

BOARD OF MAYOR AND ALDERMEN

April 27, 2009

A regular meeting of the Board of Mayor and Aldermen was held on April 27, 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, George Brogdon, Kristen Geiger, Tom Cates, Pam Beasley, Jerry Cook, Chief Richard Hall, Pat McConnell, Bo Mills, Chief Dennis Wolf, Michael Saddler, Ralph Gabb, Derek Chaput, Daniele Toole, Tim Gwaltney, Lisa Piefer, Melody Pittman, Tania Moskalenko, and Dotty Johnson.

Invocation

Assistant City Administrator Kristen Geiger gave the invocation.

Pledge of Allegiance

Alderman John Drinnon led the Pledge.

Approval of Agenda

Mayor Goldsworthy asked for any changes to the agenda.

Alderman Billingsley requested an addition to discuss the practice of the Board of not providing feedback to the citizens to be heard.

Alderman Hinely asked to add the discussion of drainage problems in the City of Germantown.

Alderman Palazzolo asked for item 25a – Turnout Clothing on the consent agenda be pulled for a presentation.

Motion by Ms. Hinely, seconded by Mr. Palazzolo, to approve the April 27, 2009 agenda as amended.

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

Approval of Minutes

Approval was requested of the minutes of the Board of Mayor and Aldermen Meeting held April 13, 2009.

Alderman Palazzolo stated on page 9 – Appointment to Board of Zoning Appeals in the first paragraph the first sentence should read “because *she* was a business associate”.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to approve the minutes of the Board of Mayor and Aldermen meeting held April 13, 2009 as amended.

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

Beautification Business Award

Alderman Palazzolo and representatives from the Beautification Commission came forward for the presentation. The award was presented to Mr. Miles Wolf, Vice President of Independent Bank located at 7635 Poplar Avenue. The Bank was the first building in the City of Germantown to receive Leadership, Energy and Environmental Design (LEED) certification.

Recognition of Arbor Day Poster Contest Winners

Director of Parks and Recreation Pam Beasley and Emily Bader, Chairman of the Beautification Commission came forward to recognize Ms. Piper Mandle from Dogwood Elementary and her teacher Ms. Sandy Wilson. Ms. Mandle won first place in the 2009 Arbor Day Poster Contest. Ms. Beasley

stated she had been notified by the Urban Forestry Division with the State of Tennessee that Piper had placed on the state level and she would be receiving a \$200 savings bond.

Ms. Beasley stated the City of Germantown had received the designation as being a Tree City USA for the 17th consecutive year and year number six for the Tree Growth Award.

Citizens to be Heard

Mr. Charles Salvaggio of 9444 S. Dogwood Rd. felt there was a crisis in the community and in the county with the property reappraisal. He felt the reappraisals did not take into consideration the depressed conditions. He stated we need to go to the state and local levels as a group to put our brain trusts together and have everyone focus on what the problem is and find a solution before it gets out of hand. He was concerned with the neighborhoods and what would happen if a neighbor's house was boarded up. It would drive the comparable values down. He suggested that everyone should band together and go to the local and state representatives and get something done before it gets out of hand.

Alderman Hinely stated she was constantly getting calls from elderly and young couples who are having trouble with their monthly notes because of their new assessments. She stated she would like to send a resolution to the other municipalities asking them to join a task force of community leaders across the board. She felt it was something the City should take the lead on.

Ms. Diana Schmied of 2457 Oak Trail Dr. was concerned about sidewalk replacement on Oak Trail Drive. She stated it was an older neighborhood and the infrastructure was showing. She felt it was unfair to give the homeowners only 30 days to fix the sidewalks and it was a subdivision problem not just her street. She had distributed information that outlined variable solutions. She asked to work with the City in a fair and equitable way to address the safety concerns of the neighborhood.

Mr. Jason Royle of 2468 Oak Trail Dr. felt discriminated against because there were so many other places that had similar problems that had not been notified. He distributed several pictures of other sidewalks in the area that had problems. He felt there had been a real inconsistency in notifying citizens of problems with their sidewalks. He asked that the City do a sidewalk review of the entire city and notify the citizens with a letter after the review and give them a year to fix their sidewalks would soften the blow.

Ms. Sarah Freeman of 7684 Apahon Lane asked the City to slow down on Smart Growth and to "Shred" again. She read a portion of the Smart Growth Plan regarding the citizens as their response to what they would like for Vision 2020 especially Goal #7 and that dealt with esthetics. She stated she had questions of oversight and was concerned with the driveways in Saddle Creek IV. She asked to step back and once the Smart Growth Development was clearly in place, have an assessment so the citizens could look and see if it really does meet the criteria of Smart Growth. She wanted the citizens to take a look at the new traffic simulation that would include the new plans and the changes to the development.

Mayor Goldsworthy recessed the Board of Mayor and Aldermen and convened the Beer Board.

PUBLIC HEARING - Beer Permit – Germantown Performing Arts Centre

City Administrator Patrick Lawton stated the Beer Board was convened to consider a request from the Germantown Performing Arts Centre, a "not-for-profit organization", to sell beer for on-premise consumption.

Alderman Drinnon commented that he felt the director of the Performing Arts Centre and the Board had done a wonderful job but was surprised that the City found it needed to serve or sell alcohol at a city function on city property to make something more successful.

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

Motion by Ms. Hinely, seconded by Mr. Palazzolo, to approve the request from Tania Castroverde Moskalenko for a permit to sell beer for on-premise consumption at the Germantown Performing Arts Centre at 1801 Exeter Road.

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

Beer Permit - Walgreens

Mr. Lawton stated that the Walgreen Corporation was public held with no one owning as much as 5% corporate stock. Therefore, the record check was conducted on the current manager Ella Louise Carter. The permit was for off-premise consumption.

Alderman Palazzolo asked for a point of clarification and Mr. Lawton stated it was only for the Walgreens at the corner of Farmington and Germantown Rd.

Mayor Goldsworthy opened the public hearing.

Ms. Sarah Freeman of 7684 Aphon Lane came forward and stated this establishment was located behind the neighborhood Germantown Heights and was concerned with the sale of alcohol at this location. She asked if the people in Germantown Heights were notified.

City Attorney Tom Cates stated the question of whether you are entitled to a beer permit depends on the location and if the location was appropriate under our ordinance then you are entitled to it unless you have a criminal violation of some sort.

