

BOARD OF MAYOR AND ALDERMEN
September 10, 2007

A regular meeting of the Board of Mayor and Aldermen was held on September 10, 2007 at 7:00 p.m. in the Council Chamber of the Municipal Center.

Mayor Goldsworthy was out of the country and Vice Mayor Mike Palazzolo was present and presiding.

The following Aldermen were present: Ernest Chism, John Drinnon, Carole Hinely, Mike Palazzolo and Frank Uhlhorn. Staff present: Patrick Lawton, David Harris, Andy Pouncey, George Brogdon, Kristen Geiger, Pam Beasley, Jerry Cook, Deputy Chief Tom Lott, Pat McConnell, Bruce Tillman, Chief Dennis Wolf, Butch Eder, Michael Saddler, Ralph Gabb, Melody Pittman, Lisa Piefer, Derek Chaput, Dannelle Toole and Dotty Johnson.

Invocation

Father Gary Sturni from St. George's Episcopal Church gave the invocation.

Pledge of Allegiance

Alderman Chism led the Pledge of Allegiance.

Approval of Minutes

There were no corrections or additions to the minutes.

Motion by Mr. Uhlhorn, seconded by Ms. Hinely, to approve the minutes of the Executive Session and Regular Meeting held August 27, 2007 as amended.

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

Citizens to be Heard

There were no citizens to come forward.

Proclamation – “Eat With Your Family Night”

Alderman Palazzolo read a proclamation recognizing family day, a day to eat dinner with your children. The more often children and teenagers eat dinner with their families, the less likely they are to smoke, drink and use illegal drugs.

Another proclamation was read recognizing the month of September as PTA Membership Month.

PUBLIC HEARING – Forest Hill Wine Merchants – 9087 Poplar, Ste 101

Patrick Lawton stated that the Board was asked to approve a certificate of compliance as part of the application for a retail liquor license for the Forest Hill Wine Merchants located at 9087 Poplar Avenue, Suite 101. The criminal background checks had been completed by the Police Department and based upon the Police Department's review the applicant was in compliance with the City's ordinance. The location of the liquor store is part of the Stone Creek Center Subdivision Phase 1, which is zoned C2 Commercial and is part of Project Development Contract No. 1140 approved by the Board on August 28, 2006.

The public hearing was opened. Having no one come forward, the public hearing was closed.

Motion by Ms. Hinely, seconded by Mr. Uhlhorn, to issue a certificate of compliance to Oates Investments, LLC, for a retail liquor store located at 9087 Poplar Ave., Ste 101.

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

PUBLIC HEARING - Ordinance 2007-16 – Amendment to Beer Ordinance – Second Reading

Mr. Lawton explained that this amendment to our existing beer ordinance would cause us to come into compliance with the Tennessee Responsible Vendor Act of 2006. This state law was passed by the General Assembly in the spring of 2006 but was not to take affect until July 1, 2007, to allow the Tennessee Alcohol Beverage Commission to develop the rules and regulations necessary on the requirements to become a responsible beer vendor. Mr. Lawton noted that the City of Germantown lobbied aggressively with the General Assembly in opposition to this bill and offered several amendments for consideration.

The Vice Mayor opened the public hearing.

Mr. John Stagich of 8670 Shadowbrook Cove came forward to ask the point of the ordinance.

Alderman Palazzolo stated it was a state mandated provision the City must include in our ordinance.

Having no other citizen come forward, the public hearing was closed.

Alderman Drinnon stated the leaders at the state level had erred in judgment. The previous law had worked very well over the years and it was obvious a group of lobbyist had worked in favor of the beer industry and he was totally opposed to it but the City had no choice.

Motion by Mr. Chism, seconded by Ms. Hinely, to approve on second reading the amendment to Article 3 Chapter 3 of the Code of Ordinances of the City of Germantown as it pertains to beer.

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

PUBLIC HEARING – Ordinance 2007-17 – Establishment of Germantown Centre Advisory Commission – Second Reading

Mr. Lawton stated this ordinance establishes the purpose of the commission and membership, terms of members, meetings and responsibilities. The ordinance as written identifies that the commission will consist of nine members who shall be appointed by the Board of Mayor and Aldermen with all members of the commission being residents of the city and members of the Centre. The ordinance also makes clear the role of this body as an advisory board to the Board of Mayor and Aldermen working closely with the Centre director.

The public hearing was opened for citizens to speak. Having no one come forward, the public hearing was closed.

Motion by Mr. Uhlhorn, seconded by Mr. Chism, to approve on second reading the establishment of the Germantown Centre Advisory Commission.

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

Ordinance 2007-18 Smart Growth Rezoning - Request Rezoning of approximately 394 acres from R, R-3, R-T, O, O-C, SC-1, C-1 and C-2 to SG T-3, SG T-E, and SC T-5 and Adoption of the Regulating Plan for the Smart Code – First Reading/Set Public Hearing Date

Josh Whitehead reported the ordinance would rezone approximately 394 acres from conventional zoning districts to Smart Growth zoning districts. The three zoning districts are proposed: SG T-3, the suburban Smart Growth district, SG T-4, the general urban Smart Growth district, and SG T-5, the urban center Smart Growth district. The purpose of this rezoning is to identify the areas of the City where the vision of the Germantown Smart Growth Plan, and specifically the building types and uses contemplated by the SmartCode, will be manifested. These areas are generally in the center of the City, from Neshoba to the north, the Norfolk Southern Railway to the south, Miller Farms to the west and Brierbrook to the east.

Mr. Whitehead explained the history of the process that started with Vision 2020 and the different districts and the characteristics of each.

The Planning Commission had unanimously recommended approval of the rezoning.

Motion by Mr. Uhlhorn, seconded by Mr. Chism, to approve Ordinance 2007-18 on First Reading and set October 8, 2007, as the public hearing date.

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

Ordinance 2007-19 – Amendment to Flood District Regulations of Zoning Ordinance (Chapter 23 Division 20, Sections 23-596 thru Sec. 23-604 Regulations – First Reading/Set Public Hearing Date

Jerry Cook stated this ordinance was being amended as required by the Federal Emergency Management Agency (FEMA). The City first adopted its Flood District Regulations in January of 1982. As part of the regulations, there are flood zone maps that identify those areas throughout the City where the flood zones are located. FEMA updates and revises the flood zone maps and provides to the various cities that participate in the National Insurance Flood Program (NFIP) with proposed amendments to the Flood District Regulations.

The new Flood District Maps are now out and become effective September 28 of this year. There are new regulations that must be included in our Flood District Regulations. These regulations are required to be adopted by cities that participate in the Flood Insurance Program to continue.

In response to a question from Alderman Hinely, Mr. Cook stated that residents with homes in the middle of Germantown that had been in the flood zone could see the new maps reflecting the new flood zone areas and boundaries.

Motion by Ms. Hinely, seconded by Mr. Chism, to approve Ordinance No. 2007-19 on First Reading and set October 8, 2007 as the public hearing date on the third and final reading.

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

Retirement Plan Amendment

Mr. Lawton stated the Board was asked to consider an amendment to the City's defined benefit retirement plan as it concerns the definition of "eligible spouse". The Retirement Plan Administrative Commission is charged with the administration of the trust and the plan. The Commission had met to consider the

Retirement Plan Amendment – (cont'd)

amendment and because of the long-term policy implications, has deferred to the Board. The current definition of “eligible spouse” means the spouse of a participant who was legally married to the participant under the laws of the state in which the marriage was contracted on the date retirement income is to commence and has been so married to the participant continuously for the 12 month period prior to the date of the participants death.

There was a situation brought before the administration in which a former employee was married at the time his retirement commenced and became divorced and then remarried the individual. The amendment before the Board would allow for a redefinition of eligible spouse thus allowing this individual to receive the pension benefits upon the demise of the plan recipient.

RESOLUTION

RESOLVED, that the definition of Eligible Spouse in the City of Germantown, Tennessee Amended and Restated Employees’ Retirement Plan be, and the same hereby is, revised in accordance with the form of Amendment attached hereto.

RESOLVED FURTHER, that the Mayor is authorized to execute such Amendment on behalf of the City and that 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.

Motion by Mr. Chism, seconded by Ms. Hinely, to authorize the Mayor to execute an amendment on behalf of the City and that appropriate City officials be authorized to take such action as may be necessary or appropriate to carry out the purpose and intent of the resolution.

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

CONSENT AGENDA

Professional Services Agreement – Kimley-Horn Consultants – Engineering Services

Kimley-Horn & Associates, Inc. (KHA) has provided engineering plans to be reviewed for commercial and subdivision developments, analysis of traffic signal operations, and drafting services to standardize the City’s standard construction details. The \$85,000.00 limit of expenditures has been met. In an effort to keep up with the current and projected workload, an additional \$25,000.00 is being requested to continue receiving assistance from KHA.

MOTION: To approve additional funding not to exceed \$35,000.00 to a Professional Services Agreement with Kimley-Horn & Associates, Inc. to perform professional engineering services on an “as-needed” basis.

Project Development Contract Number 1159 – American Association for Laboratory Animal Science: 2007 Expansion

The lot on which the American Association for Laboratory Animal Science (AALAS) is located on the north side of Crestwyn Hills Drive. The proposed building expansion will be 6,346 square feet of administrative office space added to the existing 11,685 square foot building.

MOTION: To approve Project Development Contract number 1159 for the development of the American Association for Laboratory Animal Science: 2007 Expansion.

Project Development Contract Number 1160 – Methodist Hospital: 2007-2010 Expansion

This expansion will involve the construction of a 220,000 square foot Women's Pavilion Building; a 219,550 square foot, 637-space parking garage; a reconfiguration of existing hospital access by closing the two main building entrances and constructing a single main entrance on the northwest corner of the existing hospital; the creation of an outdoor space for patients and family members; the expansion of existing dock facilities; and the renovation of 100,000 square feet of existing hospital space.

MOTION: To approve Project Development Contract number 1160 for Methodist Hospital: 2007-2010 Expansion.

Project Development Contract Number 1161 – Independent Bank

The subject property is located on the southeast corner of Germantown Road and Poplar Avenue. On August 7, 2007, the Planning Commission granted Final Site Plan approval to the bank. This will be a 2,931 square foot commercial building to be used as a bank.

MOTION: To approve Project Development Contract No. 1161 for Independent Bank.

Sewer Video Camera

Video inspection technology can assist the field personnel by locating or identifying the damaged sections without excavating the site or causing an interruption of service to the utility customer. The camera is enclosed and mounted on a sixteen-foot trailer and comes equipped with a computer and disk video recorder to digitally record observations and program viewing capabilities for an optimal assessment. Two bids were received and the low bid was recommended.

MOTION: To approve the purchase of a sewer video camera from CUES in the amount of \$77,300.00.

MLGW Transformer (Soccerplex)

MLGW made site visits to determine the needed additional electrical capacity for the new sports lighting and equipment. The current electrical configuration is inadequate for the new sports lighting. The new requirements necessitate each fixture to have its own electrical circuit. This will enable Musco and the City to verify ampere readings, to provide a history of problems (if any), and reduce the amount of energy to illuminate each fixture.

MOTION: To approve the contract with MLGW for the installation of one replacement pad mount electrical transformer as part of the sports lighting upgrade in the amount of \$11,340.48.

Motion by Mr. Drinnon, seconded by Mr. Uhlhorn, to accept the consent agenda as presented.

ROLL CALL: Chism – yes, Drinnon – yes, Hinely – yes, Palazzolo-yes, Uhlhorn-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