill and it was equally important for the City to vigorously and actively support our excellent public safety employees.

Mr. SanPietro encouraged all to shop Germantown and buy Germantown.

Resolution 09R01 – Opposition to Collective Bargaining

City Administrator Patrick Lawton stated the Board was asked to approve a resolution in opposition to HR413, a bill that is before the House of Representatives that would impose the power of the federal government to mandate unionism and collective bargaining with local public safety departments in cities over 5,000 in population.

Mr. Lawton stated the City has an excellent police and fire department with exceptional employees. Our municipality is recognized as an employer of choice and a desirable place to work. The Board, city administration and our two chiefs work hard to ensure that our public safety employees have competitive wages and benefits, state of the art equipment and technology, and that safety is first and foremost in our minds.

This legislation posed serious issues in terms of a severe and costly unfunded mandate, a compromise to emergency management plans and serious constitutional issues under the 10th Amendment. The bill also undermines our citizen's expectations of what is an effective public employee relationship. The Board was asked to go on record in opposition to this bill.

Alderman Drinnon stated he opposed this legislation and felt it was an insult to our fine police and fire departments.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve Resolution 09R01, a resolution in opposition to HR413 the Public Safety Employer-Employee Cooperation Act and to authorize the Mayor to transmit this resolution to the members of US Congress and US Senate who represent the City of Germantown.

Alderman Hinely stated she felt the Fire and Police Departments knew she supported them 100% and she felt they had the best equipment and they are getting a new fire station, and she understood they wanted a "seat at the table" but felt collective bargaining was not the answer and she would be voting for the resolution.

Alderman Palazzolo stated he had sent a large distribution of e-mails to the citizens and he thanked the citizens who responded. He felt that a large percent were against collective bargaining. He wanted a pulse of the community to see what the citizens wanted. He stated he was not going to read the following but would like it to be a part of the record so the citizens of Germantown would understand his position.

Collective Bargaining or Unionism has a special place in our society and in certain specific markets. I do not believe that Germantown is one of these markets. The Federal Government through a bill before the House of Representatives (HR413) is advocating imposing its powers to mandate unionism and collective bargaining with all local safety departments in cities over 5,000 in population which of course will cover our city of Germantown. I strongly believe that this bill is an infringement on state rights and a blatant intrusion on state and local governments' sovereignty.

The State of Tennessee is a "***Right to Work***" state. This position has attracted many companies and industries and gave us a strong advantage over other states. It kept our workforce employed and the whole state benefited from such a position. I stand for the individual rights of every American to join any organization that he/she wishes. However, there is a huge difference between the public sector and the private sector. The private sector thrives on competition and is judged by the bottom line as in a ledger, or balance sheet, the public sector on the other hand seeks the best for the ultimate purpose of protecting its citizens from harm and in most instances does not and should not be a part of competing with the private sector, yet be fiscally responsible. There can be only one fire department and only one police department. These are essential services that only the government can administer and it cannot have competition. We cannot have two fire departments or police departments in the city competing against each other. In order to keep our city safe and functioning well, it will be logical and to our benefit to keep our fire and police departments well equipped with the latest state of the art equipment, facilities and superior training as well as competitive salaries and benefits. The City of Germantown's BMA, the administration and our excellent fire and police departments are

considered allies and have an excellent relationship. Unionism will revert this relationship to an adversarial one.

Since Germantown is a management style city with no industry, manufacturing facilities or commercial production plants, and since our citizens tend to be fiscal conservatives and not favoring unions, the City has taken a long time position (over 20+years) to oppose collective bargaining. Last year the Board of Mayor and Aldermen unanimously voted against such collective bargaining. I am not sure why, but the current Board even though it is the same with the exception of one new member, has voted 3-2 to stay mute on this issue and allow the state to decide for us when it comes up in the State Legislature for review. No one should decide for us. We should stand for or against an issue based on its merits. Collective bargaining will hurt Germantown; it is not for the benefit of every citizen, organization or department. Unionization of our public safety services takes away accountability from the citizen, reduces the voice of the people and creates a layer between the citizen, the public servant and the city employee. Most of the rights contained in this legislation (HR413) regarding compulsory bargaining (*the key word is compulsory*) are union laws and not employee rights.

Public officials come and go due to elections, hence accountability. The same cannot be said for unions. The citizens are not represented and cannot exercise a vote against or for the unions during negotiating time. The citizens will be at the mercy of the union. Do we want the possibility of a police and/or fire strike in Germantown? Memphians may remember the fireman strike in the 1970's and the great unrest it created. I don't think we need to put our city in this situation.

Alderman Palazzolo asked to make a Friendly Amendment to the motion to send the resolution to all the members of the congressional delegation as well as members of the General Assembly. Alderman Drinnon and Alderman Hinely verbally agreed to the Friendly Amendment.