Motion by Ms. Hinely, seconded by Mr. Palazzolo, to approve the request from Walgreen Co. for a permit to sell beer for off-premise consumption at the Walgreen Store at 7605 W. Farmington Blvd.

In response to a question from Alderman Billingsley, Mr. Lawton stated this was the first Walgreen in Germantown to request a beer permit.

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

Mayor Goldsworthy concluded the business of the Beer Board and returned to the Board of Mayor and Aldermen agenda.

BOARD OF MAYOR AND ALDERMEN

Certificate of Compliance – Poplar Pike Liquors

Mr. Lawton stated the State of Tennessee requires that anyone who holds a permit to sell liquor must complete a Certificate of Compliance by the local municipality every two years. Poplar Pike Liquors located at 9330 Poplar Pike #103 had requested the approval from the City for this application. The appropriate background checks had been performed and Mrs. Joan Jekels was found in compliance.

Motion by Mr. Palazzolo, seconded by Ms. Hinely, to authorize the Mayor to sign the Certificate of Compliance to Mrs. Joan S. Jekels for Poplar Pike Liquors, 9330 Poplar Pike #103.

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

Resolution 09R02 – Amended Interlocal Agreement – TML Risk Management

Assistant City Administrator Kristen Geiger stated the Board was asked to adopt the necessary resolution that will enable the City of Germantown to continue to participate in the Tennessee Municipal League Risk Management Pool under the amended Interlocal Cooperation Agreement.

For over 20 years, the City of Germantown has obtained insurance coverage for excess property losses, workers compensation claims and general tort liability claims from the TML Risk Management Pool. The TML Risk Management Pool is a professionally operated, non-profit, risk sharing pool for Tennessee municipalities and non-profit organizations. Created under Tennessee legislation, the Pool is a not-for-profit risk-sharing arrangement along with other municipalities in Tennessee, a form of “captive insurance company” that provides reasonable insurance coverage to a like group of entities. Any “profit” is returned to the members as a dividend. The City has participated in the Pool since 1985. The total 2009 dividend was recently announced and staff expects to receive just over \$100,000 at our renewal in November 2009.

The Resolution shows the City of Germantown’s adoption of the amended and updated Interlocal Cooperation Agreement as it relates to the TML Risk Management Pool. The specific changes include:

1. Removing the assessment clause and related wording from the agreement. The TML Pool Board voted not to assess members should funds become insufficient to meet the obligations of the TML Pool. The assessment clause has been removed from all insurance policies.
2. In 2007, the TML Pool Board adopted an ethics policy in compliance with the Tennessee legislature’s passage of the Governmental Ethics Reform Act of 2006. The TML Pool Ethics Policy has been added as Addendum 1 to the updated Interlocal Agreement.
3. Minor housekeeping updates to the agreement related to the Board structure consistent with the TML Pool Charter.

The City Attorney reviewed the agreement and the resolution and found both acceptable.

Alderman Drinnon asked if TML does co-insure claims that would be somewhat detrimental to the pool if they were awarded by a court.

Tom Cates stated it does to the extent that single claims arise from one firm over a certain amount of money. They may have insurance that covers above the sum that TML retains.

Motion by Mr. Drinnon, seconded by Mr. Chism, to approve Resolution 09R02 authorizing the Mayor to sign the amended Interlocal Cooperation Agreement that will allow the City of Germantown to participate in the TML Risk Management Pool for risk management services including property, workers compensation and general liability insurance coverage.

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

Resolution 09R03 – Initial Authorizing Bond Resolution

Ms. Geiger stated staff was requesting the Board’s adoption of the necessary initial resolution which will authorize the City of Germantown to issue up to \$6 million of General Obligation Bonds for various capital projects.

Finance Director Ralph Gabb explained as per the City’s financial policies, the City uses two basic approaches to funding capital projects: pay-as-you-go and pay-as-you-use. Pay-as-you-go means paying for the capital project out of current revenues at the time of expenditure. Pay-as-you-use means borrowing to finance the expenditure with debt service payments generated from revenues raised through the useful life of the project. The City’s Capital Program uses a combination of these two financing methods. Capital projects are funded through bonds, reserves, grants, developer contributions and other

governmental sources. The average maturity of general obligation bonds will be at or below 20 years. Pay-as-you-go financing for capital projects must account for at least 25% of capital plan funding.

Ms. Geiger stated the proposed bond proceeds will finance the replacement of Fire Station 4, located on Forest Hill Irene and offset the costs of the City's 20% match for Wolf River Blvd construction between Farmington and Kimbrough. Proceeds may also go towards various major drainage improvement projects including Miller Farms and Mimosa Gardens.

Mr. Gabb stated staff was also recommending the refunding of portions of General Obligation Bonds, Series 2000 and Series 2002. The refunding total is \$3.49 million. The new and refunding bonds will be presented at the May 11 meeting for the final Authorizing Resolution. The sale of the bonds is scheduled for June 8th.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve Resolution 09R03 authorizing the issuance of up to \$6,000,000 General Obligation bonds, Series 2009, of the City of Germantown, Tennessee pursuant to state law under Title 9, Chapter 21, Tennessee Code Annotated, for the purpose of financing costs of public works projects related to the city's facility, its roadways, and its storm water drainage systems and to direct staff to publish the prescribed notice about this resolution in a newspaper having general circulation in the City.

In response to a question from Alderman Palazzolo, Ms. Geiger stated the financial advisors and the attorneys have their own set fees. The fee the City pays to have the ratings done was set. It usually costs around \$200,000.00.

Alderman Palazzolo asked that in the future on bond issues, the Finance Department do an analysis to see what the fees would be if we paid up front rather than financing it to see which is better economically for the City.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve Resolution 09R03 authorizing the issuance of up to \$6,000,000 General Obligation Bonds, Series 2009, of the City of Germantown, Tennessee pursuant to state law under Title 9, Chapter 21 Tennessee Code Annotated, for the purpose of financing costs of public works projects related to the City's facility, its roadways, and its storm water drainage systems and to direct staff to publish the prescribed notice about this resolution in a newspaper having general circulation in the City.

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

Vehicle Purchases

Ms. Geiger explained that the Board was asked to approve the purchase of 2009 and 2010 vehicles in the total amount of \$440,655.53 and declare the vehicles being replaced as surplus property.

