

BOARD OF MAYOR AND ALDERMEN

August 24, 2009

A regular meeting of the Board of Mayor and Aldermen was held on August 24, 2009 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, Kristen Geiger, George Brogdon, Tom Cates, Jerry Cook, Chief Richard Hall, Bo Mills, Ralph Gabb, Lisa Piefer, Melody Pittman, Michael Saddler, and Dotty Johnson.

Invocation

Assistant City Administrator Kristen Geiger gave the invocation.

Pledge of Allegiance

Alderman Mike Palazzolo led the Pledge.

Approval of Agenda

Mayor Goldsworthy stated that Alderman Billingsley had sent a memo to the Board of Mayor and Aldermen and City Administrator asking the Board to invite representatives of Memphis Tomorrow (the Memphis group that is promoting city/county consolidation) to meet with the Board. In the memo, he asked the Board to consider all aspects of what was being proposed.

The Mayor stated that the Board was fully aware that she was opposed to city-county consolidation. The Board had adopted a calendar of activities to assist them in understanding all the aspects of consolidation. A work session had been held regarding consolidation and discussions were held on procedures that are a part of state law, the procedures of the charter commission and the referendum process, the requirements and scope of a metro government and the advantages cited by Memphis Tomorrow. There were also discussions on perspectives and each person present expressed their opposition to consolidation. Alderman Billingsley and Alderman Palazzolo were not in attendance.

The materials that all shared, including a power point document used by consolidation advocates was sent to the two Board members who did not attend. Also, the Board had been invited to attend a September 10th meeting of the Memphis Home Builders Association to hear an objective presentation about consolidation presented by a municipal expert in the law and research about consolidation in Tennessee.

Motion by Mr. Billingsley, seconded by Ms. Hinely, to add to the agenda a discussion about placing on a future agenda a request to invite Memphis Tomorrow to meet with the Board.

Alderman Billingsley stated his concern was the fear surrounding consolidation. He stated he had not made a personal position on consolidation but at this time he did not favor consolidation of schools. He felt as a city, we should consider all positions relating to consolidation.

Mayor Goldsworthy asked for a point of clarification. She stated that the motion on the floor was whether or not add and discuss this issue at another point of the meeting.

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

Mayor Goldsworthy asked to add to the agenda a report that acknowledges the City's receipt of the PAFR Award.

It was the consensus of the Board to add this item to the agenda.

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

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

Approval of Minutes

Alderman Palazzolo noted on page 2, under Proclamation – Germantown Fire Fighters Appreciation Month, the next to last sentence should be the 2008 “Fill the Boot” campaign.

Motion by Ms. Hinely, seconded by Mr. Palazzolo, to approve the minutes of the Board of Mayor and Aldermen meeting held August 10, 2009 as amended.

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

Citizens to be Heard

Sarah Freeman of 7684 Apahon, had questions regarding the posting of meetings, minutes of work sessions and retreats and the City’s compliance with the Sunshine Law. She questioned the legality of the City’s policy to not have minutes of work sessions or retreats.

Mr. Lawton responded that the meetings were all posted properly.

Mayor Goldsworthy stated that she took great exception to the suggestion that the Board had met in a secret session. All meetings had been posted and all adequate public notice had been given. No official or formal decisions were made at any of the work sessions or during the retreat. The early morning monthly meetings are public and the decision to have the meeting at 7:00a.m. was made by a consensus of the Board which was based on their work schedules.

Add-on – PAFR Award

Mayor Goldsworthy stated one of the reasons Germantown has so many wonderful attributes is a result of community commitment combined with solid financial planning from our local government. Members from the City’s Finance and General Services Department recently received, on behalf of the City of Germantown, an award presented by the Government Finance Officers Association for our reporting of the City’s financial position and policies. The award is for a publication entitled “The Poplar Annual Financial Report” or PAFR. Inside the publication, the residents were provided with details on how the City’s revenues are generated, where dollars are spent, and how the local economy affects Germantown and the surrounding area. The real goal of the PAFR is to provide the residents with an opportunity to better understand the many financial aspects that affect government and the ability to read it in a clear and concise manner.

Resolution 09R13 – Low Power FM Stations

Mayor Goldsworthy stated this resolution will be sent to all our congressional and senate representatives at the federal level and to the FCC. The resolution asks that the intent of the Telecommunications Act passed in 1996 be fulfilled by allowing for the creation of low power FM stations. The creation of this service and these stations has a great potential for allowing greater emergency communications in times of disaster, especially for the residents of Germantown.

Motion by Mr. Billingsley, seconded by Mr. Drinnon, for the Board to approve a resolution in support of low power FM service to be sent to the congressional and senate representatives at the federal level and to the FCC.

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

Shelby County Trustee Agreement – Delinquent Taxes

Finance Director Ralph Gabb requested authorization from the Board to contract with the Shelby County Trustee's office in pursuing additional collection methods on delinquent realty and personalty taxes.

