

BOARD OF MAYOR AND ALDERMEN

August 11, 2008

A regular meeting of the Board of Mayor and Aldermen was held on August 11, 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, George Brogdon, Tom Cates, Pam Beasley, Jerry Cook, Tim Gwaltney, Josh Whitehead, Chief Richard Hall, Pat McConnell, Bo Mills, Chief Dennis Wolf, Michael Stoll, Ralph Gabb, Michael Saddler, Butch Eder, Melody Pittman, and Dotty Johnson.

Mayor Goldsworthy noted there had been some changes to the agenda. During the Executive Session, the Board consented to defer Item D on the Consent Agenda, Civic Support Grant – Germantown Chamber of Commerce.

Invocation

Managed Competition Director Michael Saddler gave the invocation.

Pledge of Allegiance

Boy Scout Troop 274 from Holy Rosary Catholic Church presented the flags and led the Pledge.

Approval of Minutes

Approval was requested of the minutes as amended of the executive and regular session held July 28, 2008.

Motion by Mr. Palazzolo, seconded by Mr. Chism, to approve the minutes of the Executive Session and Regular Meeting held July 28, 2008 as amended in the Executive Session.

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

Citizens to be Heard

Mr. Richard Saulter of 2498 Cedar Dale came forward and recommended a change in the ordinance for garbage and trash pickup. He asked that things not be put out on the curb until noon the day before it is to be picked up. He said grass clippings sometimes sit out all week before it is picked up.

BEER BOARD

Mayor Goldsworthy suspended the Board of Mayor and Aldermen meeting and convened as a Beer Board.

City Prosecutor Joe Lee Wyatt came forward to present the cases.

Suspension/Revocation – Beer Permit – Chapultepec Mexican Restaurant

Mr. George Skouteris, attorney representing the restaurant introduced Roberto Castrejon, the manager of the restaurant and the son of the owner Alejandro Castrejon.

Mr. Wyatt explained to the Board that the matter before it was very similar to the one presented in July where Germantown Officer Durfee who was assigned to Metro DUI and was in charge of the operation in Germantown and the individual used with the drivers license was the same individual and the procedure followed was very much the same.

The Board agreed to move right into the testimony of the manager as to what was being done to correct the problems.

Mr. Skouteris stated the owners of the restaurant had been in business for ten years without being cited and the employee in question was relieved of employment. They did admit guilt and were taking steps to correct any problems that may exist.

Roberto Castrejon stepped forward and explained what they were doing as far as training of the employees.

In response to a question from Alderman Hinely, Mr. Castejon stated at least once a week they have a meeting with staff and go over the checking of licenses.

Mr. Wyatt stated the restaurant employee did not request the individual to produce proof of age.

Motion by Mr. Drinnon, seconded by Ms. Hinely, recommended the permit be suspended for 30 days or at their option to pay a penalty of \$1,500.00 within 7 days of the hearing.

Alderman Hinely asked to require more training on a daily basis.

Mr. Wyatt stated that other cases had required this and also required they submit to his office copies of what they are doing on a monthly basis.

Amendment to the motion by Ms. Hinely, seconded by Mr. Palazzolo, to have the business have daily training with their employees and to report back to the prosecutor every 30 days for three months.

Vote on Amendment:

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

Vote on original motion:

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

Suspension/Revocation – Beer Permit – Yia-Yia’s Eurocafe

Mr. Wyatt stated he had talked with the corporate office of PB&J Restaurants doing business as Yia-Yia’s Eurocafe but had not talked with the manager. He stated the Board could follow the same procedure. He stated the employee had requested the ID but was still served.

Mr. Brian Bazar the general manager stipulated there was a violation. He stated they had replaced the manager who was on duty at the time of the incident. He went into detail of what they do to train their staff regarding the sale of alcohol.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to suspend the license for thirty days or at their option to pay \$1,500.00 within seven days.

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

Suspension/Revocation – Beer Permit – American Café

Mr. Wyatt stated this case was similar to the other cases.

Mr. Mike Richards an attorney with Baker Donelson Law Firm came forward and introduced Mr. Alan Katzen the general manager of American Cafe. He stated the business had been in operation for 18 years in Germantown and this was their first violation.

Mr. Katzen stated he had been in the restaurant business since 1975. He went into detail on the training that was required of each employee each day. He stated he had never had an employee cited in all his years in the restaurant business.

In response to a question from Alderman Palazzolo, Mr. Katzen stated the employee was not terminated. He stated the man had been a loyal employee for 8 years and was a fine team member. The employee had been coached and counseled and felt he had learned a lot from the process.

Mr. Richards stated he had met with the employee and he felt it would not happen again.

Motion by Mr. Uhlhorn, seconded by Mr. Palazzolo, to suspend the license for thirty days or at their option to pay \$1,500.00 within seven days.

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

Having concluded the business of the Beer Board, the Beer Board was adjourned and the Board reconvened as the Board of Mayor and Aldermen.

BOARD OF MAYOR AND ALDERMEN

PUBLIC HEARING - Ordinance 2008-7 – Amendment to Chapter 23 of the Code of Ordinances (Zoning) – Amendment to List of Zoning Districts – Second Reading

Josh Whitehead stated this was an amendment to the zoning districts. It would add the O-C Office Campus Zoning District, the R-H Retirement Housing Zoning District and the three Smart Growth Zoning Districts. One change had been made to the ordinance amendment since the First Reading and a new subsection added to the proposed language to cover the City's overlay districts, "PUD", "F" and "FW" rather than delete them entirely from the section.

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

Motion by Mr. Uhlhorn, seconded by Mr. Palazzolo, to approve Ordinance 2008-7 on Second Reading.

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

PUBLIC HEARING – Ordinance 2008-8 – Amendment to Chapter 14 of the Code of Ordinances (Signs) – Amendment to Temporary Sign Regulations – Second Reading

Mr. Whitehead stated this amendment would adjust one type of temporary sign and add another. The amendment will require the property manager, when applying for administrative approval of a temporary sign permit, to submit documentation that leasable floor area is either vacant or will be vacant within 30 days. The DRC may approve up to two renewals of 90 days each during the next 24 months, provided that the building has a vacancy rate of at least 15% and that other means to advertise the space have not been effective. The amendment will also allow real estate signs for individual units in office condominium developments.

One change to the ordinance amendment proposal since the first reading is the addition of real estate “for sale or lease” signs for office and retail condominium units.

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

Motion by Ms. Hinely, seconded by Mr. Palazzolo, to approve the amendment on second reading.

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

CONSENT AGENDA

Alderman Drinnon asked that item I – Appointments to the Germantown Community Library Board be heard separately.

Wolf River Boulevard Extension Preliminary Engineering Design – Payment to TDOT Administrative Costs

TDOT has authorized the City to begin the preparation of preliminary construction plans for the Wolf River Extension. TDOT is requesting \$3,000 from the City for the purpose of various activities necessary for the project’s development.

MOTION: To approve payment to Tennessee Department of Transportation (TDOT) in the amount of \$3,000 for administrative purposes in the preparation of preliminary construction plans for the Wolf River Boulevard Extension project.

Supplement to On-Call Professional Services Contract (Kimley-Horn & Assoc.)

Additional funding of \$30,000.00 is requested to provide transportation related professional engineering services.

MOTION: To approve additional funding of \$30,000.00 to an existing On-call Professional Services Agreement with Kimley-Horn & Associates, Inc. to provide transportation related professional engineering services.

TDOT Proposal for Widening of Germantown Road South from Stout Road to Crestridge

TDOT plans to improve Germantown Road by widening the existing 2-lane roadway between Crestridge Dr. and Stout Rd. to a 4-lane median divided roadway with a traffic signal at Crestridge.

MOTION: To authorize the Mayor to sign a proposal from the Tennessee Department of Transportation (TDOT) to widen Germantown Road South from Crestridge Drive to Stout Road.

Civic Support Grant – Germantown Chamber of Commerce - DEFERRED

Janitorial Supplies

This is a supply of paper products and cleaning supplies to be used in City buildings and in the restrooms in City parks.

MOTION: To approve the purchase of paper products and cleaning supplies from American Twine & Paper in the amount of \$16,077.52, from Topmost Chemical in the amount of \$2,807.05, All American Poly in the amount of \$4,675.50 and Action Chemical in the amount of \$1,946.80 for a total of \$25,506.87.

Wood Fibar Materials

A 12" layer of the fibar is used under all the City's playground sites to insure a safe and playable surface in our play-lots on a citywide basis.

MOTION: To purchase 100 cubic yards of wood fibar from Miracle Recreation in the amount of \$19,000.00.

Annual Maintenance Fee for Public Water Systems

This is an annual payment to the Tennessee Department of Environment and Conservation for the State Facility Maintenance Fee as established by the Water Quality Control Board.

MOTION: To approve the annual payment to the Tennessee Department of Environment and Conservation, in the amount of \$17,335.50 for the State Facility Maintenance Fee.

Purchase – Swimming Pool Chemicals

This purchase reflects the estimated amount of chlorine to be used for the next ten to twelve months at a cost of \$14,000.

MOTION: To approve the purchase of chlorination chemicals for the Germantown Athletic Club's pools under the Tennessee statewide contract SWC No. 105 from Duffield Inc. in the amount of \$14,000.

Motion by Mr. Palazzolo, seconded by Mr. Uhlhorn to accept items a, b, c, e, f, g, and h of the consent agenda as presented.

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

Appointments to Library Board

George Brogdon asked the Board to approve the appointments of Paul Henager, Venson Hughes and Hesem Jabr to three-year terms on the Germantown Community Library Board. He gave a brief background presentation on each of the three proposed members.

Alderman Drinnon commented how proud he was the Board had decided to bring in private management to the Library and the people who had served on the Board whose terms had expired Alan Strain, Kelly Marcom and Lorrie Wagoner. The City is very proud of their commitment and dedication of their services.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve the appointments of Paul Eric Henager, B. Venson Hughes and Hesem Jabr to three-year terms on the Germantown Community Library Board, expiring in July 2011.

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.