At the start of FY09, Fleet Services met with departments in determining a fleet analysis. Current business needs for vehicles was reviewed with the objective of seeing where hybrid vehicles, other less expense vehicles or other vehicles in general could be used to better meet the needs of the department.

Staff analyzed the hybrid option for the administrative cars in Fire and Police. Staff recommends the purchase of the Chevy Impalas. In areas of the city, especially in disciplines where vehicles are scooting around and hybrid truly fits, the option will be implemented. The city currently uses a hybrid in the Ranger program. As vehicles come up for replacement, as technology advances in hybrid development and as fits the business needs of the city a hybrid will be recommended.

Specifications were mailed to twenty regional auto and truck dealers and were advertised in the *Daily News*. Eight bids were received and opened.

In response to a question from Alderman Drinnon, Ms. Geiger stated that Eddie Johnson the Vehicle Maintenance Superintendent determines the value of the used vehicles and he handles the transactions. Mr. Johnson knows the book value and the history of the vehicle. There is a system in place for the disposal of the used vehicles.

Chief Hall answered the question from Alderman Chism regarding the engine idling and how it comes into play with the police vehicles. Eddie Johnson figures all this in the price of the vehicle.

Purchasing Officer Lisa Piefer explained that the City enters into a contract with GovDeals.com which is an on-line site. The information about the car is entered and some of the smaller communities go to the site to find automobiles and other equipment that is still usable. They then enter into the sale with the municipality and pay them directly.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to authorize the purchase of vehicles from Alexander Automotive in the amount of \$103,852.00, from Golden Circle Ford in the amount of \$20,471.00, from Landers Dodge in the amount of \$30,595.00 and from Dobbs Ford in the amount of \$285,737.53 with a total net expenditure of \$440,655.53 and declare the vehicles being replaced as surplus property.

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

Sports Lighting – C.O. Franklin Tennis

Kristen Geiger stated that based upon the direction of the Board from the last meeting, she was resubmitting the request to purchase Musco sports lighting equipment for the C.O. Franklin Tennis Courts in the amount of \$72,000.00. Included with this purchase is a 25-year warranty and maintenance contact with Musco. This price is the same amount and warranty conditions as was presented in January. The vendor is honoring the previous proposal.

There are a total of 6 tennis courts at the C.O. Franklin Tennis facility. These are the highest used courts after Municipal Park. The current 14 poles, 36 fixture lighting is inadequate, energy poor, creates lighting pollution and does not provide the controls for regulating light usage.

The lighting equipment has a 25-year turnkey warranty. This warranty would cover pole damage up to F4 winds (winds up to 150 mph), ballasts, lamps, contactors, internal wiring and fixtures and lenses; not caused by human error or lightening.

The new equipment would reduce the number of poles by 4, going from the current number of 14 poles to 10 poles. It will also reduce the number of fixtures by 12 going from the current number of 36 fixtures to 24 fixtures. The Musco equipment falls under the green lighting standards with 40% less fixtures to achieve the same footlight of any competitor with an estimated savings of \$3,400 per year in electricity costs.

The lighting system uses web-based automation. This technology allows staff to know how many hours, amps, bulbs used. It has automatic turn on/off and staff will also have access to turn on/off as needed. As a cost savings measure, we are purchasing the equipment and then bidding the installation separately rather than turnkey. We used the same process with the lighting equipment at Cameron Brown Park and Soccerplex, thereby saving the typical 20-25% markup from a turnkey process. Installation will be competitively bid. Aside from the installation, there are no other foreseen costs with this project.

The funding for this project is from the Recreation Fund. The Recreation Fund is a special revenue fund whereby revenues received from specific activities within the Fund must be used for expenses associated directly with those activities. There are no property tax revenues in this Fund. Activities within the fund

include baseball, softball, basketball, croquet and of course tennis. The undesignated fund balance at the close of FY08 totaled \$315,678.

The FY10 budget for sports lighting totals \$250,000. To date, \$39,996 has been spent on the controls for the Bob Hailey Fields and Johnson Road Park Soccer fields. Staff is also looking at controls for the Cloyes Soccer fields this fiscal year. The total estimate to be spent is \$200,000 of the \$250,000 budget.

The lights are automated and can be programmed at a specific time. There will be a switch if the lights are not on so that a tennis player can turn the lights on and they will stay on for an hour and then automatically go off. They can be programmed to automatically shut down at a certain time so they will not come back on even if they try because the park will be officially closed. Staff will be able to shut the lights off through the internet if necessary.

Motion by Mr. Drinnon, seconded by Mr. Billingsley, to authorize the Mayor to execute a contract with Musco Lighting in the amount of \$72,000.00 for sports lighting replacements and implement a twenty-five year full warranty and maintenance contract for the requested sports lighting.

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

SunGard Upgrade

Ms. Geiger stated if approved, the City would be authorized to contract with SunGard Public Sector, Inc. to provide for system upgrade and expansion and for a five-year access agreement, and approve Budget Adjustment No. 09-138. This contract includes the migration to the hosted version of the software for existing applications, an upgraded work order system, on-line citizen request tracking system, contact management system; document management services, generic interface into the accounting system, and a new Code Enforcement application.

The City has used SunGard Public Sector, formerly known as H.T.E., since 1999. The system was purchased in anticipation of the issues surrounding the new year of 2000. Existing applications include the following: GMBA with Extended Reporting, Purchasing/Inventory, Payroll/Personnel, Cash Receipts, Accounts Receivable, Fixed Assets, Customer Information Systems, Business Licenses, Land Parcel Management, Tax Billing & Collections, Rec Trac Interface CR, Rec Trac Interface GM, Click2Gov Core Module, Click2Gov CX, Click2Gov TX, one point Click2Gov, One Point PoS, One Point Kiosk Platform, One Point Kiosk Utility Payment. It will also include the migration of third party products of Qrep Admin User (1) and Qrep End User (2).

Currently, City staff uses two different platforms of SunGard Public Sector's software. The "Green Screen" platform is used primarily in Finance and Human Resources. The other platform is "GUI" which is an overlay created to look like a windows type application and is predominately used by others throughout the City. Neither platform is user friendly, however GUI is more so than Green Screen. The City currently pays an additional \$4,250 per year for the maintenance of the GUI system. The GUI platform is also being phased out by SunGard and will no longer be supported by them in the future.

