

BOARD OF MAYOR AND ALDERMEN

August 13, 2007

A regular meeting of the Board of Mayor and Aldermen was held on August 13, 2007 at 7:00 p.m. in the Council Chamber of the Municipal Center.

Mayor Sharon Goldsworthy was present and presiding.

The following Aldermen were present: Ernest Chism, John Drinnon, Carole Hinely, Mike Palazzolo and Frank Uhlhorn. Staff present: Tom Cates, George Brogdon, Andy Pouncey, Kristen Geiger, Pam Beasley, Jerry Cook, Chief Richard Hall, Pat McConnell, Bo Mills, Chief Dennis Wolf, Butch Eder, Michael Sadler, Michael Stoll, Ralph Gabb, Melody Pittman, Lisa Piefer and Dotty Johnson.

Mayor Goldsworthy noted that Item C - Amendment to Agreement – Lot 1, Poplar Woods S/D, under the Consent Agenda had been removed and placed on the regular agenda.

The Mayor introduced the Germantown Centre Director Mr. Derek Chaput and welcomed him as a new member of the staff.

Invocation

George Brogdon gave the invocation.

Pledge of Allegiance

Alderman Drinnon led the Pledge of Allegiance.

Approval of Minutes

There was one correction to the minutes that was noted during the executive session.

Motion by Mr. Palazzolo, seconded by Ms. Hinely, to approve the minutes of the Executive Session and Regular Meeting held July 23, 2007 as amended.

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

Citizens to be Heard

No citizens came forward.

Recognition of National Smokey Bear Woodsy Owl Poster Winner

Mayor Goldsworthy asked Ms. Sukanya Mittal and her art teacher Ms. Sandy Wilson of Dogwood Elementary School to come forward. She read a proclamation honoring Ms. Mittal as the 2007 national Smokey Bear/Woodsy Owl Poster Contest winner.

Ms. Pat Smith representing the Garden Club of the State of Tennessee presented her with a gift of a Smokey Bear from Washington.

Library Donations – Great Race – Germantown

Ms. Sherry Rhea who was a co-chairman with Andy Pouncey of the Great Race came forward to explain the Great Race. The money that was left over, \$2,125.00, was donated to Ms. Pittman, Director of the Germantown Library.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to recognize a donation to the Germantown Community Library totaling \$2,125.00 from Great Race – Germantown.

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

Library Donations – Great Race – Germantown – (cont'd)

Alderman Palazzolo gave a special thank you to Andy Pouncey and Shari Rhea for an outstanding job of organizing the event.

PUBLIC HEARING - Ordinance 2007-14 – Amendment to Chapter 2 Administration – Investments – Second Reading

Michael Stoll stated that recently the Tennessee Legislature was enacted legislation that required certain investment of City funds to be specifically authorized by ordinance. The legislation directs the City's Board of Mayor and Aldermen to adopt a written policy to govern these investments. The new ordinance provides three primary directives: 1) That City funds will be invested to the maximum extent practicable; 2) City funds will only be invested in instruments described by the ordinance and pursuant to the Tennessee Code and 3) Written policy guidelines covering investments of City funds will be adopted by the Board of Mayor and Aldermen.

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

Motion by Mr. Drinnon, seconded by Mr. Uhlhorn, to approve Ordinance 2007-14 on second reading.

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

Ordinance 2007-13 – Amendment to Germantown Zoning Ordinance – Codification of Smart Code – Third and Final Reading

Mr. Josh Whitehead explained in detail the Smart Code and the changes that had been made since the first reading. Basically the Smart Code is redrafting the way the City works with zoning and subdivision regulations. There were a total of 14 amendments to the Code since the first reading and Mr. Whitehead discussed each of these amendments along with those made during the Executive Session.

Alderman Drinnon stated he felt it would be of interest for Mr. Whitehead to explain LEED Certification.

