

**BOARD OF MAYOR AND ALDERMEN**  
**September 24, 2007**

A regular meeting of the Board of Mayor and Aldermen was held on September 24, 2007 at 7:00 p.m. in the Council Chamber of the Municipal Center.

Mayor Goldsworthy was present and presiding.

The following Aldermen were present: Ernest Chism, John Drinnon, Carole Hinely, and Mike Palazzolo. Alderman Frank Uhlhorn was absent. Staff present: Patrick Lawton, Tom Cates, Andy Pouncey, George Brogdon, Kristen Geiger, Chief Richard Hall, Pat McConnell, Bo Mills, Chief Dennis Wolf, Butch Eder, Michael Saddler, Ralph Gabb, Melody Pittman, Lisa Piefer, Derek Chaput and Dotty Johnson.

**Invocation**

Assistant City Administrator Andy Pouncey gave the invocation.

**Pledge of Allegiance**

Alderman Carol Hinely led the Pledge of Allegiance.

**Approval of Minutes**

There was one correction to the minutes as noted in the Executive Session.

Motion by Mr. Palazzolo, seconded by Mr. Chism, to approve the minutes of the Special Called Meeting held September 5, and the Executive Session and Regular Meeting held September 10, 2007 as amended.

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

**Introduction of Foreign Exchange Students from Germany**

Mayor Goldsworthy read a proclamation honoring the international relationships that foster and develop cultural and social ties among young people.

Mayor Goldsworthy introduced Frank Bluestein the Chairman of the Fine Arts Department at Germantown High School.

Mr. Bluestein came forward and stated that students from the Germantown High School Fine Arts Department had visited in Germany this summer and had such a wonderful time and this was the final leg of the exchange with the German students coming to visit Germantown. He introduced the faculty that accompanied the students from Germany and had each of the students come forward and introduce themselves and their host family. He thanked the Mayor and Board for their support throughout the years.

German teacher Gerhard Laubscher came forward and stated this was his second visit to Germantown and how much he appreciated Frank Bluestein, the school and the community of Germantown. He presented the City with a document of their first exchange and some of what they had done this visit.

Mayor Goldsworthy presented each with a proclamation and a City pin.

**Citizens to be Heard**

There were no citizens to come forward.

**Presentation of Beautification Award - DEFERRED**

**Ordinance 2007-16 – Amendment to Beer Ordinance – Third and Final Reading**

Mr. Lawton stated this amendment to our existing beer ordinance would bring us 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, presumably to allow the Tennessee Alcohol Beverage Commission the opportunity to develop the rules and regulations necessary to become a responsible beer vendor. Mr. Lawton noted the City of Germantown lobbied aggressively with the General Assembly in opposition to this bill and offered several amendments for consideration.

As a participant in the Responsible Vendor Act program, a permittee cannot have its permit suspended or revoked by the local beer board if the clerk sells beer to a minor but is trained under the Responsible Vendor Act program. Mr. Lawton noted however, that the City of Germantown Police Department would still vigorously enforce the provisions of this ordinance revision.

Motion by Mr. Palazzolo, seconded by Mr. Chism, to approve on third and final 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. Motion approved.

**Ordinance 2007-17 – Establishment of Germantown Centre Advisory Commission – Third and Final Reading**

Mr. Lawton explained that this was the third and final reading of an ordinance to establish an advisory commission for the Germantown Centre. He 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.

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

ROLL CALL: Chism – yes, Drinnon – yes, Hinely – yes, Palazzolo-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 – Second Reading**

Patrick Lawton stated that FEMA, the Federal Emergency Management Agency, manages the national flood insurance program, (NFIP). Three major components of the national flood insurance program deal with flood insurance, flood plain management and flood hazard mapping. The flood plain and the flood way change over time. Our flood district regulations were first adopted in January 1992. Because of topographical changes to these areas and natural flow and man made obstructions, the existing maps must be amended to provide the City, our development community and our residents with new standards for elevations and grading for residential and non-residential construction.

The City's participation in the program allows our residents to purchase federally-backed flood insurance. Our residents are advised to discuss the benefits of flood insurance with their insurance agent and to consider the risk based upon this new flood plain management program.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to approve Ordinance No. 2007-19 on Second Reading.

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

**Mendelson Delinquent Collection**

Mr. Lawton stated this was a contract with Mendelson Law Firm to pursue collection on many of the delinquent accounts that occur in the City. In exchange for this service, they will receive a 25% contingency on the accounts collected. Recently, the City of Germantown wrote off a number of older receivables that by state statute were time barred from collection. Had we had a collection firm in place, we could have pursued these outstanding receivables in a much more aggressive manner and on a more systematic basis.

Motion by Mr. Palazzolo, seconded by Ms. Hinely, to request authorization for the City to contract with Mendelson Law Firm to pursue additional collection methods on delinquent court fines and fees as well as other delinquent accounts.

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

**Emergency Refinishing of Germantown Centre Indoor Pool**

Patrick Lawton explained that several weeks ago administration advised the Board that, after the Germantown Centre indoor pool was drained for replacement of the filtration system, staff began to see large cracks in the plaster that was applied in 2002. Over a period of a few days the cracks became larger and started to pull away from the wall of the pool. In an effort to reopen the pool for our members in a timely manner, administration requested that the Board treat this as an emergency purchase and identify the best method to have the pool repaired and opened for business. After reviewing the alternatives available, administration recommended a PVC liner system, which has a ten-year warranty on the material and a one-year guarantee on installation. Administration recommended moving forward with the PVC liner.

Motion by Ms. Hinely, seconded by Mr. Palazzolo, to request authorization to enter into a contract with Walter Rice Construction for the emergency repair of the Germantown Centre Indoor Pool surface in the amount of \$183,238.00.

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

**CONSENT AGENDA**

**Subdivision Development Contract No. 446 – Germantown Manor, 1<sup>st</sup> Addition – Payment to developer for Moore Road Improvements – DEFERRED**

**Access Control Equipment – Public Services Complex**

ADT is the control system provider for the City. This system will provide secure access, monitoring and fire alarm interface control door release capabilities for the Public Services Administration Building, Animal Control Shelter, Vehicle Maintenance Shop and Southern Avenue Water Plant. This measure would improve the security access into the City facilities and provide additional protection for the equipment and assets stored within the compound.

MOTION: To contract with ADT Security Services, Inc., for purchase, installation and annual monitoring of a security access control system at the Public Services Complex, in the amount of \$20,971.00.

**Civic Support Grant – Germantown Arts Alliance**

This is the fifteenth year of funding by the City for the Germantown Arts Alliance. This is the first installment for FY08. The second installment of \$10,000 will be matched by donations raised by the Arts Alliance and will be forwarded to the group in 2008.

MOTION: To award a grant to the Germantown Arts Alliance in the amount of \$30,000.

**ArcGIS License**

ArcGIS is used to maintain, edit and query data as well as produce maps. The version of software the City currently uses was last upgraded in 2004 and is old and outdated. The upgrade will bring the City up to the most current version of the software available. One year after the upgrade has been completed an annual maintenance fee will be required. The maintenance agreement will include any upgrades offered throughout the year and technical support.

MOTION: To request authorization to purchase a software license from ESRI, Inc. for an ArcGIS software upgrade, one-year use license and maintenance agreement in the amount of \$16,662.75.

Motion by Mr. Chism, seconded by Mr. Palazzolo, to accept the consent agenda as presented.

ROLL CALL: 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.

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Sharon Goldsworthy, Mayor

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Dotty Johnson, City Clerk/Recorder