

**BOARD OF MAYOR AND ALDERMEN**  
**October 27, 2008**

A regular meeting of the Board of Mayor and Aldermen was held on October 27, 2008 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: Patrick Lawton, Andy Pouncey, George Brogdon, Kristen Geiger, Tom Cates, Michael Sadler, Ralph Gabb, Chief Richard Hall, Chief Dennis Wolf, Bo Mills, Derek Chaput, Melody Pittman, and Dotty Johnson.

Mayor Goldsworthy noted that two items on the agenda had been deferred. She stated that during the Executive Session the Board had agreed to add a Resolution regarding fees the City could charge to copy public documents.

**Invocation**

Assistant City Administrator Andy Pouncey gave the invocation.

**Pledge of Allegiance**

Boy Scout Troop 332 from Covenant United Methodist Church in Cordova led the Pledge.

**Approval of Minutes**

Approval was requested of the minutes of the executive and regular session held October 13, 2008.

Motion by Ms. Hinely, seconded by Mr. Palazzolo, to approve the minutes of the Executive Session and Regular Meeting held October 13, 2008.

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

**Citizens to be Heard**

No citizens came forward to be heard.

**Presentation of Beautification Commission Business Award - DEFERRED**

**Presentation of Flag and Plaque by American Legion Post 250 to the City of Germantown**

Chaplin Ron Roberson and Commander Carl Porter of Germantown Legion Post 250 made a presentation of an American flag that was flown in a U.S. military mission over Afghanistan to be displayed at the Municipal Center.

Chaplin Roberson reported that on April 26, Post 250 and Boy Scout Troop 316 collected more than 30 boxes, weighing more than 1,100 pounds containing items for use by American troops in Afghanistan. FedEx donated the shipping. A check for more than \$1,900 was also sent to Operation Helmet to provide helmet upgrade kits for the soldiers.

Commander Porter stated that in appreciation, the Combined Joint Task Force of the 101<sup>st</sup> Airborne Division and the 11<sup>th</sup> Quartermaster Detachment sent a certificate, plaque and flag to Post 250 members recognizing that the donation was made possible by the generosity of people in the Germantown community, and requested display of the awards in a public place. The membership of Post 250 voted that the best place to display the flag was in City Hall because of the hearts of the citizens of Germantown. They felt this would not have been possible but for the generosity of the Germantown citizens.

Mayor Goldsworthy stated that the City sends its appreciation to the Post and Boy Scout troop for all their hard work in making it possible to bring some small comforts of home to those that are serving in the armed forces.

### **Youth Excellence Award**

Alderman Hinely stepped forward along with members of the Education Commission to present the Youth Excellence Award for the month of August to Meredith Manguno, a senior at Briarcrest Christian School. Ms. Hinely read her many accomplishments and presented her with a plaque that was sponsored by Traditions.

Mr. Alec Hembree was presented with the Award for September. He is a senior at Houston High School. Ms. Hinely read his accomplishments and presented him with a plaque sponsored by Traditions.

### **Teacher of Month Award**

Alderman Hinely presented Mr. John Lane, the band director at Germantown Middle School with the Teacher of the Month Award for August. Mr. Sean O'Bannon with Germantown Heating and Air presented a check for \$100.

Ms. Diana Perry an eighth grade math teacher at Riverdale Elementary was presented the award for the month of September. Mr. Ken Weatherford of Landmark Bank presented her with a check for \$100.

Mayor Goldsworthy stated the Board of Mayor and Aldermen would now recess and act as the Beer Board.

## **BEER BOARD**

### **PUBLIC HEARING – Beer Permit Application – Romano’s Macaroni Grill – 6705 Poplar Ave.**

City Administrator Patrick Lawton stated the new owners of the Macaroni Grill were requesting a beer permit for on-premise consumption. The application was in compliance with the City’s ordinance and Administration recommended approval.

Mayor Goldsworthy opened the public hearing. Having no one come forward to address the Board, the public hearing was concluded.

Motion by Mr. Palazzolo, seconded by Mr. Chism, to approve the request from Joshua Olshansky, Vice president of Mac Acquisition LLC, d/b/a Romano’s Macaroni Grill for a permit to sell beer for on-premise consumption.

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

The Beer Board was adjourned and the Board of Mayor and Aldermen was reconvened.

## **BOARD OF MAYOR AND ALDERMEN**

### **Resolution 08R11 – Identity Theft Policy and Adoption Resolution**

Mr. Lawton stated the Fair and Accurate Credit Transaction Act of 2003 (FACTA) required that the Federal Trade Commission (FTC) develop rules regarding identity theft. In November 2007, the FTC promulgated the final rules known as “red flag rules” which have an effective date of November 1, 2008. Certain sections of the Act require that cities develop and enact policies and procedures by the November 1, deadline.

The Municipal Technical Advisory Service has developed an identity theft policy in compliance with the FACTA regulations. This resolution addresses the City's requirements and puts us in compliance with the Act.

He explained that the adoption of this identity theft policy is necessary to be in compliance with federal law and also, based upon the City's risk assessment, there is pertinent information on employees, contractors, and more importantly, our residents that need to be protected from utility billings, Human Resources, Court, Finance, Parks & Recreation, Purchasing and Police.

Motion by Mr. Uhlhorn, seconded by Mr. Drinnon, to request the Board of Mayor and Aldermen to adopt Resolution number 08R11 on Identity Theft, as well as the establishment of an Identity Theft Policy.

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

### **Professional Services Agreement – New Fire Station #4 Design - DEFERRED**

#### **ADD-ON**

#### **Resolution to Establish a Schedule of Reasonable Charges for Copies**

Patrick Lawton stated the General Assembly had passed Public Chapter 1179 amending the existing Open Records Law for the State of Tennessee effective July 1, 2008. This amendment made clear the process for requesting public records, the role of the record's custodian and the time limits for compliance with such requests. The City is in compliance with this portion of the amended Act.

The State Office of Open Records Council was also charged with creating a schedule of reasonable charges for open records requests. The cities in the State of Tennessee have until November 1 to become compliant with the charges and adopt same by resolution of its governing body.

This resolution sets forth the charges for copies, labor charges and any other additional production charges associated with the production of a public record.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to adopt Resolution number 08R12 on a Schedule of Reasonable charges for Copying and Duplicating of Public Records.

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

### **CONSENT AGENDA**

#### **Donations to Neighborhood Preservation Commission**

The City has received donations in the amount of \$1,050.00 to the Neighborhood Preservation Commission to support the Neighborhood Preservation Commission's Neighborhood Leaders Conference. The donations were from Leadership Germantown Alumni Association-\$300, Level 1 Management Group - \$300, Rotary Club of Germantown - \$100, Good Winds Landscape \$100, \$50 each from the following Homeowner's Associations: Bavarian Village, Duntreath, Germantown East, Poplar Estates, and the Oaks.

#### **Civic Support Grant – Germantown Community Theatre**

This \$45,000 grant for the Germantown Community Theatre will provide Youth Theater programming to the Germantown community. This is the fourth year the Germantown Community Theatre has offered programming to Germantown youth through funding from the City of Germantown.

**Purchase – Sports Lighting Controls**

This is the purchase of sports lighting controls from Musco Lighting Systems for \$19,300.00 with a ten-year central service center support agreement along with a five-year full warranty and maintenance contract. The installation will be performed under a separate contract with a manufacturer's approved electrical contractor at Bob Hailey Baseball Complex and Johnson Road Soccer Park.

**Annual Street Sweeping Contract Renewal**

This will allow the Mayor to contract with Simmons Sweeping Company for the first option year of the contract extension in the amount of \$170,970.00.

**Media Purchase – Germantown Athletic Club**

This is for the purchases with The Commercial Appeal in the amount of \$12,212.30 and media purchases with Malco Screenvision in the amount of \$14,466.00.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to accept the Consent Agenda in its entirety.

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

City Attorney Tom Cates spoke as Chairman of the Library Board and stated he was pleased to report that under the auspices of Haplr Rating that is a rating service that rates all the libraries in the United States, that all the libraries with the population of 25,000 to 50,000, Germantown was ranked the No. 2 library in the State of Tennessee. It ranks in the 71 percentile in the United States. Based on the leadership of the Board of Mayor and Aldermen and its decision to take over the library and to contract it out to the firm that has been running it, and the staff and support of the Board of Mayor and Aldermen, to the library; the citizens of Germantown the City should be very proud.

The Mayor stated as a result of a request of Neshoba Plantation subdivision and the leadership of former Alderman Sam Massey in getting appropriate recognition of one our early citizens, Francis Wright. An appropriate marker will be posted in the City that documents her experience in Germantown.

Alderman Palazzolo acknowledged the Tennessee Shakespeare Company and their record crowds for their 17 performances. He said the temporary housing at St. Georges and the Apperson property was very successful and enjoyable. He also stated that even though the performances there were a success, some citizens acted childish and irreprehensible. He apologized to the Shakespeare Company for the childish actions of a few of our citizens.

**ADJOURNMENT**

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