Mr. Whitehead explained any individual, usually engineers or architects can become LEED Certified in a certain field. The US Green Building Council gives the certification. There is a local chapter in Tennessee. LEED Certification means greater energy efficiency, more sustainable local landscaping, and there is some language on how far the materials to construct the building are brought in (the amount of petroleum being spent to import the resources). After the building is built, the US Green Building Council has a representative certify that what was proposed to be done was in fact done.

Mayor Goldsworthy stated the City had taken steps and is now processing membership in the U.S. Green Building Council, which will allow staff very convenient access to all the information, and the various criteria that can be used for a project to accumulate the necessary points to be LEED Certified.

In response to a question from Alderman Uhlhorn, Mr. Whitehead stated the stories were limited to 15 feet in height. There are certain career visions, if you are a ground floor retail, you can have up to 18 feet. There are absolutes in the Code.

A discussion took place on where a roof would come into play. Mr. Whitehead stated it was at the eave rather than the mid point of the roofline.

Alderman Uhlhorn had some concerns about the roofline and the fact that it could be 25 – 30 feet above the last story.

Ordinance 2007-13 – Amendment to Germantown Zoning Ordinance – Codification of Smart Code – Third and Final Reading - (cont'd)

Mr. Pouncey stated if it was a flat roof it would go to the top of the flat building but if it was a pitched roof it would go just to the eave.

A discussion followed on warrants and what could be done to set the rules regarding the roofline.

Alderman Uhlhorn asked that the Code be amended to state that in determining compliance with the site line of 35 feet, that it should be measured on the building by its highest roof point.

Mr. Whitehead stated under amendments for the third reading, the two sections that dealt with the site line were Sections 3 and 4 and proposed to amend 2.2.2 e.iii – *Notwithstanding the provisions of subsection ii, all new buildings exceeding 35 feet in height, when measured at their highest point, shall have a minimum building setback from the property line of Abutting, low density, residentially zoned property that contain single-family uses equal to 50 feet plus three feet of horizontal distance for every one foot of vertical distance in excess of 35 feet.*

Under 2.2.2 e iv, All new buildings exceeding 35 feet in height when measured at the highest point of roof line shall be lower than the line of sight as described in subsection iii., topography notwithstanding.....

Motion by Mr. Uhlhorn, seconded by Mr. Palazzolo, to approve Ordinance 2007-13 on third and final reading as amended.

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

Cameron Brown Park Improvements Phase II

Pam Beasley stated Cameron Brown Park is the most used park in the City's system and over the past several years some significant reinvestments had been made. There were five bids received but one was excluded because they failed to attend the mandatory pre-bid meeting. The base bid included the installation of a modular retaining wall, installation of limestone walkway and installation of the zoysia sod. The renovation of the pavilion was bid as an additional bid item. The cost of the base bid is \$132,203.00 and the additional bid item A (pavilion) is \$34,951.00 for a total cost of \$167,154.00. The cost of the project was under budget.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to authorize the Mayor to enter into a contract with Barnes & Brower Inc. for Phase II improvements to Cameron Brown Park for a total amount of \$167,154.00.

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

Recognition of Parkland Dedication Fees

Kristen Geiger stated \$162,545.60 was revenue collected from developers as part of the parkland dedication fees. The City's Code requires residential developers to dedicate land for the use of either neighborhood parks or to pay a formulated dollar amount to the City for the City to use toward parkland acquisition or toward major capital improvements of present parkland.

This action is intended to recognize the previously collected parkland dedication fees as current revenue and to fund the continued capital improvements provided exclusively for the City parks. The parkland dedication fees are used to sustain and improve the parks throughout the City.

Recognition of Parkland Dedication Fees – (cont'd)

Motion by Ms. Hinely, seconded by Mr. Drinnon, to approve the revenue recognition of \$162,545.70 collected as parkland dedication fees for the purpose of funding the acquisition of park property or the capital improvement of existing parks.