Any upgrades to the system are performed by City staff depending on changes SunGard has implemented. These upgrades must be implemented on the weekend when all users are out of the system. Current upgrades are performed in house and there are no notifications to the end users as to the changes to applications. If training is needed, there is an additional fee and the price varies depending upon the number of participants and availability.

There are two main components of the contract, upgrade of existing software applications and implementation of new applications.

The upgrade requested will put City staff on the same platform, NaviLine. This platform is a browser based application and will enhance the user's ability to use the software to gather information at the touch of a finger.

The ASP (Application Services Provider) environment is a web-based system whereby the data is housed by SunGard at the Atlanta location. Staff will access the system using a secured internet connection. The system is support 24/7 with redundancy in Lake Mary, Florida. This environment provides immediate disaster recovery services. The ASP solution has been offered by SunGard since 2000 with over 80 clients having migrated to this system.

Future upgrades to the applications will be automatically implemented by SunGard technical staff. All changes to the software will be announced to users as they sign onto the system as "What's New". On-line training is available at any time at no additional charge.

Several departments have submitted budget requests over the past number of years for work order systems. The work order system in particular has been requested, and budgeted, as an item necessary in the performance of day-to-day jobs. Rather than purchase several different systems that would not communicate with each other, the SunGard work order system will be able to provide payroll information as well as inventory items and equipment used for any given project. It will allow managers and supervisors the ability to utilize resources to their maximum potential.

In addition to work requests, routine and preventative maintenance can be scheduled to allow for improved work efficiency and management of human and asset resources.

The Citizen Request Tracking and Contact Management applications will allow citizens the ability to go on-line and report an issue, track the progression of the request and receive a response from the correct area of responsibility for that item. These applications will automatically feed into the Work Order system depending upon the work requested. It will also notify the user or list of users immediately when a work request is entered for a specific department.

Code Enforcement will be able to track code violations through the new application. Staff will also be able to schedule inspections from previous violations, generate various degrees of form letters and create a log for future issues. The software will assist staff in streamlining processes in an effort to maximize our efforts wherever possible. Cases may be created from the work orders and adds job orders to the work order. The application interfaces with accounts receivable to create billing. In other words, depending upon the issue, a fine maybe automatically generated through the system. Currently, staff manually generates invoices for fine payments.

Staff has worked with the Technology Subcommittee of the Telecommunication Commission in reviewing the contact of services. The analysis explored the option of premise upgrades vs. the ASP environment; the cost over the five-year contact term; the benefits of both options and the risks or areas of concern under both scenarios.

The financial analysis was thoroughly reviewed by the Sub-committee with four meetings over the past two months. As indicated in the Telecommunication Commission Chairman Tony Fischer's letter, the Subcommittee recommends approval for the contract including the upgrade to NaviLine platform, the new applications and migrating to the ASP Environment.

Staff worked extensively over the past several months in obtaining the best fit for the best price for the City. We received a 19% reduction in the upfront cost and the ability to save 1% escalation cost on an annual basis. The contract is for a five year term. The upfront, one-time cost total \$58,000.00, with \$43,000 for start-up and \$15,000 for travel and training. The monthly cost is \$12,658.00 or \$151,896.00

for the first year. If the monthly cost is paid in a lump sum, the annual percentage increase is 3%. If paid monthly, the annual percentage increase is 4%. The annual cost for the Year 1 is \$151,896.00, Year 2 - \$156,452.88, Year 3 - \$161,146.47, Year 4 - \$165,980.86, and Year 5 - \$170,960.29.

The City conducted several conference calls with SunGard clients using the NaviLine platform, the ASP environment and the work order system. As always, the City manages the triple bottom line, the financial, the environmental, and the social factors. These factors are believed to be important to a municipality's performance, and depending upon the results, investment recommendations are made. The financial analysis demonstrates the financial bottom line. Working to use technology wisely, meeting the needs of our citizens, customers and employees is a goal of Information Technology Services. Extensive time, staff resources and analysis were performed in reaching this recommendation.

Ms. Geiger thanked the Telecommunication Commission and the Subcommittee members for their time and dedication in reviewing this project.

The Budget Adjustment consolidates the work order project into one. Projects included Public Services, Building Maintenance and Police.

Motion by Mr. Chism, seconded by Mr. Drinnon, to authorize the City to contract with SunGard Public Sector, Inc. to provide for system upgrade and expansion and for a five-year access agreement, and approve Budget Adjustment No. 09-138.

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

Competitive Sealed Proposal Authorization – Video Streaming

Kristen Geiger reported that in January 2008 the Board adopted a change to the City's ordinance allowing for the use of competitive sealed proposals. In some cases where the usual bid process may be either impracticable or not otherwise advantageous to the City due to the complexity of certain technological products or the unique nature of certain services, the Board may authorize the use of the competitive sealed proposal process. These cases include purchases where qualifications, experience, or competence are considered more important than just the price in the overall process. Likewise, if there is more than one solution to meet the bid or purchase requirements, a competitive sealed proposal may be used to select the best overall solution by taking into account the variety of factors. Finally, if there is no readily identifiable (or defined) solution for a proposed purchase, the competitive sealed proposal will allow the submittal of vendor or supplier solutions that may not have been fully considered by City staff.

The area of video streaming services presents opportunities for advances in technology along with providing a new service to our citizens. The service will allow greater access to Board of Mayor and Aldermen meetings, Planning Commission meetings and the opportunity for other meetings and public events to be accessible via the City's website.

Services in this area range from basic one-time video production to archiving of multiple video productions and events. Other services include meeting minute creation direct from the video along with indexing of meetings and productions. Also, the competitive sealed proposal process will enable staff to explore the hardware options used in delivering these services in addition to providing staff with the ability to review the many services offered by providers, and then analyze which service is in the best interest of the City and our citizens. The subcommittee of the Telecommunication Commission has already been made aware of this project and their expertise will be utilized when allowed.

In response to a question from Alderman Drinnon, Ms. Geiger stated the process had been used in Miller Farms Drainage, Prescription Drugs, Library Services, banking services and the web site. It is a way to be able to see and negotiate with vendors for the best price and to see what is available rather than just

contacting the vendor. In an area where there are a lot of options, rather than having the dollars decide what will be brought into the City, we are looking at a more contrast analysis of what is available.

Mr. Lawton stated that as the development of the web site continues to take place, and we look at other communities, they are using this technology to their advantage in communicating with their citizens, keeping their residents current. In terms of archiving minutes they can be archived and viewed at a time that would be convenient for citizens.

Alderman Billingsley stated he was in favor of bringing as much visibility to our Board of Mayor Alderman meetings and it was a wonderful idea to entertain as much new technology as possible to open up government to our citizens. However, he would like to see the recommendation come from the Telecommunications Subcommittee to say these are all of our recommendations and not just be limited to video streaming services.

Ms. Geiger stated that one of the subcommittee members in particular who knew a lot about this felt it would be outstanding for just some of the reasons Mr. Billingsley just mentioned. The City of Bartlett, Shelby County, and Tennessee State Legislature all use this system. They see this as being a platform to bring the City up for the citizens to have more accessibility and at times that are convenient to them. The subcommittee was also looking at what other applications could be brought forward to the City and they are working on this.

Alderman Billingsley asked if there was a way to redraft the way this was written to be more encompassing of other tools. He felt Video Streaming was only one tool. He stated that apparently this did not come from the Telecommunications Subcommittee and where did this thought come from, was it the Mayor or Administration?

Mr. Lawton stated it came from Administration as we were forming and looking at the web site and various applications. There would be other applications that can be employed.

Ms. Geiger stated when working with the Telecommunications Subcommittee regarding SunGard they had talked about video streaming. She felt they were very excited about it and she looked forward to working with them on this project and others.

Motion by Palazzolo, seconded by Ms. Hinely, to authorize the use of the competitive sealed proposal process for video streaming services.

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

Germantown Athletic Club Locker Room Renovation

Patrick Lawton explained that this was a construction contract with Ambassador Construction for the demolition and complete renovation of the locker rooms at the Germantown Athletic Club in the area adjacent to the pool and the gymnasium.

Funding for this improvement to the Athletic Club was included in the CIP for FY09. The architectural firm of Archimania provided the design work for this project and worked very closely with the Germantown Athletic Club Commission and City staff in meeting the needs and requirements of not only these two groups, but more importantly our members. The soon to be renovated locker rooms will include new lockers and locking mechanisms, a new sauna, new shower and lavatory equipment and sinks and vanities. The renovation also includes a new feature which is a family changing area for families with young children. Close attention was paid throughout the design work to separate the dressing and changing areas from those with high humidity.

Thirteen contractors picked up plans and specifications and attended a pre bid conference on March 25 to review the bidding requirements and to ask any questions of staff and our architects and engineer. Ten very competitive bids were received from this project with the firm of Descon submitting the apparent low bid including the alternates as identified by staff. However, our recent experience with Descon on renovation work at the Germantown Athletic Club was not favorable and both City staff and our architect have documented our concerns and displeasure with Descon's work on the kiosk which required a great deal of oversight by City staff and time extensions.

It was recommended that the Board of Mayor and Aldermen accept the bid from the second lowest bidder, Ambassador Construction, with a total bid of \$625,200.00 including the various alternatives identified and bid. We have had a favorable experience with Ambassador Construction who recently completed Phase II of the Public Services building and all reports from this project indicate that they did an excellent job.

The construction contract will run for six months and staff, building maintenance and engineering will oversee the project activities. Staff at the Athletic Club will communicate via letter, e-mail and signage throughout the building with our members regarding the upcoming demolition and construction activities. The administration recommends the approval of this construction contract with Ambassador Construction.

In response to a question from Alderman Drinnon, Mr. Lawton stated the Athletic Club Commission had looked at the project throughout, from the selection of the architect, but had not looked at the selection of the bidders.

Alderman Drinnon was concerned about the lack of effort to break even at this facility and could not understand why we would spend over a half million dollars to try and enhance it. He commended the director on his efforts but he asked at what point do we look at the total costs of the facility.

Mr. Lawton stated this was a question they look at every day. But given the direction of the Board two years ago to move forward and make this a viable entity, those things are starting to take place. With the work session on the budget, the Board and staff will spend time looking at this particular Enterprise Fund.

Motion by Ms. Hinely, seconded by Mr. Palazzolo, to authorize the Mayor to enter into a contract with Ambassador Construction for the construction of improvements to the Germantown Athletic Club's Locker Rooms in the amount of \$625,202.00.

Mr. Drinnon stated that he would hate to see the City spend another \$600,000.00 until we know more about the progress being made at the Athletic Club.

Motion by Mr. Drinnon, seconded by Mr. Palazzolo, to table consideration of this contract.

ROLL CALL: Billingsley--abstain, Chism-no, Drinnon=yes, Hinely-no, Palazzolo--no. Motion denied.

Alderman Billingsley complimented Mr. Chaput on the progress the Athletic Club had made and was looking forward to seeing the finished product.

Alderman Drinnon stated that he supported the Club but it had only been a short time ago that we were losing \$80,000 a month which is over \$1 million a year and to spend another \$600,000 on top of that was reason enough to take a little more time and evaluate our city.

Vote on original motion:

ROLL CALL: Billingsley-abstain, Chism-yes, Drinnon-no, Hinely-yes, Palazzolo-yes. Motion approved.

Ordinance 2009-7 – Amendment to Cable Ordinance – Second Reading

Mr. Lawton stated this amendment is to have the City's existing cable ordinance come into compliance with existing state law. The Public Hearing and third reading will be May 11, 2009.

Under the City's existing ordinance, any cable television provider wanting to conduct business in the city of Germantown and to use the city's right of way, would have to obtain a franchise from the City to do so. Receiving this franchise and the various requirements are detailed in the city's cable ordinance. The City's franchise is not exclusive in that there can be more than one cable television provider at a time in our community. Since the early 1980's, when cable television first came to Germantown, there has only been one provider at a time and all franchises were granted under this method.

In 2007 legislation was introduced in Nashville that would allow cable television providers the ability to seek a statewide franchise and thereby bypass the city's franchising requirements all together. As the Board is aware, the City of Germantown fought extremely hard against the passage of this legislation and consistently presented its case against statewide franchising to our senators, representatives and other representatives in Nashville. The legislation ultimately did pass in June 2008. However, the city was successful in helping to outline what we identified as a set of core principles that ultimately were incorporated, in large part, in the legislation that did pass.

With the adoption of this bill, the City's existing cable ordinance now needs to come into compliance with state law. The administration has worked with the city attorney's office and has taken the various components of the new state statute regarding the issuance of statewide franchises to cable providers and have folded them into our existing ordinance. For example, the issuance of a statewide franchise does not alter state law regarding local control of right of way, local police power or the right to impose generally applicable taxes.

The balance of the provisions in the ordinance amendment reflect the distinctions between a franchise granted under our local franchising authority, including our administrative oversight, versus a franchise granted under the Competitive Cable and Video Services Act and regulation by the Tennessee Regulatory Authority.

Scott Crosby with the City Attorney's office worked very closely with City staff in addressing the ordinance amendment and in reviewing the ordinance on at least two occasions with the Telecommunications Commission, who has recommended its consideration by the Board.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to approve on second reading Ordinance No. 2009-7 - An Amendment to Chapter 19 – Cable Ordinance.

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

Ordinance 2009-8 – Amendment to Chapter 2, Administration and Chapter 21, Utilities – Utility Cabinets – Second Reading

Mr. Lawton asked the Board to consider an approval to Chapter 21 of the Utility Ordinance regarding the placement of utility cabinets in the city's right of way.

This is a companion to the prior ordinance under consideration regarding the city's cable television franchise. The two are going hand in hand in that a review of our existing ordinance regarding utility cabinets in the city and our need to strengthen the placement of these cabinets based on the passage of the

new statewide franchising authority. We want to ensure that our local ordinances are strict enough to ensure that a cable television company providing video services and granted a statewide franchise will be in compliance with our local authority in terms of placement of utility cabinets in the city's right of way.

A review of the existing utility ordinance indicated that we needed to strengthen the ordinance in order to ensure that utility cabinets were landscaped, screened and placed to the best of our ability beyond public view.

In response to a question from Alderman Palazzolo, Mr. Pouncey stated AT&T had been cooperative as far as landscaping. We have a very good relationship with them and they have been willing to work with us.

Motion by Mr. Chism, seconded by Mr. Palazzolo, to approve Ordinance 2009-8 on Second Reading.

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

Ordinance 2009-14 – Amendment to Article III, Chapter 3 of the Code of Ordinances – Beer Ordinance – First Reading/Set Public Hearing Date

Patrick Lawton asked the Board to approve a minor modification to the City's existing beer ordinance and to set June 8 as the public hearing date to consider this ordinance amendment.

In 2008, the Board amended several provisions to the sign ordinance relevant to the DRC's review of certain signage requirements. Among the changes made was the provision that anyone seeking a permit to sell beer for on or off premise consumption must have their sign state they have a beer permit application and such sign needed the approval of the DRC. This requirement was removed however it still required that the proper signage be reviewed by administrative staff.

With this change the section of the beer ordinance requiring the DRC review must now be amended. That is the only change to the beer ordinance; however, to keep it consistent with recent action by the Board regarding DRC review, this amendment is necessary.

Motion by Mr. Billingsley, seconded by Mr. Palazzolo, to approve on first reading an amendment to Article 3, Chapter 3, Section 3-81, conditions for receiving a permit of the Code of Ordinances of the City of Germantown, and to set June 8 as the public hearing date to consider this ordinance amendment.

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

Theatre Lighting

Mr. Lawton asked the Board to approve the authorization to purchase the lighting equipment for the Germantown Performing Arts Centre in the amount of \$29,980.00.

This purchase will replace the lighting equipment purchased by the City in 1994 when GPAC first opened. This is the main stage lighting used in all the performances and it has seen its useful life. Based on the review from GPAC staff and Administration, funding was appropriated in FY09 Budget for replacement of this equipment. This is specialty lighting and used exclusively for stage rehearsals, performances and rentals. Six bids were received and the low bid that met specifications is recommended from Production Advantage in the amount of \$29,980.00.

In response from Alderman Billingsley, Lisa Piefer stated some of the cost could be recouped by declaring them surplus.

The Executive Director of GPAC Tania Moskalenko stated that some of the equipment was unsafe to use which is why it was being replaced. Some of the wiring is frayed and dangerous to use and it has become a liability issue.

Motion by Ms. Hinely, seconded by Mr. Palazzolo, to authorize to purchase lighting equipment through Production Advantage for \$29,980.00.

Motion by Alderman Billingsley, seconded by Ms. Hinely to amend the motion to also declare the equipment as surplus.

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

Vote on original motion:

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

Tandem Axle Dump Truck

The Director of Public Works Bo Mills requested authorization to purchase a 16-yard 1009 International 7400 Series Tandem Axle Dump Truck equipped from Diamond International of Memphis in the amount of \$89,700.00 and to declare the 1996 Ford LN8000 Dump Truck as surplus property.

This truck is used by the Water and Sewer Departments and occasionally by the Street Division as well to haul debris when repairing water and sewer problems, and street failures, and will also haul to job sites from outside source items necessary to repair street failures such as cement treated base, gravel etc. A secondary use for this truck would be the distribution of salt and cinders during inclement weather.

The 1996 Ford dump truck has 62,000 miles and although the mileage is low the chassis of the vehicle has a considerable amount of rust due to the years of salt spreading. The truck will be sold through the internet.

Specifications were mailed to six regional vendors and were advertised in the *Daily News*. Three bids were received and opened and one was a “No Bid”.

Motion by Mr. Drinnon, seconded by Mr. Billingsley, to authorize the purchase model year 2009 International 7400 Tandem Axle Dump Truck equipped with a 16-yard dump body from Diamond International of Memphis in the amount of \$89,700.00 and to declare the 1996 Ford LN8000 Dump Truck as surplus property.

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

12-Yard Combination Unit (Sewer Vac)

Mr. Mills requested authorization to purchase a 2009 International 7400 Chassis equipped with a 12-yard Vac-Con combination sewer vac and flush unit and declare the vehicle being replaced as surplus property.

The replacement combination sewer flush/vacuum truck will be utilized by the Public Services Sewer Division for maintenance of the City’s sewer and storm drainage systems. The flushing components of this truck will allow staff to jet sewer and storm drain mains and sewer service laterals which have become restricted, through the use of high pressure water jetting.

The vacuum portion of the truck is very valuable in the maintenance of the City’s 26 sanitary sewer lift stations and provides by-pass pumping of blocked sewer systems. The extendable boom system allows the crew to vacuum many feet below ground level.

Specifications were mailed to seventeen regional vendors and six bids were received. Staff recommended the low bid for \$246,889.00.

Motion by Mr. Chism, seconded by Ms. Hinely, to authorize the purchase of a model year 2009 International 7400 Chassis equipped with a 12-yard Vac-Con Combination unit from River City Hydraulics in the amount of \$246,889.00 and to declare the 1994 Ford LN8000 with a Vactor Combination Unit as surplus property.

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

Moore Road Improvements

Butch Eder, the CIP Manager, explained that this was a request for a contract with B & C Construction for the construction of improvements to Moore Road in the amount of \$217,330.00. This is a Neighborhood Planning Initiative (NPI) project and the improvements target the unimproved section of Moore Road. Improvements include installation of curbs & gutters, driveway aprons, handicap ramps and the replacement of 700 feet of old Transite water main with ductile iron. In addition, two additional fire hydrants will be installed and the entire roadway milled and repaved from Poplar Pike to the cul-de-sac.

Eight contractors attended the pre-bid meeting and seven contractors and one subcontractor picked up construction plans and specifications. Six contractors submitted bids.

Alderman Palazzolo asked if all the neighbors had been contacted and were they happy with all the improvements?

Mr. Eder stated they had worked with the neighbors. He also stated that the City will maintain the median in the area.

Motion by Mr. Chism, seconded by Mr. Palazzolo, to authorize the Mayor to enter into a contract with B & C Construction for the construction of improvements to Moore Road in conjunction with the Neighborhood planning Initiative (NPI) in the amount of \$217,330.00.

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

Miller Farms Drainage Channel Improvements

City Engineer Tim Gwaltney asked for the approval of a contract with White Contracting, Inc to design and construct drainage improvements on Miller Farms Ditch.

In January, 1997, Buchart Horn completed a drainage study of the Miller Farms Ditch. The study was prompted by a rainstorm that flooded approximately 25 homes in the Miller Farms Basin in addition to 75 others in the western part of the City. In February 1997, the Board authorized a professional services agreement with Buchart Horn, Inc. for the design of improvements to the Miller Farms Ditch Basin based on the drainage study. The design was completed in 1998. The continuation of the project was halted during the easement acquisition phase. A significant percentage of residents had refused to sign temporary construction and permanent drainage easements. In 2003, a section of the Miller Farms Ditch required an immediate temporary fix by the Public Services Department. An approximately 6' high railroad tie retaining wall borders the west side of the ditch that was installed by the developer over 25 years ago and is showing signs of imminent failure. An RFP was sent out to Buchart Horn, Inc. in December 2004 to design a remedy for the bank failure problems. The final design plans were completed in September 2007.

The final project design consisted of the demolition and removal of the existing failing railroad tie retaining wall on the west bank of Miller Farms drainage ditch and the installation of a segmented modular block retaining wall that would stabilize the ditch bank. Nine vendors picked up plans and specifications but only one bid was received. As a result of receiving only one extremely high bid which was way over budget, and the reluctance of other contractors to bid, the Board rejected the bid at their December 2007 meeting.

Based on that experience, staff recommended and the Board approved that a different approach to the project, that being the Competitive Sealed Proposal approach. A Request for Competitive Sealed Proposals was issued on January 23, 2009. The intent of the proposal approach was to team contractors and engineering firms together to find the best solution to stabilize the banks as well as address the drainage channel capacity issues while ensuring that the selected method of repair was buildable and economically feasible. A mandatory pre-proposal meeting was held on February 4, 2009 where staff presented a project overview and discussed the Competitive Sealed Proposal process and addressed questions/concerns raised by the attendees. Ten proposals were received by the due date.

The selection committee comprised of the City Engineer, Engineering Staff and CIP Manager short-listed five teams for interviews. The teams' proposals were rated on their technical approach, experience and qualifications, design/construction schedule and construction cost estimate. White Contracting/ETI Corporation proposed to address the drainage/bank stabilization problems with a 4'x10' reinforced concrete box. The open channel will be placed underground and the adjacent lots graded appropriately to drain into surface inlets leading to the underground box culvert. This approach will add useable space to the residents' back yards. The City's maintenance costs will be greatly reduced with this approach.

With the approval of the project the first things to take place will be the field survey. The design process will take place over the next month and during this time meetings with the property owners will take place to let them know what will be taking place and when.

In response to a question from Alderman Hinely, Mr. Gwaltney stated White Contracting had done several projects in the subdivisions around town.

A discussion followed on the previous bid and the difference in the project since that time. Mr. Gwaltney stated they were two completely different projects even though it was the same place. The length of the project should be until November.

Mr. Lawton stated that one of the elements of the contract was to meet with the neighborhood association, particularly those that will be immediately impacted by the construction project and any inconvenience they will experience.

Alderman Drinnon asked for the aldermen to be notified when the meeting with the neighbors would take place.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to award a \$1,199,000.00 bid by White Contracting, Inc. to design and build drainage and bank stabilization improvements to the Miller Farms Drainage Channel from Pyron Oaks Cove to Weeping Willow Road.

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

Turnout Clothing – Fire Department – MOVED FROM CONSENT AGENDA

Fire Chief Dennis Wolf stated this was Fire Department's request to purchase personal protective equipment for the firefighters. The request is for 7 coats, 10 turnout pants, 5 pair of boots, 48 pairs of gloves, 48 fire hoods, and 2 fire helmets. Nine vendors were contacted and four bids were received.

The turnouts that are to be replaced are at least seven years old. It had been the practice to replace the turnout before they get more than six years old.

Alderman Palazzolo stated that is why he asked for this item to be pulled from the consent agenda was to show that the pieces of equipment are usually replaced early but had been stretched another year or two.

Chief Wolf stated the replacements were due to wear and tear. Some small repairs can be made to make them serviceable a little longer. Some is based on use. There are innovations and improvements in the turnout gear and at some point the turnouts may be serviceable but the added protection is needed that comes with the new technology and must be replaced. The old turnouts are used for the rookies just for training. The firefighters are never compromised.