The City's taxes are due each year by December 1 and become delinquent on March of the following year. After taxes become delinquent, taxpayers are sent monthly tax statements to remind them of their unpaid taxes. In July, a tax notice is sent to the delinquent taxpayers along with a letter by the City Attorney. The letter informs them that their taxes are delinquent and could be subject to a tax sale. The letter also explains, in further detail, the City's willingness to work with them in order to prevent this from happening.

When the City's efforts have not been successful, other means of collection of the property taxes must be taken. The Shelby County Trustee's office will assume responsibility for the collection of the delinquent taxes. The collected funds from delinquent accounts will be remitted to the City by the 15th of each month. The Trustee will notify the City if a particular property has been deemed uncollectible after their efforts have been exhausted.

In response to a question from Alderman Drinnon, Mr. Gabb stated the Trustee would charge 2% of the uncollected taxes based on the base, the interest and penalties collected. Any other fees that would be paid would be added and the taxpayer would pay this to the Trustee's Office.

Motion by Mr. Palazzolo, seconded by Mr. Chism, to contract with the Shelby County Trustee for the collection of delinquent realty and personalty taxes for a term that may be mutually terminated by either party upon written notice.

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

Add-on – Official Request to Meet with Representatives of Memphis Tomorrow Group

Alderman Drinnon asked if there had been an official request of this alleged group wanting to speak to the governing body of Germantown.

Mayor Goldsworthy stated that to the very best of her knowledge, that had not occurred from any member of the Memphis Tomorrow group.

Mayor Goldsworthy noted that she and Mayor McDonald from Bartlett had served on the Memphis Fast Forward steering committee that was composed primarily of executives of the Memphis Tomorrow group and a few other elected officials. The steering committee had discussed at great length the four principles of Memphis Fast Forward which is a community-wide initiative to move Memphis forward as a metropolitan area. They spent a lot of time on making it a safe community, workforce development, and economic development strategies. The fourth item that was always on the Memphis Fast Forward agenda was efficiency in government. She stated that in the two years the committee had been meeting at regular intervals, not a word had ever been said about consolidation. Only once did they hear any report on efficiencies undertaken for local government. That was a brief oral presentation and a document from Shelby County Mayor Wharton on actions in response to suggestions in a county efficiency study of several years ago.

Mayor Goldsworthy stated several months ago she was contacted separately by Gary Shorb, chairman of the Memphis Tomorrow executive committee and managing chairman of Memphis Fast Forward, and Blair Taylor, president of Memphis Tomorrow and lead staff person for Memphis Fast Forward.

Mayor Goldsworthy stated she and Mayor McDonald were each asked what Memphis Tomorrow could do to make city-county consolidation acceptable or palatable to the people in the suburbs. She expressed her concerns about the issues she felt were rather instrumental such as representation of our interests, the shift in tax burden from city to suburbs, the lack of savings to taxpayers, the bureaucracy and lack of accountability in an even bigger government, the likelihood that some voting districts would tend to put into office the same caliber of officials which have made headlines for corruption and unethical conduct.

She stated that there had been a lot of opportunity for Memphis Tomorrow to have a great discussion within the Memphis Fast Forward meetings but it never occurred. Now, there is suddenly that interest.

In response to a question from Alderman Drinnon, Mayor Goldsworthy stated that other than Mayor McDonald having conversations that were parallel to hers, she was not aware of any talks with any of the suburban mayors.

Mayor Wharton, Deidre Malone and Interim Mayor Myron Lowery conducted a listening tour around Shelby County over a period of several months. That tour did not occur in Germantown and Mayor Goldsworthy was not aware of any requests by any of them to meet the Board to discuss the issues Germantown is concerned about.

Alderman Drinnon expressed his concerns that they want to talk about consolidation but they exclude any appointment of our city officials or citizens to serve on these study groups.

Mayor Goldsworthy stated she felt it was Alderman's Billingsley's request for the Board to extend an invitation to Memphis Tomorrow to talk to the City.

Alderman Drinnon stated that he understood but felt it was Memphis Tomorrow that should be asking to come and speak to Germantown, not sending a messenger to send to the City to invite them.

Alderman Hinely stated that Alderman Drinnon had asked the City to invite the County Commissioners to speak to the City and asked if the invitation had been extended.

Mayor Goldsworthy stated that an invitation was in the process. The Board had a work session and the Board was encouraged to attend the meeting on September 10, and then to have a meeting with the commissioners that represent Germantown. The intent is to start looking at dates for September or the first of October.

Alderman Billingsley stated he took offence to what Alderman Drinnon had said and he was not the messenger for Memphis Tomorrow and he had been very interested in consolidation. He stated even though he works for Methodist Health, he was not alone. These companies generate over 50 billion dollars in annual revenue for our area and include more than 80,000 people. He stated what he was asking for was to not exclude this group. He stated there were parts of consolidation that interested him because at some point the county was going to get in such a state that we would have to do something or it would be too late.

Alderman Billingsley expressed his feelings that the City was one community and if Memphis Tomorrow comes and we do not agree with them, that was fine but the Board should listen to everyone and hear their side. He stated they are professionals and the Board should keep an open mind and hear their side. He felt that consolidation, win or lose, there were some good ideas being presented by Memphis Tomorrow. He did not understand why the Board had not met with Memphis Tomorrow or why the Board feared talking with them. He asked the Board to be open minded, to listen to them and share views with them.

Alderman Drinnon stated that he apologized if he had offended his fellow alderman, but the memo that had been sent to the aldermen to invite Memphis Tomorrow was sent by Alderman Billingsley. He felt if Memphis Tomorrow would spend more time with the Mayor of Memphis and the Mayor of Shelby County on how to run each government, they would be better off and they would not need consolidation. He stated that the Board had tried to run a good ship thanks to the Mayor and Patrick Lawton and the City did not want to inherit a lot of problems that others had created.

Mayor Goldsworthy, in response to Alderman Billingsley's suggestion that the Board should be meeting with Memphis Tomorrow people, stated that this was what she and Mayor McDonald had been doing for the better part of two years. They had been invited to be a part of the Memphis Fast Forward initiative and had faithfully attended the meetings and gone to extra meetings on crime, education and economic development but what had been lacking was the discussion of efficiency in government. She had hoped that Germantown could share some of the things we had been doing such as managed competition and other things the City had done but there had never been the opportunity.

In response to a question from Alderman Palazzolo regarding where the Board stands as far as adopting a resolution opposing a metro government, Mayor Goldsworthy stated the suburban mayors had met last week, two were not able to attend. The suburban mayors, on behalf of each communities and understanding that while there were varying degrees of authority on speaking for their communities, they each agreed to return to their boards and seek a statement or resolution of opposition to consolidation. Collierville had adopted a resolution but she was not aware of the other municipalities.

Alderman Palazzolo stated, while he respects the various CEOs, his position was as representative for the citizens of Germantown and the citizens in the past had spoken loudly against consolidation. He encouraged the citizens to contact the aldermen and share their feelings on consolidation.

Alderman Chism stated he would like to meet face to face with some of these people and ask them questions. He stated he had no problem listening to them or talking with them.

Motion by Mr. Chism, seconded by Mr. Billingsley, to place on the agenda for September 14th the consideration for invitation to Memphis Tomorrow representatives to meet the Board.

Alderman Billingsley restated what he wanted was for the Board of Mayor and Aldermen to consider allowing an audience with Memphis Tomorrow. He stated he was only asking to allow the Board to have a complete view of what is being proposed.

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

CONSENT AGENDA

Purchase – Bulk Chemicals

This purchase represents a semi-annual inventory of water treatment chemicals. These items are delivered upon request from water plant personnel at the Southern Avenue and Johnson Road Water Treatment Plants.

MOTION: To purchase fluoride from Brentagg Mid-South in the amount of \$11,625.00 and sodium hexametaphosphate from Shannon Chemical in the amount of \$18,450.00, for a total amount of \$30,075.00.

Paper/Cleaning Supplies - Inventory

This inventory purchase will replenish the supply of paper products and cleaning supplies to be used in City buildings and in the restrooms in City parks. Nine vendors were contacted and seven bids were received. Four bids were recommended for inventory.

MOTION: To approve the purchase of paper products and cleaning supplies from American Paper & Twine in the amount of \$9,427.65, American Poly in the amount of \$2,899.75, Action Chemical in the amount of \$2,182.75 and Topmost Chemical in the amount of \$1,791.80 for a total of \$16,301.95.

Internet Service Provider

Since the City began using the internet as a way for staff to more efficiently conduct day-to-day business, user demand has increased. Funding for the second year of the agreement includes the annual amount required for the bonded T1, the ADSL stand alone line currently used by the Police Department and a minimal amount for the federally mandated Energy Recovery Charge. The annual amount anticipated for each of the remaining four years is \$14,838.00.

MOTION: To approve funding for year two of a 5-year contract with the City's existing vendor, Cavalier Business Communications, in the amount of \$14,838.00.

Appointments to the Youth Commission

The Youth Commission appointments are usually made in June along with the Education Commission. However, the decision was made to wait until after the school year had begun.

MOTION: To approve the appointments of Jonathan Green, Julia Haines, Sara Kim, Mary Landrum, Serenity Martin, Anne Mischke, Priyank Moolchandani, Elizabeth Stagich, and Eric Ruleman to the Youth Commission. To appoint Mary Landrum to serve as chairman and Pam Beasley to serve as an adult advisor.

Appointment to Telecommunications Commission

A vacancy was created on the Telecommunications Commission with the resignation of Mr. Glen Murry. Mr. Kenneth Ketcham has expressed a desire to serve on the commission.

MOTION: To approve the appointment of Mr. Kenneth Ketcham to serve on the 2009 Telecommunication Commission.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve the Consent Agenda as read.

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.