

BOARD OF MAYOR AND ALDERMEN

May 21, 2012

A special called meeting of the Board of Mayor and Aldermen was held on May 21, 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, Ernest Chism, John Drinnon, Greg Marcom, and Mike Palazzolo. Staff present: Patrick Lawton, Tom Cates, Kristen Geiger, George Brogdon, Michael Stoll, Ralph Gabb and Michele Betty.

Call to Order

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

Ordinance 2012-9 – Rescind Ordinance 2012-1 – Establishment of a Municipal School System – Second Reading

Mr. Lawton explained that earlier in the year, the Board adopted Ordinance No. 2012-1 to establish a municipal school system for the City and set a referendum date as a deadline for the ordinance for May 10, 2012.

The opinion of the Attorney General’s office, supported by staff of the Shelby County Election Commission, nullified this action and the only recourse available to the Board is to rescind the ordinance and the action.

The action before the Board is to revoke this original ordinance and action by the Board.

Motion by Mr. Marcom, seconded by Mr. Drinnon, to approve on second reading Ordinance No. 2012-9 - An ordinance to revoke Ordinance No. 2012-1 – An ordinance establishing a municipal school system within the City of Germantown.

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

Ordinance 2012 – 10 – Creation and Funding of a Municipal School District – Second Reading -

Mr. Lawton stated this is the second reading for this ordinance and the next step in the process of establishing a municipal school system in the City. This action can only be initiated by the Germantown Board of Mayor and Aldermen. The ordinance recounts previous legislative action locally and in Nashville that has enabled this ordinance to be considered by the Board as well the fulfillment of the State of Tennessee statutory requirements in creating a municipal school system and the rules and regulations established by the State board of education.

Embedded in this ordinance is the referendum question that will be placed before the registered voters of Germantown:

“Shall the City of Germantown be authorized to create a municipal school district that shall meet the standards of adequacy established by applicable state law and regulations, which standards include raising and spending each year the required amount of local funds for the operation of the municipal school district that, for calculation purposes only, would be at least equal to the amount that would be raised through a fifteen cents (\$.15) tax levy on each one hundred dollars (\$100.00) of taxable property for each year if all such taxes were collected?”

Yes _____

No _____

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This ordinance also asks the Shelby County Election Commission to place this referendum on the August 2, 2012 ballot.

Mr. Lawton noted that the only change to the ordinance was the numbers that reference the section of the Tennessee Code Annotated that had been put into the ordinance.

Motion by Mr. Billingsley, seconded by Mr. Marcom, to approve on second reading Ordinance No. 2012-10 - An ordinance to add a new section 18-76 to the Code of Ordinances of the City of Germantown authorizing the creation and funding of a municipal school district in the City of Germantown and to submit the proposed ordinance to the qualified voters of the City at a referendum to be held on August 2, 2012, the date of the general election in Shelby County, or other appropriate date.

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

Ordinance 2012-11 – Establishing a Municipal School Board – Second Reading

Mr. Lawton explained that this ordinance establishes a Municipal Board of Education for the City of Germantown. This action can only be initiated by the Board of Mayor and Aldermen. The ordinance also assumes that the referendum being put forward by the previous ordinance under consideration by the Board is passed on the August 2, 2012 general election by a majority of the registered voters in the City of Germantown.

The legislation authorizing this action by the Board of Mayor and Aldermen also allows for the school board to be elected at large or by districts. The ordinance assumes the school board members will be elected at large, consistent with the election of the Board of Mayor and Aldermen.

Sections 1 – 14 of the ordinance address the statutory and legal requirements in establishing the school board.

Motion by Mr. Drinnon, seconded by Mr. Marcom, to approve on second reading Ordinance No. 2012-11 - An ordinance to add to Chapter 2, a new Article IX – Schools, to the Code of Ordinances of the City of Germantown to establish a municipal school board and to submit the election of the members of the municipal school board to the qualified voters of the City of Germantown on November 6, 2012, the date of a general election in Shelby County, or an election to be held on some other appropriate date.

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

Endowment Fund Establishment - Library

Finance Director Ralph Gabb explained in 2006, the City accepted a donation from the Germantown Civic Club that sold 8.296 acres of land to the City. \$330,000.00 was given back to the City with the stipulation that \$80,000.00 would be used to renovate the old library building on Poplar Pike and to house the Germantown Community Library Regional History and Genealogy Center. The remaining \$250,000.00 was given to the City with the stipulation that a tax exempt library foundation be established by the City and the Germantown Community Library Board, at some future date the money would be transferred to the Library Foundation with the same restrictions mentioned.

The Library Endowment Fund will be set up as a separate fund in the City following the prescribed requirements of the agreement from the Germantown Civic Club. The \$250,000.00 donation from the Germantown Civic Club will be invested to maximize income, annual cash flow and capital appreciation. All interest derived from the investment of the \$250,000.00 will be deposited into the Endowment Fund for use in the preservation of books, materials and other memorabilia documenting the history of the city and surrounding areas.

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Motion by Mr. Marcom, seconded by Mr. Drinnon, to approve the establishment of a Library Endowment Fund and the transfer of \$250,000.00 donation, to be used to support and enhance the collection and presentation of books, materials, and other memorabilia documenting the history of the City and surrounding areas.

ROLL CALL: Marcom–yes, Drinnon-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

Michele Betty, Deputy City Clerk