

BOARD OF MAYOR AND ALDERMEN

April 23, 2012

A regular meeting of the Board of Mayor and Aldermen was held on April 23, 2012 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, Greg Marcom, Mike Palazzolo and Ernest Chism. Alderman John Drinnon was absent. Staff present: Patrick Lawton, Tom Cates, Kristen Geiger, George Brogdon, Bo Mills, Chief Richard Hall, Chief John Selberg, Michael Stoll, Ralph Gabb, Butch Eder, Wade Morgan, Tony Fisher, Pam Beasley, Susan Hopson, Lisa Piefer and Dotty Johnson.

Call to Order

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

Invocation

City Administrator Patrick Lawton gave the invocation.

Pledge of Allegiance

Alderman Mike Palazzolo led the Pledge of Allegiance.

Approval of Agenda

Mayor Goldsworthy announced that in the executive session, the Board had unanimously agreed to place Number 12, Germantown Regional History Genealogy Center – Change Order No.1, on the consent agenda.

Motion by Mr. Palazzolo, seconded by Mr. Chism, to approve the agenda as amended.

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

Approval of Minutes

There were no corrections or additions to the minutes.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to approve the minutes of the Board of Mayor and Aldermen meeting held April 9, 2012.

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

Proclamation – “Students Taking Action Today”

Mayor Goldsworthy read a proclamation honoring the Houston High School’s student leadership team, Students Taking Action Today (STAT), who recognized they could make a difference by increasing awareness of the hunger in our community. Student clubs and organizations have taken steps to raise funds to purchase the food that will be packaged and delivered to the Mid-South Food Bank. The Mayor proclaimed Saturday, April 28th, as Houston vs. Hunger Day in the City of Germantown.

Beautification Commission Business Award

Alderman Mike Palazzolo and Tricia Enyart from the Beautification Commission presented the April Beautification Business Award to Mr. Joe Sherron representing the group of businesses (Magnolia Home, Inc., Oak Grove Realty, Kircher-Beltz, LLC and River City Land Company) who occupy the building owned by Center Oak Venture located at 3023 Oak Creek Way.

Board of Mayor and Aldermen

April 23, 2012

Page 2

Youth Excellence Awards

Mayor Goldsworthy and members of the Education Commission presented the Youth Excellence Award for the month of April to Mr. Andrew Wilensky. Andrew is a senior at Memphis University School and maintains a grade point average of 5.1 as a result of the honors and AP classes he has completed.

Teacher of the Month Award

Mayor Goldsworthy presented the March Teacher of the Month to Ms. Deidre Mangin who teaches fifth through eighth grade science at Our Lady of Perpetual Help Catholic School. Her award was sponsored by Dr. William Parris, DDS.

The April Teacher of the Month Award was presented to Ms. Rachel Heberling, a second grade teacher at Riverdale Elementary School. The April award was sponsored by Woodland Tree Service.

Citizens to be Heard

No citizens came forward.

BEER BOARD

PUBLIC HEARING – Temporary Beer Permit – Leadership Germantown

Mr. Lawton stated this was an annual event Leadership Germantown has for a fundraiser for the 501(c)3 organization. The Trivia Night event will be held on June 16, 2012 from 6:30 p.m. to 9:00 p.m. in the Pickering Center.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to approve a temporary beer permit allowing the sale of beer on publicly owned property at the Pickering Center on Saturday, June 16, 2012.

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

BOARD OF MAYOR AND ALDERMEN

Germantown Regional History Genealogy Center – Change Order No. 1 – Moved to Consent Agenda

Resolution 12R02 – Amendments to Retirement Plan

Mr. Lawton stated the City of Germantown has had a defined benefit retirement plan for the past 30 years. The original plan was modeled on a private sector plan and from time to time changes and amendments are made to the plan to keep it in line with Germantown's situation.

The amendments before the Board were housekeeping in nature and clarified, through definition, the ambiguity that exists in these sections of the plan. The changes were presented to the RPAC on March 22 by our plan attorney, Mr. Paul O'Rourke, and were unanimously accepted by the RPAC.

Mr. O'Rourke was present for any technical questions about the plan changes.