Alderman Billingsley stated he nor the other two aldermen mentioned in the e-mail Mr. Palazzolo had sent out were ever mute about this issue. He stated in prior meetings he had asked for information for homework. He felt the City had exceptional firefighters but they did not have exceptional morale. He stated when he was elected he promised he would represent the people. He stated his neighbors had been absolutely against collective bargaining but he also appreciated the stance of the firefighters. He stated he was very proud that during his campaign, the firefighters thought enough of him to support him with a contribution but that would not influence his vote on the firefighters. He stated he would be abstaining from a vote because he had listened to his neighbors and the firefighters and he owed it to the firefighters.

Alderman Chism stated that he had been a firefighter in the little town he had been brought up in and too would be abstaining from the vote. He stated he too had accepted a donation from the firefighters for his campaign and he was very honored. Because of this he said he would be abstaining.

Alderman Drinnon stated there was some internal bickering on the Board and he wanted it to stop and to take care of the business of the City and not let petty politics continue because it served no useful purpose.

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

Improvements to Off-leash Dog Area at Forgey Park

Assistant City Administrator George Brogdon, Director of Public Services Bo Mills, and Parks & Recreation Director Pam Beasley came forward to present this agenda item.

Mr. Brogdon stated that over the last few months there had been much use of the dog park and it offers challenges to the area and to the neighbors. He presented the physical changes and introduced the policies that would be followed in regard to the dog park. Staff had met with the neighbors and gone to the site to see what challenges needed to be met.

The physical changes will include two dog park card access gates: one for the small dog area and one for the large dog area, a parking area for 20 – 25 cars, and another gate for the parking lot. Dog tags will have to be purchased with the decals for the parking area. The walkway will have to be moved over. The parking lot will be crushed limestone with concrete bumpers to define the spaces. Some screen planting will also take place where the fence meets the residences. This will come to \$27,695.00. This amount had not been budgeted.

Pam Beasley stated they had numerous meetings with the neighbors and the park users and they had developed this “win/win” solution. The controlled access in these parks was found to be the best solution when contacting other cities and inquiring about their dog parks. There will be new rules and guidelines. The hours of the dog park will be dawn till dusk, weather permitting and the capacity would be 108 dogs and their owners. The rules would include: 1) owners would have to attend a mandatory education session; 2) obtain a current dog license and vaccinations; and 3) purchase an access card at the Germantown Parks and Recreation Department office.

The proposed costs for the annual permit were set after holding a work session with the user group that attended the Parks and Recreation Commission meeting. The base fee for residents with one dog is recommended at \$40.00 per year. Extra charges for additional dogs, limits on the number of dogs per household and daily permits are also recommended. The citizens of Germantown will have first priority access to the pass cards. The residents will have at least 30 days before any would be open to the general public at large. After the 30 days, if there are any slots open, the non-resident rate would be set at \$60 per year, and \$15 per additional dog up to three and not to exceed \$90 for a non-resident. If there are slots available after the first round of advertising, the City will hold up to 60% of the leftover slots for residents who move into Germantown.

Motion by Mr. Billingsley, seconded by Mr. Chism, to approve new policies for the use and operation of the off-leash dog area at Forgey Park as submitted and to authorize an expenditure not to exceed \$27,695.00 from the Contingency Fund to purchase controlled access gates and expand the parking lot and to approve Budget Adjustment #09-122.

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

Ordinance 2009-7 – Amendment to Cable Ordinance – First Reading/Set Public Hearing Date

Mr. Lawton explained the amendment to the City’s existing cable ordinance would make our ordinance come into compliance with existing state law.

Under the City’s existing ordinance, any cable television provider wanting to conduct business in the City of Germantown and to use the City’s right-of-way, would have to obtain a franchise from the city to do so.

In 2007 legislation was introduced in Nashville that would allow cable television providers the ability to seek a statewide franchise and thereby bypass the city’s franchising requirements all together. The City fought hard against the passage of this legislation. The legislation ultimately did pass in June 2008. However, the city was successful in helping to outline what we identified as a set of core principles that ultimately were incorporated in large part in the legislation that did pass.

The balance of the provisions in the ordinance amendment reflect the distinctions between a franchise granted under our local franchising authority including our administrative oversight versus that franchise granted under the Competitive Cable and Video Services Act and regulation by the Tennessee Regulatory Authority.

Mr. Scott Crosby with the City Attorney's office worked very closely with City staff in addressing the ordinance amendment.

In response to a question from Alderman Drinnon, Ms. Geiger stated there was a subcommittee of the Telecommunication Commission that reviewed the amendment with Scott Crosby and all were comfortable with the amendment as far as it being consistent and in compliance with state law.

