

BOARD OF MAYOR AND ALDERMEN
EXECUTIVE SESSION
October 22, 2007

An executive session of the Board of Mayor and Aldermen was held on October 22, 2007, at 6:15 p.m. in the Administrative Conference Room of the Municipal Center.

Mayor Sharon Goldsworthy was present and presiding.

The following Aldermen were present: Ernest Chism, John Drinnon, Carole Hinely, and Mike Palazzolo. Aldermen Frank Uhlhorn was absent. Staff present: Patrick Lawton, George Brogdon, Kristen Geiger, Andy Pouncey, Tom Cates, Jerry Cook, Chief Richard Hall, Pat McConnell, Bo Mills, Chief Dennis Wolf, Michael Stoll, Ralph Gabb, Josh Whitehead, Joe Nunes and Melody Pittman.

Mayor Goldsworthy called the meeting to order at 6:15 p.m.

Invocation

Mr. Jack Gresham, minister to single adults from Germantown Baptist Church, will give the invocation.

Pledge of Allegiance

An Alderman will lead the Pledge of Allegiance.

Approval of Minutes

Alderman Palazzolo stated there were two corrections to the minutes. On page 2 of the Board meeting, in the vote, it should be Ms. instead of Mr. Hinely and on page 3 in the second paragraph, the word should be vision not envision.

Beautification Business Award

Members of the Beautification will be present to present this award.

Youth Excellence Awards

There are two awards, one for August and one for September.

Teacher of Month Awards

There will be two awards, one for August and one for September.

Ordinance 2007-15 – Amendment to Smoking Ordinance – Second Reading

This will be the second reading and the public hearing will be on the third reading. Patrick Lawton stated there had been no changes since the first reading. This amendment would get the City in compliance with the State law that prohibits smoking in most public places, with some exceptions. The third and final reading and the public hearing will be held on November 12.

Ordinance 2007-18 – Smart Growth Rezoning – Request Rezoning of approximately 383 acres and Adoption of the Regulating Plan for the Smart Code – Third and Final Reading

Alderman Drinnon stated he had a request from three different groups to request a two-week delay on this vote.

Mayor Goldsworthy stated this would cause the Board to not take action tonight, go through a process of deferral by motion. She asked if there would be any interest in deferring the request. It was a consensus not to defer the vote.

Josh Whitehead stated there had been no changes since the second reading. Some amendments had been made at the second reading that were included in the packets. He stated an attorney representing one of the associations had requested to speak to the Board in the public session to relay the concerns of the neighborhood of Neshoba North. The attorney felt that if the concerns of the neighbors were not addressed at this forum they might feel compelled to take it to another forum.

Mayor Goldsworthy stated the public was given the opportunity to be heard at the public hearing process that was held at the last meeting. To do otherwise would require a suspension of the rules. If the Board were interested in doing this then they could define exactly what the new rules would be. She then asked the Board if there were any interest in going through the process of suspending the rules in order to allow any further public engagement during the meeting process.

Alderman Hinely stated she had heard from a number of people who did not want to hear what she had to say but wanted her to hear their concerns and she understood what their concerns were. She felt that nothing new had happened and she did not feel that anyone could explain anything new to the Board regarding the neighbors concerns.

Alderman Drinnon stated he had met with neighbors of Neshoba North and Farmington South and had spoken to a number of citizens over the phone and most of the concerns expressed had been expressed two weeks ago at the public hearing. At each of the meetings he had a member of the staff present to explain the facts.

Mayor Goldsworthy stated that based on the conversations she did not feel there was any direction from the Board that there was an interest in suspending the rules. The Board unanimously agreed.

Josh Whitehead stated that as with any rezoning, the Board was urged to justify their vote, prior to the vote being taken.

Ordinance 2007-20, Amendment to the R-H Retirement Housing Zoning District Regulations

Josh stated the Planning Commission had approved the amendment on October 2, and it was suggested by the City Attorney to bring the ordinance into line with case law. The laws state that municipalities or counties or states cannot input age restrictions in a zoning classification. However, private covenants may, it is a contractual agreement.

Investment Policy

Michael Stoll explained this was a follow-up to the City's ordinance that was passed on August 27, to adopt the new ordinance for investments. As part of that ordinance the Board was required to formally adopt an investment policy. This policy is based on the Tennessee legislation and was developed using the GFOA policy, the Association of Public Treasurers as well as the Tennessee Treasury Department. It expounds on all the requirements for investing the City's money. The policy was reviewed by staff and by the investment subcommittee of the Financial Advisory Commission.

Appointment to Germantown Community Library Board

Professional Service Agreement – Design Work – Germantown Centre – DEFERRED

CONSENT AGENDA

Project Development Contract No. 1164 –Thorp Construction

Automated Enforcement Program

Mayor Goldsworthy commended Andy Pouncey for his work in looking at new technology and rewriting the specs and making certain that we get the newest and best technology available.

Patrick Lawton also thanked Lisa Piefer and Michael Stoll for all their work on the contract.

Alderman Palazzolo asked for a graph or statistics in order to see what the return is on the program.

Telephone System

Kristen Geiger asked the Board to approve the replacement of the phone system that not only includes City Hall but also eight areas. Presently, we will save about \$60,000.00. The system that has been recommended will use the core system in City Hall that is still good and is Nextel. We will upgrade the system to the software to bring it to the current version, put new boxes in the surrounding facilities and then we hope to link the other areas, network wise, using fiber. We will have to do a network system upgrade. She stated that after consulting with experts in this field, staff recommends this action because it will repair and upgrade the phone system, eliminate costly repair issues and, should the City determine to convert to voice over IP totally, this investment will not be wasted.

Alderman Hinely asked to move this item to the regular agenda, as 14C. The Board unanimously agreed.

Library Furniture

Library Heating Boilers

Recognition of Donation – Friends of Library

Germantown Baptist Church Tent Permit for Annual Nativity Program

Patrick asked the Board to approve two add-ons the Consent Agenda

Subdivision Development Contract No. 446 – Germantown Manor, 1st Addition – Payment to developer for Moore Road improvements

Patrick stated that this had been on the agenda and deferred a couple of time. It concerns the payment to a developer for work the developer performed on paving a portion of Moore Road. It had been deferred before because the Board was interested in making sure the developer had paid his financial obligations in terms of property taxes to the City.

Germantown Community Theatre Agreement

George Brogdon stated this was to continue children's programming of at the Germantown Community Theatre.

Adjournment

The meeting adjourned to the Council Chamber for the regular meeting at 6:50 p.m.