Motion by Mr. Billingsley, seconded by Mr. Marcom, Resolved, that the City of Germantown, Tennessee Amended and Restated Employees' Retirement Plan be and the same hereby is, adopted in substantially the form presented to the Board for review. Resolved Further, that the Mayor is authorized to execute such Germantown, Tennessee Amended and Restated Employees' Retirement plan and on behalf of the City and the appropriate City officials are authorized to take all such additional action as may be necessary or appropriate to carry out the purpose and intent of this Resolution.

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

Board of Mayor and Aldermen

April 23, 2012

Page 3

Ordinance 2012-4 - Amendment to the Code of Ordinances, Amendments to the Code of Ordinances, Chapter 7 (Businesses) and Chapter 12, Offences and Miscellaneous and 2012-5 – First Reading and Set Public Hearing Date

Economic and Development Services Director Andy Pouncey explained that the current regulations prohibit most types of peddlers and transient vendors from operating within the City with some exceptions. Our ordinance also prohibits the placing or attachment or fixing of any type of advertising material on private or public property. These amendments will bring our ordinance into alignment with recent court rulings of commercial speech. But we are making it possible for the citizens to prohibit the same.

These amendments will prohibit door-to-door solicitation or the distribution of pamphlets and other advertising material at residences and businesses that place a “No Solicitation” or “No Trespassing” sign within the yard or on the building. Also, the amendments will allow the City to establish a no solicitation list, similar to the “do not call list”, whereby residents or businesses could indicate their desire to not be contacted by door-to-door solicitors or distributors of advertising material.

Ordinance 2012-5 will remove the prohibition on placing any type of advertising material, but retain the prohibition on affixing or attaching the material to public or private property.

Motion by Mr. Palazzolo, and seconded by Mr. Billingsley, to approve Ordinance No. 2012-4, on First Reading and set June 11, 2012 as the date of public hearing and second reading.

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

Motion by Mr. Palazzolo, and seconded by Mr. Billingsley, to approve Ordinance No. 2012-5, on First Reading and set June 11, 2012 as the date of public hearing and second reading.

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

CONSENT AGENDA

Mobile Satellite System – Fire Department

The mobile satellite system will allow for continued Internet service thereby improving sustainability and continuity of operations during an emergency.

MOTION: To purchase a Mobile Satellite System from Mobile Satellite Technologies in the total amount of \$15,131 and approve Budget Adjustment No. 12-112.

Phone System Cabling

The Board previously approved a project to replace the City’s existing phone system. At that time, it was noted the phone system project was expected to require additional cabling that would also require Board approval. The cabling project will include each of the 14 City facilities and 18 wiring closets city-wide.

MOTION: To approve authorization for the Mayor to enter into a contract with Datacomm Services Corporation in the amount of \$28,672.02 to complete cabling required in implementing the new phone and voice mail system project.

Donation – Germantown Woman’s Club – Fire Department

This is a \$250.00 donation from the Germantown Woman’s Club to support the fire department’s fire safety educational program.

MOTION: To accept a donation of \$250.00 from the Germantown Woman’s Club to be used to purchase supplies for the LAFS Clown Program, and approve Budget Adjustment 12-106.

Board of Mayor and Aldermen

April 23, 2012

Page 4

GPAC – Rental Revenue

GPAC is to receive all funds collected from leases or rentals of the Centre during each twelve month period beginning on July 1 and ending on June 30. All such funds collected up to the amount of \$120,000 is to be disbursed by GPAC by granting awards to various nonprofit tax exempt arts organizations which conduct some artistic activity or endeavor within the City.

MOTION: To authorize the Mayor to approve payment of funds collected from rentals or leases of the Centre from July 1, 2011 through June 30, 2012 to GPAC consistent with the terms of Amendment No. 2 to the Cooperative Performing Arts Agreement between the City and GPAC.

Germantown Regional History Genealogy Center – Change Order No. 1 – Moved from Reg. Agenda

During the renovation of this older facility, unforeseen site conditions were encountered which resulted in additional work being required that could not be anticipated until construction began. This change order is the result of two unforeseen conditions. The additional cost for this change order is \$4,920.00.

MOTION: To approve Change Order No. 1 for the Germantown Regional History Genealogy Center renovation project increasing the contract amount by \$4,920.00 from \$22,256.00 to \$27,176.00.

Motion by Mr. Palazzolo, seconded by Billingsley, to approve the consent agenda as presented.

ROLL CALL: Marcom–yes, Palazzolo–yes, Billingsley–yes, Chism–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