Mr. Crosby stated there were many provisions in the original act and Germantown led the charge in trying to get many provisions changed that they did not like. Some of the provisions were adopted that did take control away from the municipalities, one being the service oriented issue. This was in the state act that was passed. Now the Germantown ordinance must reference where necessary all those provisions to make sure that we capture every right that was intended by the state act in our local ordinance.

Motion by Mr. Chism, seconded by Ms. Hinely, to approve on first reading Ordinance No. 2009-7 – An amendment to Chapter 19 Cable Ordinance and to set May 11, 2009 as the public hearing date.

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

Ordinance 2009-8 – Amendment to Chapter 2, Administration and Chapter 21, Utilities – Utility Cabinets – First Reading/Set Public Hearing Date

This ordinance is a companion to the prior ordinance. Mr. Lawton stated we want to ensure that our local ordinances are strict enough to ensure that a cable television company providing video services and granted a statewide franchise will be in compliance with our local authority in terms of placement of utility cabinets in the city's right-of-way.

The ordinance needed to be strengthened in order to ensure that utility cabinets were landscaped, screened and placed to the best of our ability beyond public view.

The Planning Division Director Josh Whitehead commented on the placement and screenings of the pedestals and cabinets since 1983 and the differences which he showed to the Board.

Motion by Mr. Palazzolo, seconded by Ms. Hinely, to approve Ordinance 2009-8 on first reading and set May 11, 2009 as the public hearing date.

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

Ordinance 2009-10 – Amendment to Chapter 17, Subdivision Regulations – Alterations to Subdivision Lot Lines – Third and Final Reading

Mr. Pouncey commented that this was the third and final reading of this ordinance and there had been no changes since the public hearing. The ordinance would add the definition of a minor subdivision of property to the policies section of the ordinance. The amendment would establish the requirements for minor lot modifications by simplifying the formal subdivision plat approval process.

Motion by Ms. Hinely, seconded by Mr. Palazzolo, to approve Ordinance 2009-10 on third and final reading.

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

Ordinance 2009-11 – Amendment to Chapter 23 of the Code of Ordinances, Zoning – Planned Unit Developments – Third and Final Reading

Mr. Pouncey stated this amendment to the zoning ordinance would allow for greater flexibility in the design of developments through 1) allowing a one-acre minimum for Planned Unit development (PUDs); 2) allowing PUDs in the OG and OG-1 Old Germantown zoning districts and 3) allowing all areas for street dedications and private drives to be included in the net area of the lot for the calculation of the density of the project. Staff felt that a one-acre minimum rather than the current three-acre minimum allows for versatility in design for smaller infill parcels.

Motion by Mr. Chism, seconded by Ms. Hinely, to approve Ordinance 2009-11 on third and final reading.

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

Ordinance 2009-12 – An Ordinance to Amend Section 2-21 of the Code of Ordinances Regarding Board of Mayor and Aldermen Meeting Time – Third and Final Reading

Mr. Lawton stated this was the third and final reading on this ordinance. The City Charter states that any change to the Board’s meeting time or date must be approved by ordinance. The first meeting to start with the new time would be April 27.

Alderman Drinnon stated that he opposed this ordinance in the beginning but he really did not mind the change and for the sake of unity, he would vote for the change.

Motion by Mr. Billingsley, seconded by Ms. Hinely, to approve Ordinance No. 2009-12 to amend section 2-21 of the Code of Ordinance of the City of Germantown to change the meeting time of the Board of Mayor and Aldermen from 7:00 p.m. to 6:00 p.m.

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

Post and Rail Fence Installation

Mr. Mills stated this post and rail fencing would be done in seven of the parks. This is the second phase of this particular initiative. The replacement of the aged existing fences will take place at Houston Levee Park, Cone Park, Bob Hailey Complex, Grove Park, Oaklawn Gardens and Johnson Road Park. Thirteen requests for proposals were sent out and three qualified bids were received.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to contract with Wagner General Contractors, Inc., for the purchase and installation of posts and rail fencing in the amount of \$44,972.30 and approve Budget Adjustment No. 09-118.

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

Recognition of Funds – Germantown Chamber of Commerce – MOVED FROM CONSENT

Because he serves on the Board of Directors of the Chamber, Alderman Palazzolo asked for this consent item to be moved to the regular agenda and he left the dais.

Mr. Lawton stated the City’s Marketing Communications’ office worked with the Germantown Area Chamber of Commerce to facilitate a joint mailing of the 2009 City calendar and the 2009 Germantown Magazine. Each party agreed to split the cost of the mail processing and postage. A reimbursement check in the amount of \$4,453.00 was received from the Chamber as a result of the agreement.