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

Ordinance 2007-16 – Amendment to Beer Ordinance – First Reading/Set Public Hearing

Mr. Pouncey stated this ordinance would amend the Code of Ordinances as it pertains to the issuance and administration of the section dealing with beer licenses. This amendment would bring our existing ordinance in compliance with state statute and reflect the conditions necessary to implement the Tennessee Responsible Vendor Act of 2006 especially regarding revocation of the suspension of beer permits.

Motion by Mr. Uhlhorn, seconded by Mr. Chism, to approve on first reading the amendment to Article 3 Chapter 3 of the Code of Ordinances of the City of Germantown as it pertains to beer and to set Monday, September 10, 2007, as the second reading and public hearing date to consider this ordinance change.

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

Ordinance 2007-17 – Establishment of a Germantown Centre Advisory Commission – First Reading/Set Public Hearing

George Brogdon explained the time line was to complete the three readings and to publicize membership of the commission with the rest of the City commissions in October for appointment in December when the Board makes their usual commission appointments.

Motion by Mr. Uhlhorn, seconded by Ms. Hinely, to approve on first reading the establishment of the Germantown Centre Advisory Commission and to set Monday, September 10, 2007 as the second reading and public hearing date to consider this ordinance.

A discussion followed on whether non-citizens could be a member of the Centre in order to have a voice on the Commission. This will be discussed in future readings of the ordinance.

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

CONSENT AGENDA

Project Development Contract No. 1157 – Lot 2, Wolf River Office Park

Lot 2 of the Wolf River Office Park is located on the north side of Wolf River Blvd., west of Germantown Road and north of Colonnade Apartments. The property is zoned “O” Office.

MOTION: To approve Project Development Contract number 1157 for the development of Lot 2 of the Wolf River Office Park.

Project Development Contract No. 1158, Poplar Pike Office Bldg. No. 1

This property is located on the north side of Poplar Pike, north of Germantown High School, and west of Brice Antiques. The request is for approval for a 15,120 square foot office/retail building on a 0.46-acre site.

MOTION: To approve Project Development Contract No. 1158 for Poplar Pike Office Center, Building #1.

Declaration of Surplus Equipment

The City is seeking to dispose of eighteen vehicles from the Police, Fire and Parks and Recreation Department. These vehicles were replaced with new ones in FY07. Staff prepared a list of other equipment that is no longer in-service due to mechanical condition and the change of job duties in which the equipment is no longer necessary. As in the past, the Police and Fire Department vehicles will be offered for sale to other government entities at a negotiated price. All other items will be sold through auction or sealed bid.

MOTION: To declare the list of vehicles and various pieces of equipment as surplus property.

Annual Maintenance Fee for Public Water System

In the spring of 1991, the State of Tennessee implemented a Public Water Facility Maintenance Fee based on the type of facility and the number of service connections. The fee is collected from all public water systems in the State. This fee provides funds for a technical staff that consult with local utility officials on water system issues.

MOTION: To approve the annual payment to the Tennessee Department of Environment and Conservation, in the amount of \$13,335.00, for the State Facility Maintenance Fee.

Floor Refinishing – Centre/GPAC

The main stage and rehearsal hall in GPAC will be refinished along with some wooden board replacements along the fascia of the orchestra lift. Gymnasium and racquetball court floors inside the Centre have “dead-spots” that will be repaired prior to the refinishing process. Replacement of the cove base and thresholds are included in this project. Nine vendors were contacted and two bids were received.

MOTION: To approve for the Mayor to enter into a contract with Sports Floor, Inc. for wooden floor refinishing in the Germantown Centre and the Germantown Performing Arts Centre in the amount of \$21,326.00.

Donation to Police Department – Crime Stoppers

Mr. Frank J. Glankler, a long time citizen of Germantown wishes to show his appreciation for the continued good performance of the Germantown Police Department by donating \$100.00 to the Crime Stoppers Program.

MOTION: To recognize a donation from Mr. Frank J. Glankler of \$100.00.