Motion by Mr. Hinely, seconded by Mr. Drinnon, to purchase seven (7) turnout coats, and ten (10) pairs of turnout pants from NAFECO in the amount of \$11,766.17; five (5) pairs of fire boots, forty eight (48) pairs of gloves from Pro Fire Equipment LLC in the amount of \$3,439.00p forty-eight (48) fire hoods from Tennessee Fire Equipment Company in the amount of \$1,200.00; and two (2) fire helmets from G & C Supply in the amount of \$584.00p for a grand total of \$16,989.17.

CONSENT AGENDA

Project Development Contract No. 1173 – Wolf River Boulevard Median Cut at Wolf River Office Park

Wolf River Office Park is located on the north side of Wolf River Blvd. across from the Colonnade Apartments between Riverdale and Germantown Road. The proposal would enable a full-access drive between Lots 2 and 3 by allowing the construction of a median cut in Wolf River Blvd.

MOTION: To approve Project Development Contract No. 1173.

Motion by Mr. Chism, seconded by Mr. Palazzolo, that the consent agenda be accepted as read.

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

Additions to Agenda.....

Citizens to be Heard - Alderman Billingsley stated his issue was not being able to respond to citizens during this part of the agenda. He stated that over the past few months the Board had taken very positive steps to better listen to the citizens. The Executive Session had been removed and we are now being broadcast through GHSTV. We have added the opportunity for all citizens to be heard regardless of what is on the agenda, we have changed the meeting time to 6:00 p.m. with all business and questions of our staff available to view in person or on GHSTV and tonight the Board is considering streaming video to become as transparent to our citizens as possible.

Tonight he asked for the full Board's support in discontinuing the practice of not responding to our citizens during the citizens to be heard segment. He felt there would be times when it would be appropriate to offer a quick reply to the citizens relative to their reason to be here and also when it is very appropriate to defer the answer for legal consultation at a future date or further research. He stated he felt many issues that came before the Board can be easily answered. We have a wealth of experience on the Board between the Mayor and the Board and some simple matters that come before the Board and the citizens are given the same response over and over that we will get back with them with the appropriate letter which is certainly appropriate but for any of us seeking resolution to any issue does not make the citizens happy.

Motion by Mr. Billingsley, seconded by Ms. Hinely, for elected officials to respond as they choose to questions, issues or concerns raised by citizens during the Citizens to be Heard opportunity.

Alderman Drinnon stated he felt this item should be palatable with the Mayor. When you preside over a body in his opinion you cannot dictate what the presiding officer should do. He respected the comments but he felt it should be left up to the presiding officer, in this case, the Mayor.

Alderman Palazzolo stated he felt there would be a considerable amount of value if we were able to listen to our citizens and he was in complete agreement with this idea philosophically but as we interact with citizens that come forward, there tends to be at times a sense of emotions that can be demonstrated. As a citizen presents their case on a subject there is a lot passion and emotion that goes into that and he would really be hesitant if the Board were to take action on those types of pleas and/or presentations without a thorough analysis and research. He would only caution that as we look at this that the Board is able to maintain focus and not make the decisions based on the citizen's pleas. The Board should allow the staff to do its due diligence before it goes forward.

Alderman Hinely stated if there were simple questions and there are simple answers and one of the Board knew the answer she felt that would be permissible but if they come before the Board and were very passionate about something and there were a number of people who felt the same way then she agreed with both Billingsley and Palazzolo.

Alderman Drinnon stated he had never had any problems notifying staff of a problem and them taking care of the situation. He thanked staff for the level of service they had given to the citizens of this city.

Mayor Goldsworthy cautioned the Board that sometimes information that is presented may not represent all the dimensions of a problem or issue of concern that people bring forward. A premature response can then cause even more difficulties in the long run and she would hope that particularly those things that are staff driven or staff based, that staff would be given the latitude to respond in a more timely basis. One of the things that had been incorporated in the last few weeks is the index card signup now asks for more information and the goal is for staff to respond to everyone who speaks within 24 to 48 hours. If they do not have all the information available at that time, then they have made a contact and notify them that they are working on it. This approach would be very helpful in being responsive whether it is one individual or twenty or thirty. What clearly are our concerns and needs tonight on the sidewalks will take a very thoughtful amount of work by staff on the possibilities whether it be ordinance changes or policy changes, and what is the Board's final decision, and that means as a group rather than an individual's response.

City Attorney Tom Cates stated that everything that had been said resonates with reason. People come forward and expect a response and yet his experience had taught that we generally don't have all the facts we don't need to respond to them immediately. He asked if a compromise along these lines be a commitment from the Board that if someone felt they needed to respond they would respond but that the Board would commit that they would not immediately say "I call for a vote on that". Since that would not be on the agenda in any event, it does not give the other side the right to be heard, it does not give the staff the opportunity in a full and frank manner the knowledge of the situation. He thought that it would not be appropriate to put staff on the spot without prior knowledge of these things. It could lead to a lot of problems. In summary, he stated if a member of the Board was going to respond, an alderman feels compelled to respond, it would be okay but don't go further than that and say "this is all resolved and I think everyone agrees, lets add this to the agenda and vote on this tonight". He felt that would be a serious mistake.

Alderman Hinely asked if the City Attorney's verbiage could be added to the motion.

Alderman Billingsley stated he felt it would be a great idea.

Motion by Mr. Palazzolo, seconded by Ms. Hinely, to make a friendly amendment to the motion. As a result of the interchange about citizens to be heard the main motion is amended to provide that the Board shall take no official immediate action on any particular new issue or concern that comes up during citizens to be heard.

Mayor Goldsworthy asked that as a courtesy that staff not be compelled to respond because staff will want to make certain that they have all the information appropriate to any comment or direction.

Motion that includes the friendly amendment:

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

Town Hall Meeting – Alderman Hinely

Motion by Ms. Hinely, seconded by Mr. Billingsley, to have a Town Hall Meeting and include all the aldermen to listen to all the citizens who are losing their backyards and that we bring them up to date on what the city is doing to resolve their problems and also bring in the Corps of Engineers and any elected official that would like to participate.

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

Alderman Hinely asked if there was a consensus if the Board would want to move any further on the assessment problem and form a Task Force.

Motion by Ms. Hinely, seconded by Mr. Drinnon to form a Task Force to work with the other municipalities in addressing equities in the reappraisal process.

ADJOURNMENT

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

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder