

**BOARD OF MAYOR AND ALDERMEN**  
**July 22, 2024**

The regular meeting of the Board of Mayor and Aldermen was held on Monday, July 22, 2024, at 6 p.m., in the Council Chambers at City Hall.

Vice Mayor Gibson was present and presiding.

The following aldermen were present: Scott Sanders, Mary Anne Gibson, Sherrie Hicks, Brian Ueleke and Jon McCreery. Staff present: Michele Betty, Mike Fisher, Jason Huisman, Mac McCarroll, Lisa Piefer, Sheila Pounder, Cameron Ross, Natalie Ruffin and Andy Sanders.

**Call to Order**

The Vice Mayor called the meeting to order.

**Invocation**

The invocation was led by Cameron Ross.

**Pledge of Allegiance**

Alderman Sanders led the Pledge of Allegiance.

**Set Agenda**

The Board is asked to set the agenda for the meeting. Any changes are to be made at this time.

Motion by Mr. Sanders, seconded by Ms. Hicks, to approve the July 22, 2024 agenda.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

**Approval of Minutes**

Approval is requested of the minutes of the regular meeting held July 8, 2024.

Motion by Ms. Hicks, seconded by Mr. Ueleke, to approve the minutes of the Board of Mayor and Aldermen regular meeting held July 8, 2024.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

**Citizens to be Heard**

No citizens came forward.

**SPECIAL RECOGNITION – Beautification Commission Business Award – July 2024**

St. George's Episcopal Church is the July Beautification Commission Business Award winner.

**CONSENT AGENDA**

**Agreement – Tyler Executime Annual Software as a Service**

The annual cloud service fees include licensing, maintenance, support services, and will continue to interface with CentralSquare payroll module.

MOTION: To approve funding for the annual software as a service (SaaS) agreement with Tyler Technologies in the amount of \$37,374.75.

**Agreement Amendment No. 1 – Legal Services**

Burch, Porter & Johnson (BPJ) has served as City Attorneys for more than 33 years. The BMA appointed John R. McCarroll, III as City Attorney, effective January 1, 2019, and approved an agreement for legal services with Burch, Porter and Johnson, PLLC. The agreement had the same rates from 2019; a term of five (5) years beginning

February 28, 2022, through February 27, 2027; and could be renewed at the City's option for one (1) additional year by agreement of both parties. Per the agreement, rate adjustments may be requested during the term. Any adjustments would be made in the form of an Amendment and brought before the BMA for approval.

Pursuant to the City's agreement, BPJ has submitted requests for two items for consideration: rate adjustments and legal services for Planning Commission and its related board and commissions. The current rates have not been increased in over 5 years and BPJ is requesting relief from the obligations to provide legal services to the Planning Commission and its related boards/commissions. See **Agreement – Legal Services Whitehead Law PLLC.**

MOTION: To approve Agreement Amendment No.1 for Legal Services with Burch Porter, and Johnson, PLLC, adjusting the Member or Senior Attorney rate to \$350.00 per hour, the Associate rate to \$250.00 per hour; and relieving the firm from the obligations of providing legal services for the Planning Commission and its related board and commissions.

**Agreement – Legal Services Whitehead Law PLLC.**

The City's current agreement allows Burch, Porter & Johnson (BPJ), when necessary or desirable in certain cases, to retain the legal services of others who have expertise in the particular matter under review. If the City Attorney recommends the services of any such professional to be used in this manner, such recommendation shall be submitted to the City Administrator or his designee for review and approval prior to utilization of the professional. The responsibilities for the Planning Commission and its related boards, commissions and City departments will be assigned to and discharged by Whitehead Law, PLLC, who will be retained and compensated directly by the City. BPJ cannot be responsible for the discharge of such contractual obligations performed by another firm. Therefore, the City will enter into a separate and independent agreement. The term of this agreement will run concurrently with the existing agreement with BPJ so that there is no lapse in these legal services provided.

MOTION: To approve a 31-month professional legal services agreement with Whitehead Law, PLLC to provide services for the Planning Commission and its related board, commissions and City departments.

**PSA Amendment No. 2 and Extension – On-Call Traffic Engineering Services**

The City's existing Professional Services Agreement (PSA) with Kimley-Horn & Associates, Inc. for on-call engineering services allows for extension of the contract, at the City's option. The City has previously extended the current agreement four times. Amendment No. 2 to this contract will allow for the fifth and final extension of the PSA for the period of July 1, 2024 through June 30, 2025.

MOTION: To approve Amendment No. 2 and a one-year extension of the Professional Services Agreement for On-Call Engineering Services with Kimley-Horn & Associates, Inc. in an amount not-to-exceed \$75,000.00 for FY25.

**Development Contract No. 1250 – The Standard Germantown PD Phase 2**

The current request is to approve a development contract to permit construction of Phase 2, which consists of 320 multi-family residential units, 27,000 s.f. of commercial space and 13,000 s.f. of business/office space, and 440 standard sized parking spaces.

MOTION: To approve Development Contract No. 1250 for the construction of The Standard Germantown Planned Development (PD) Phase 2, which consists of 320 multi-family residential units, 27,000 s.f. of commercial space and 13,000 s.f. of business/office space.

**Purchase –Tractor**

The Grounds Maintenance Division of the Parks and Recreation Department urgently needs a capable 4x4 tractor with a bucket attachment in its fleet. The current tractors are over 10-15 years old and do not have the capabilities to perform maintenance services and emergency response services such as the removal of debris or ice/snow from

City campuses, parks and public spaces. The tractor will also support and enhance maintenance capabilities exponentially by significantly improving park maintenance efficiencies and enabling crews to keep athletic fields and green spaces pristine.

MOTION: To approve a purchase in the amount of \$58,414.44 for the John Deere 4066R Tractor purchased from Beard Equipment Company, and to approve Budget Adjustment No. 25-2.

Motion by Mr. Sanders, seconded by Mr. Ueleke, to approve the consent agenda as presented.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

**REGULAR AGENDA**

**Ordinance 2024-10 – Amendments to Chapter 14 of the Municipal Code (Sign Ordinance) – Parking Lot Signage – Third and Final Reading**

During the COVID-19 pandemic, many restaurants and other businesses adapted their business models by installing temporary curbside pick-up signs at designated parking spaces. With businesses having since returned to normal operations, many businesses have requested to formalize curbside pick-up with permanent signage. Additionally, businesses in multi-tenant commercial centers have increased signage of parking spaces dedicated only for their customers or for a specific time limit (e.g., 15 min. parking). Currently, these signs are also regarded as temporary and are regulated as per the City’s Municipal Code. At their meeting on April 23, 2024, the DRC recommended approval of these proposed text amendments.

In order to better understand the need for these signs and to facilitate an amenable solution, Alderman, Economic and Community Development staff and Administration held several meetings with property owners and property managers. These discussions led to a deeper understanding of how these signs impact each commercial business and the needs of tenants relative to this type of signage. Much of those discussions are reflected in the proposed ordinance amendments.

Motion by Ms. Hicks, seconded by Mr. McCreery, to approve Ordinance 2024-10 on third and final reading, amending Sections 14-1 and 14-34 of Chapter 14 (Signs).

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

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Mary Anne Gibson, Vice Mayor

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Michele Betty, City Clerk/Recorder