Motion by Mr. Chism, seconded by Mr. Drinnon, to recognize the reimbursement funds from Germantown Area Chamber of Commerce for processing and mailing of the 2009 Germantown Magazine and approve Budget Adjustment 09-112.

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

Alderman Palazzolo returned to the dais.

Budget Adjustment for Capital Projects – MOVED FROM CONSENT

Alderman Palazzolo asked that this agenda item be moved to the regular agenda because of the dollar amount.

Mr. Lawton stated Under the Federal American Recovery and Reinvestment Act (ARRA), the City had been awarded \$1,650,000 for Farmington Blvd. Reconstruction Phase I and Wolf Blvd. Sidewalk Installation. These are 100% reimbursable Federal funds.

Under TDOT’s Surface Transportation Program (STP) the City had been awarded \$1,475,000 for six transportation projects: 1) traffic signal at Poplar Ave./Oakleigh Lane, 2) traffic signal at Poplar Ave./Forest Hill-Irene Rd, 3) traffic signal at Wolf River Blvd. at Forest Hill-Irene Rd and 6) Wolf River Blvd median development. Funds for the STP project must be obligated by October of 2009 and funds for ARRA project must be obligated by November 2009.

This budget adjustment will transfer funds into an account that will allow the City to do the necessary advertisement for engineering services for all these projects.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon to approve Budget Adjustment No. 09-113, which will provide funding for transportation projects funded by the Federal American Recovery and Reinvestment Act and TDOT’s Surface Transportation Program.

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

Appointment to Board of Zoning Appeals – MOVED FROM CONSENT

Alderman Hinely asked this item to be moved to the regular agenda so that she could recuse herself because this was a business associate of Mr. Poe. Alderman Hinely left the dais.

Mr. Ron Poe has expressed a desire to fill the vacancy on the BZA.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to approve the appointment of Mr. Ron Poe to serve on the Board of Zoning Appeals until December 2010.

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

Alderman Hinely returned to the dais.

CONSENT AGENDA

Recognition of Neighborhood Street Sign Post Payments

The City has received \$41,542.00 in payments from various neighborhoods. This represents the neighborhood share for the cost of the decorative street signposts in those neighborhoods.

MOTION: To recognize the \$41,542.00 in payments made by various neighborhood associations as their share of costs for the decorative street signposts and approve Budget Adjustment No. 09-123.

Installation of Decorative Street Sign Posts in Neighborhood Planning Initiative (NPI) Neighborhoods - REMOVED

Decorative Street Sign Post Installation Contract Supplement

The original contract for the installation was issued with the original budget amount of \$50,000.00 with the understanding that additional funds would be added to the budget once collected from the neighborhoods.

MOTION: To approve a change order in the street signposts contract adding \$43,750 to the contract which includes increasing the number of installed posts by 175 for a total of 375 installed under this contract.

Recognition of Donations – Germantown Library

The Germantown Library receives donations from various organizations and periodically. This item is taken before the Board to be accepted. Donations expand the number and variety of materials, programs, and services the library is able to offer the citizens of Germantown.

MOTION: To approve the donations made to the Germantown Community Library and accept Budget Adjustment No. 09-119.

Recognition of Donation – Parks & Recreation

Mr. Bud Balkin donated \$405.00 for a park bench to be installed at the greenway loop trail.

MOTION: To approve the donation made to the Germantown Parks and Recreation for a park bench in the amount of \$405.00 and to approve Budget Adjustment No. 09-125.

Declaration of Surplus Property

The City is seeking to dispose of a list of equipment which have completed their useful life and have been replaced. These items will be placed on GovDeals auction site to be sold.

MOTION: To declare a list of equipment as surplus property.

Appointment to Beautification Commission

Mrs. Jackie Clift has expressed a desire to fill the vacancy on the Beautification Commission.

MOTION: To approve the appointment of Mrs. Jackie Clift to serve on the 2009 Beautification Commission.

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

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

Alderman Palazzolo formally requested that the tennis court lights at CO Franklin Park be reexamined at the April 27 meeting.

Motion by Mr. Drinnon, seconded by Mr. Billingsley to put the CO Franklin Park tennis court lights on the agenda for the next meeting.

Alderman Billingsley stated that he has previously voted no on the item but since the citizens had come forward with the request, he was in favor of bringing it back before the Board.

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

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Alderman Billingsley stated that some months ago the Board Retreat had been deferred because they thought the budget was going to be a very heavy workload but staff has done such a very good job on the budget and it appears things were going forward pretty quickly. It appears that the Board would not have to spend the time that was anticipated on the budget and in light of this he would support the Board Retreat if all the Board would be able to attend.

Motion by Mr. Drinnon, seconded by Ms. Hinely, that the Board Retreat be rescheduled subject to the convenience of the Board and the staff to enable all to attend.

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.

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder