

**BOARD OF MAYOR AND ALDERMEN**  
**EXECUTIVE SESSION**  
**September 10, 2007**

An executive session of the Board of Mayor and Aldermen was held on September 10, 2007, at 6:15 p.m. in the Administrative Conference Room of the Municipal Center.

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, Andy Pouncey, George Brogdon, Kristen Geiger, David Harris, Jerry Cook, Pam Beasley, Deputy Chief Tom Lott, Pat McConnell, Bruce Tillman, Chief Dennis Wolf, Butch Eder, Michael Saddler, Michael Stoll, Ralph Gabb, Lisa Piefer, Derek Chaput, Danielle Toole and Melody Pittman.

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

**Invocation**

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

**Pledge of Allegiance**

Alderman Chism will lead the Pledge of Allegiance.

**Approval of Minutes**

There were no corrections or additions to the minutes.

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

Patrick Lawton stated the role of the Board was to approve the Certificate of Compliance. The City does background checks on the applicants that apply for a liquor license. The State actually grants the liquor license but they look to the City to do the background checks on all the applicants.

The site of the store is part of the Stone Creek Center on the corner of Poplar and Forest-Hill. The Board had approved the development contract for all the buildings on August 28, 2006.

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

Mr. Lawton stated that in 2006 the General Assembly passed legislation amending the statute regarding the issuance of beer permits and therefore our ordinance had to be amended. The primary amendment to the local ordinance, based on the state statute has to do with the revocation or suspension of beer licenses. It essentially says that under the new ordinance, if a vendor were to sell beer for off-premise consumption to a minor, if the clerk had received training under the "responsible vendor" legislation, the City could not take action to revoke or suspend its license. This only applies to permit holders who are qualified under the State's determination of a responsible beer vendor. This does not prohibit the Germantown Police Department from continuing to conduct stings.

Mr. Lawton noted the City lobbied extensively when the "responsible vendor" legislation was first being considered in 2006. In this past legislative session, the City tried to get an amendment introduced to try and get the legislation overturned but were not very successful.

In response to a question from Alderman Palazzolo, Mr. Lawton stated there were two contributions from violators made to the City that were to be used for a task force.

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

Mr. Lawton stated there had been no change in the ordinance since the first reading. This ordinance would establish an advisory commission for the Centre. There would be nine members appointed by the Board of Mayor and Aldermen and all members would be residents of the City and members of the Centre. The members would work with the new director in recommending policies and procedures for the Centre.

Derek Chaput, Centre Director, introduced Dannele Toole as the new Facilities Operations Manager for the Centre.

**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 stated this was the third step of the Smart Growth process. The general land-use plan was first, the second step was the code and this is the rezoning. The Planning Commission had unanimously recommended approval of the rezoning.

Alderman Palazzolo stated he had attended the Planning Commission meeting on September 4 and there were approximately 30 people who had spoken and most were favorable. There were some concerns from neighbors regarding the closing of roads, landscape preservation, easements, noise, and traffic.

Andy Pouncey stated a letter had gone out to the people who spoke stating that their concerns had been heard and staff was keeping an eye out as the plans come through.

A discussion followed on how many meetings the staff had with the residents and how they had responded.

**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 that Federal Emergency Management Agency (FEMA) occasionally publishes new flood maps and new flood district regulations. The new flood maps are out and effective the 28<sup>th</sup> of this month. There were also various amendments to the flood district regulations. The City of Germantown must amend its ordinance in order to comply with the state regulations. This will be the first reading and Mr. Cook asked to have the public hearing on the third reading in order to have the ordinance adopted by the first of October.

**RETIREMENT PLAN AMENDMENT**

Mr. Lawton stated this had been discussed with the Board during the work session last week. The agenda sheet had some of the history and the amendment to the retirement plan would make one particular change. A legal staff that helps the City manage the pension plan had drawn up the amendment.

**CONSENT AGENDA**

**Professional Services Agreement – Kimley-Horn Consultants –Engineering Services**

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

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

**Project Development Contract Number 1161 – Independent Bank**

**Sewer Video Camera**

**MLGW Transformer (Soccerplex)**

**Adjournment**

The meeting adjourned to the Council Chamber for the regular meeting at 6:55 p.m.