Drug Testing of Student Athletes – Germantown and Houston High School

Germantown High School has participated in the program to screen student athletes for the use of alcohol and/or drugs for 11 years. Last fiscal year, the City provided \$8,410.00 to Germantown High School for this purpose.

Houston High School has participated in the program to screen student athletes for the use of alcohol and/or drugs for 5 years. Last year the City provided \$7,550.00 to Houston High School for this purpose.

MOTION: To authorize a grant in the amount not to exceed \$24,000.00 from the Federal Asset Drug Fund and/or the State Asset Drug Fund for Germantown and Houston High Schools to support the schools’ mandatory alcohol and/or drug screening of all student athletes for the 2007-2008 school year.

Donation to Parks and Recreation for Parks Program

The Parks and Recreation Department would like to recognize money totaling \$925.00, collected from donations and fundraising from the following sources:
\$350.00 – Funds raised by summer camp youth for the “Step Up to Health” program; \$75.00 donation from Mr. Brian Pecon for the WRNA outdoor classroom project and \$500.00 donation from Ms. Rhonda Boyett for the summer playground camp program.

MOTION: To recognize donations and fundraising dollars collected by the Parks and Recreation Department totaling \$925.00, approve \$575.00 for the City sponsored projects, authorize City staff to donate \$35.00 to the Tennessee Recreation and Parks Association for the “Step Up to Health” program and to approve Budget Adjustment No. BA 08-06.

Donation to Camp Good Grief

The summer camp program included an opportunity for youth participants to get involved in raising money for a worthwhile cause. The fundraiser was a talent show that drew donations that totaled \$1,000.00.

MOTION: To recognize funds collected by summer playground camp youth and the Recreation Division, to authorize City staff to donate these funds in the amount of \$1,000.00 to Camp Good Grief and approve Budget Adjustment No. BA 08-09.

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

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

REGULAR AGENDA

Mayor Goldsworthy noted for the minutes that Alderman Uhlhorn had left the dais.

Amendment to Agreement – Lot 1, Poplar Woods S/D (6535 Poplar Ave.)

The Seller (City of Germantown) and Poplar Station LLC (Mr. John Walker) entered into an agreement of Purchase and Sale with an effective date of January 8, 2007, relative to lot 1, Poplar Wood S/D. The Board is requested to approve the amendment that deletes the date of October 1, 2007 and replace same with the date of December 31, 2007, by which time the Purchaser will be required to advise Seller either (i) that all of the foregoing conditions precedent to Purchaser’s obligation to close under the Agreement, as amended hereby have been met.

Motion by Mr. Drinnon, seconded by Mr. Chism, to amend the Agreement to authorize the sale of city-owned property located on the south side of Poplar Ave., west of Fountain Square Condominiums.

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

Mayor Goldsworthy noted that the City had received a Certificate of Achievement for excellence in financial reporting for comprehensive annual financial reporting of fiscal year ended June 30, 2006.

Alderman Drinnon commended the Mayor, the staff and the Finance Department for their fine achievement.

Mayor Goldsworthy noted the City had gone into a water conservation mode because of the record amounts of water usage that occurred over the weekend. On Friday the record was topped of usage in a

twenty-four hour period of over 18 million gallons. On Sunday the record was broken again with almost 21 ½ million gallons of water. The City is asking its citizens to comply with the odd and even system for outdoor irrigation and landscaping and water to allow the system to balance so the peak periods would not put excessive strain on the system. If the house number ends in an odd number then water on the odd dates between 9 p.m. and 6 a.m. to avoid the peak periods.

Mayor Goldsworthy commended Bo Mills and his Water Utilities staff because it had been a very and very serious situation to monitor and to keep everything up and running. As of today, all wells and all pumps had been running on a twenty-four hour basis to keep up with the demand.

ADJOURNMENT

There being no further business to be brought before the Board, the meeting was adjourned.

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder