

**BOARD OF MAYOR AND ALDERMEN**  
**October 26, 2009**

A regular meeting of the Board of Mayor and Aldermen was held on October 26, 2009 at 6:00 p.m. in the Council Chambers of the Municipal Center.

Mayor Sharon Goldsworthy was present and presiding.

The following Aldermen were present: Mark Billingsley, Ernest Chism, John Drinnon, Carole Hinely, and Mike Palazzolo. Staff present: Patrick Lawton, Andy Pouncey, Kristen Geiger, George Brogdon, Tom Cates, Jerry Cook, Chief Richard Hall, Pat McConnell, Chief Dennis Wolf, Melody Pittman, Josh Whitehead, Michael Saddler, Michael Stoll, Ralph Gabb, Pam Beasley and Dotty Johnson.

**Invocation**

Assistant City Administrator Kristen Geiger gave the invocation.

**Pledge of Allegiance**

Boy Scout Troop 57 from St. Mark's United Methodist Church presented the colors and led the Pledge of Allegiance.

**Approval of Agenda**

Alderman Billingsley asked to add on to the agenda an item for support for Leadership Germantown.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve the agenda as amended.

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

**Approval of Minutes**

There were no corrections or additions to the minutes.

Motion by Mr. Chism, seconded by Mr. Drinnon, to approve the minutes of the Board of Mayor and Aldermen meeting held October 12, 2009.

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

**Beautification Commission Business Award**

Alderman Palazzolo and Deborah LaChapelle from the Beautification Commission presented Mr. Josh Davis, owner of Stringer's Landscape, with the monthly Business Award. Mr. Davis thanked the Board, Beautification Commission and the City for the award.

**Citizens to be Heard**

Ms. Sharon Brent of 4794 Pelican Bay, Memphis, came forward to thank GPAC. Ms. Brent is a teacher at Concorde Academy, a special needs school. She had recently been in touch with the Director of GPAC who proposed a working relationship with the students. She asked the Board to give special consideration to what GPAC is attempting to do with arts education.

**PUBLIC HEARING – Ordinance 2009-16 – Amendment to Chapters 23 Zoning, and 6, Building and Building Regulations, on Setback Requirements for Accessory Structures, Principal Structures and Arbors – Second Reading**

Planning Division Director Josh Whitehead explained that this amendment to the ordinance was in response to inquiries by members of the BZA who met with the City Attorney and discussed the statutory requirements that governs the BZA and their granting of variances, particularly from the building and zoning codes.

This amendment will create a cleaner ordinance without the homeowners having to go to the BZA.

In response to a question from Alderman Drinnon, Mr. Whitehead stated this amendment would not affect anything that is currently before the BZA.

Alderman Palazzolo asked if an applicant would still have the purview to go before the BZA for an application for a variance.

Mr. Whitehead responded that the ordinance that governs the BZA grants a purview for any disagreement between staff and a homeowner.

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

Motion by Ms. Hinely, seconded by Mr. Drinnon, to approve Ordinance 2009-16 on Second Reading.

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

**PUBLIC HEARING – Ordinance 2009-17 - Amendment to Chapter 14, Signs – Revisions to the Regulations of Project Directory Signs – Second Reading**

Mr. Whitehead explained that this amendment dealt with signs in shopping centers. This amendment will expand the number of retail centers that are allowed to have ground-mounted directory signs and create standards for the construction material and type of lighting used in the sign.

Alderman Palazzolo requested Planning to include the inventory of the seven retail centers that were alluded to.

Mayor Goldsworthy opened the public hearing.

Mr. Tim Garret with Beltz Enterprises, 100 Peabody Place came forward representing Germantown Village Square Shopping Center. He stated as they reviewed the amendment, they took note of item 3-B – Medium Retail Center Permit Project Directory Sign. It stated that the name of the center shall be a primary element of the sign. He felt the name of the shopping center brought no value to leasing the space. He proposed that tenant exposure be maximized and minimize the shopping center development name. He asked that the name of the shopping center be left to the discretion of the developer as to whether they even want to have the name of the shopping center. He also proposed that a maximum of the 85 to 90% of the sign be for directory purposes to maximize the tenant exposure at the street. He asked the Board and Planning to review these requests before the third and final reading.

Having no one else come forward, the public hearing was closed.

Motion by Mr. Palazzolo, seconded by Ms. Hinely, to approve Ordinance 2009-17 on Second Reading.

Alderman Hinely asked staff to look into getting the retailers more space on the signs before the third reading.

Alderman Billingsley stated that he also supported both of Mr. Garret's recommendations.

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

### **Property and Casualty Insurance Renewal**

Risk Manager Michael Stoll came forward and stated this was the insurance renewals for the coming year. The renewals include property insurance, liability insurance, and workers compensation insurance. For more than two decades, this coverage has been provided primarily by the TML Risk Management Pool, a professionally operated, non-profit, risk sharing pool for Tennessee municipalities and non-profit organizations. The TML Pool provides the City with all necessary claim services, loss control programs and ready access to risk management products.

Mr. Stoll introduced Mr. David McDonald of McDonald Insurance, the agency representing TML Insurance Pool. Mr. McDonald gave a description of the Pool and how it works as the insurer.

The recommended expenditures are as follows: Property Insurance - \$267,907.00, Vehicle Insurance - \$96,792.00, Liability Insurance - \$214,318.00 and Workers Compensation \$272,625.00 for a total of \$851,642.00. The total amount has been reduced by the current Pool dividend of \$98,381.00.

Alderman Drinnon asked, for the record, if the premium that Germantown is assessed is based on the experience that we have had with different claims or the total number participants in TML.

Mr. Stoll explained that depended on the type of insurance. It is based on a base rate and then our claims experience adjusts up or down based on the basic rate. If it is Workers Comp, there are basic rates and then there is a discount from that basic rate based on our experience.

In response to a question from Alderman Palazzolo, Mr. Stoll stated there were some workplace accidents such as in the Police Department where an accident occurs in an arrest, or just plain accidents. All accidents are reviewed to see if something different could be done to prevent those accidents. Workplace Safety Education is important.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve the renewal of insurance coverage and payment of premiums (less the related dividends) to TML Risk Management Pool for property, workers compensation and general liability policies including the additional earthquake coverage.

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

### **Vehicle Purchases**

City Administrator Patrick Lawton explained several vehicles needed to be replaced in many of the City departments and the used vehicles declared surplus property to be sold. In the development of the FY10 budget and our long range infrastructure replacement program, the vehicle maintenance division in cooperation with the City's operating departments reviewed our inventory of vehicles and made a determination and recommendation as to which vehicles ought to be replaced in the current fiscal year.

The decision to include vehicles in the budget is based upon the detailed maintenance record that is kept on the vehicle, its overall condition and performance and the number of miles on the vehicle. In addition staff takes into consideration any budgetary constraints from year to year before making a recommendation. This year there were several vehicles to be replaced in the fleet. The vehicles to be replaced are replacement vehicles and not a net increase to our fleet. They include vehicles in police patrol and administration, facilities management, our water department and in Parks & Recreation. Specifications on the vehicles are developed by our vehicle maintenance division in consultation with the end users.

Specifications were mailed to regional truck and auto dealers and placed in the daily news. The vehicles being recommended for purchase are all low bid vehicles that meet the City's specifications. Based on the

allocation of these funds in the FY10 budget and our bidding process and the need to replace these vehicles at this time.

In response to a question from Alderman Billingsley, Chief of Police Richard Hall stated they would not be moving to Chevy Impala's as the fleet car as the Crown Vics get older. Chief Hall stated the Chevy Impalas will be used by the Investigative Division and Administration. The equipment that goes into the cab of the cars fills a Crown Vic.

Motion by Mr. Palazzolo, seconded by Mr. Chism, to authorize the purchase of vehicles from Alexander Automotive in the amount of \$60,075.00, from Cardinal Chrysler Jeep Dodge in the amount of \$63,792.81 and from Walker Chevrolet in the amount of \$51,604.00 with a total net expenditure of \$175,471.81 and declare the vehicles being replaced as surplus property.

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

#### **Purchase of four Mobile Vision In-Car Video Systems**

Chief Hall stated the City of Germantown uses video technology in patrol cars to provide video proof and documentation of arrests and citations issued. This technology has proven to be an excellent way to identify officer performance and to address issues and concerns that might arise in the course of their day to day activity. Two of the cameras will be installed in the new patrol cars and two others will replace older camera systems.

Motion by Mr. Billingsley, seconded by Ms. Hinely, to purchase four (4) Mobile Vision Flashback 2 digital in-car video surveillance systems from L3 Communications, Mobile Vision Inc. in the amount of \$18,280.00.

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

#### **Authorization for Competitive Sealed Proposal Process**

Mr. Lawton stated that State law was changed a couple of years ago to allow municipalities to use a variation of the competitive sealed bid proposal when securing certain services. We feel that using the competitive sealed process for the two items identified, third party administrator and tennis professional, could best be addressed in this process.

The third party administrator is the group that the City would contract with in helping to administer the City's self insured health program. This is the company that would compare the City's plan with what is covered and not covered with various healthcare providers and particularly as it relates to any negotiated discounts for healthcare services that might be in place. The third party administrator also processes the City's claims and payments to these healthcare providers.

The tennis professional services would be to review the proposals received from the tennis professional to run the City's tennis program. The proposal would be sent to individuals and organizations wishing to provide the City with these services.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to authorize the use of the competitive sealed proposal process to procure information for a Third Party Administrator that will offer the best service in the most cost effective manner and for procuring a contract for tennis professional services to develop the game of tennis for all age groups at City Tennis Courts.

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

**Lobby Contract**

Mr. Lawton explained that for the past several years the City has used the services of Farris, Bobango, Branam Law Firm to represent the City on a variety of legislative issues in Nashville. The fee for this as indicated in their proposal is \$32,500.00 and has not changed for the past 2 years. On a weekly basis the City Administration is in contact with our lead lobbyist, Mr. John Farris, on the status of the various bills before the general assembly. Based upon these discussions we will then focus our efforts on specific bills that are of concern to the City and will work with our lobbyist and the Board for defeat or passage of bills.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to authorize the Mayor to execute a lobbying services agreement with Farris Bobango Branam Law Firm PLLC Attorneys at Law for lobbying services on behalf of the City of Germantown beginning October 1, 2009 and continuing through September 2010 in the amount of \$32,500.00.

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

**Committee to Explore Veterans Memorial**

Assistant City Administrator Andy Pouncey stated that at the last Board of Mayor and Aldermen meeting Alderman Chism requested this item be added to the agenda to establish an exploratory committee whose purposed is to find an appropriate way to recognize and honor all those men and women from the City of Germantown who have served our country in the military. He recommended starting with a small committee including but not limited to Pam Beasley, Rodney Strop, the Stern family and himself. All parties had been notified and were comfortable with serving.

Alderman Chism stated this memorial was for those Germantown citizens who have given their lives for their country not the ones who had served.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to authorize the Mayor and Board to appoint an exploratory committee, including but not limited to Alderman Chism as liaison alderman, Andrew Pouncey as chairman, Pam Beasley, Rodney Strop and a member of the Stern family, and anyone the Mayor felt appropriate to serve on the committee whose purpose it is to find an appropriate way to recognize and honor all those men and women from the City of Germantown who have served and lost their lives serving our country in the military.

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

**CONSENT AGENDA**

**Copy Machine Rental Extension**

The City utilizes the Shelby County Contract for copy machine leasing. The City is extending the agreement with NovaCopy, Inc. for fifteen copy machines for a two year extension. With the extension, the City will receive a fifteen percent discount on all copy machines.

MOTION: To lease fifteen (15) copy machines from NovaCopy Inc. under two-year rental agreement for an estimated annual cost of \$29,034.81 for approximately 1,254,558 copies per year.

**Recognition of Overtime Reimbursement – Police Department**

The Germantown Police Department has an officer assigned to the FBI Joint Terrorism Task Force. The FBI JTTF reimburses any overtime that the officers receives while carrying out his duties.

MOTION: To recognize overtime reimbursement from the Federal Department of Justice and the Shelby County Government and to approve Budget Adjustment #10-40.

**Recognition of Library Donations**

Donations have been made to the Germantown Community Library totaling \$7,713.28 and the Germantown Regional History and Genealogy Center totaling \$318.81.

MOTION: To recognize the monetary donations made to the Germantown Community Library totaling \$7,713.28 and the Germantown Regional History and Genealogy Center totaling \$318.81, as well as approve Budget Adjustment 10-46.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to accept the consent agenda as read.

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

**Request for Civic Support for Leadership Germantown**

Alderman Billingsley stated that Mr. Steve Bernhart, the president of Leadership Germantown had come before the Board in the spring of this year with a written request for funding. Alderman Billingsley asked the Board, at the next meeting, to entertain a contribution of \$4,000.00 to support Leadership Germantown. He stated they had made great strides under the leadership of the new program director and the Board was very active. He requested this be added to the next Board agenda for consideration.

Motion by Mr. Billingsley, seconded by Mr. Drinnon, to place the request for \$4,000.00 to Leadership Germantown on the next Board agenda for consideration.

ROLL CALL: Billingsley–yes, 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