

## **BOARD OF MAYOR AND ALDERMEN**

**February 12, 2007**

A regular meeting of the Board of Mayor and Aldermen was held on February 12, 2007 at 7:10 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, Tom Cates, George Brogdon, Andy Pouncey, Kristen Geiger, Pam Beasley, Jerry Cook, John Dluhos, Captain Frank Hester, Bo Mills, Chief Dennis Wolf, Michael Stoll, Michael Saddler, Butch Eder, Josh Whitehead, Melody Pittman and Dotty Johnson.

### **INVOCATION**

Mr. Dave Phillips from Germantown Church of Christ gave the invocation.

### **PLEDGE OF ALLEGIANCE**

Alderman Carole Hinely led the Pledge of Allegiance.

### **APPROVAL OF MINUTES**

The minutes were approved as read.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve the minutes of the Executive Session and Regular Meeting held January 22, 2007 and the Special Called Meeting held January 29, 2007 as read.

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

### **CITIZENS TO BE HEARD**

Ms. Bonnie Everson of 6198 Surrey Lane came forward to speak. She stated she and her husband Knox Everson had been residents since 1966. She stated she was representing Mr. Everson who had designed the logos and had considered it a privilege. She asked the Board to please reconsider changing the logo and leave the “Jumping G” at least on the Public Services trucks.

Ms. Tempe Walker Chancellor of 7751 Dogwood Road came forward. She brought a petition with 331 resident names that had signed in favor of keeping the logo and 144 nonresidents that also signed.

Ms. Chancellor stated there had been two Olympic riders from Germantown. Melony Smith from Germantown had won two gold Olympic medals jumping. The second rider was Mac Cone who had married a Canadian and rode for Canada but he was from Germantown.

The Germantown Horse Show brings over 600 horses and about 4½ people per horse, which is a lot of revenue brought to Germantown. In 2003, the Horse Show was awarded one of the top twenty events in the southeast by the Southeast Tourism Society.

Ms. Chancellor stated there were three streets in “The Village at Germantown” that were named for horses with two buildings called Carriage and the other Steeplechase. The Shops of Saddle Creek also had to do with horses. In the book “The Images of America” the cover was Germantown with the horses. The Horse Show is our history and our heritage. She asked to please not take the horse out of the logo.

### **YOUTH EXCELLENCE AWARD**

Mayor Goldsworthy and Alderman Hinely stepped down to present Ms. Rachel Lin a senior at Houston High School with the Youth Excellence Award for January. She was presented with a plaque from Traditions.

### **TEACHER OF THE MONTH AWARD**

Ms. Natalie Parker-Lawrence, who teaches English and world history at Houston High School, was presented with the Teacher of the Month Award and a check for \$100 from Trustmark Bank.

The Mayor then recessed the Board of Mayor and Aldermen and convened as the Beer Board.

### **BEER BOARD**

#### **REQUEST FOR TEMPORARY BEER PERMIT FOR GERMANTOWN FESTIVAL ASSOCIATION**

Mr. Lawton stated Mr. George Walters, the president of the Germantown Association, had requested a temporary beer permit for the Germantown Festival to be held on Saturday, September 8 and 9, 2007.

Alderman Drinnon stated this was the 13<sup>th</sup> consecutive year he had spoken out against the permit. He felt if people wanted to have drink in their own homes or over a meal, that was their business but for Germantown to authorize a permit to sell beer or any form of alcohol on City property or City function it was wrong. After attending a seminar on City's with character, which taught that City leaders were encouraged to do those things and make decisions that distinguish them from the average rank and file of municipalities. He encouraged the aldermen to decline selling alcoholic beverages for City functions or on City property. He felt it sent the wrong message to the youth and the aldermen did not distinguish themselves by granting this permit year after year.

Motion by Mr. Drinnon, to deny a temporary beer permit allowing the sale of beer on publicly owned property at the 2007 Germantown Festival. Having no one come forward to second the motion, the motion failed.

Motion by Mr. Palazzolo, seconded by Ms. Hinely, to approve a temporary beer permit allowing the sale of beer on publicly owned property at the 2007 Germantown Festival on Saturday, September 8, 2007, during the hours of 9:30 a.m. until 6:00 p.m. and on Sunday, September 9, 2007, from noon until 6:00 p.m.

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

Mayor Goldsworthy adjourned the Beer Board and reconvened the Board of Mayor and Aldermen.

### **BOARD OF MAYOR AND ALDERMEN**

#### **ORDINANCE 2007-1 – AMENDMENT TO PURCHASING ORDINANCE – THIRD AND FINAL READING**

Mr. Lawton stated that the current ordinance required purchases over \$2,500 must go before the Board of Mayor and Aldermen for approval and this always follows the receipt of sealed bids or proposals in the case of professional services. These are reviewed and the lowest bid or most responsive bid is presented to the Board of Mayor and Aldermen for consideration. The State Law had changed and many

**ORDINANCE 2007-1 – AMENDMENT TO PURCHASING ORDINANCE – THIRD AND FINAL READING – (cont’d)**

municipalities had increased their purchasing limits to something above the \$2,500.00 limit requiring single bids and presentations.

The City is requesting to increase the limits above the \$2,500.00 limit. The purchases over \$10,000.00 would require sealed bids, public notice and advertisement and review and consideration by the Board of Mayor and Aldermen. Purchases between \$4,000.00 and \$10,000.00 would require two to three competitive quotes, department head approval and approval by the City Administrator and Mayor. The purchases up to \$4,000.00 would require department head approval and review and approval by the City Administrator.

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

Motion by Mr. Uhlhorn, seconded by Ms. Hinely, to approve on third reading authorization from the Board of Mayor and Aldermen to raise our existing purchasing limits to be consistent with recently enacted State legislation and amend the existing City purchasing ordinance Article VI, Finance, Sec. 328 (b), (c) and (d).

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

**RESOLUTION – PURCHASING PROCEDURES**

Mr. Lawton stated that the ordinance that was just adopted by the Board of Mayor and Aldermen changed the process by which the City would now receive and present to the Board things to be purchases by the City. This resolution will identify the various steps that will be put in place that would administratively assure that the purchases that are made by the City are done in a very competitive and open manner.

The Purchasing Guidelines are as follows:

**Purchases less than \$2,500**

Spot purchases of less than \$2,500  
Requisition approved by manager or supervisor  
Purchase source determined at department buyer’s discretion (using City’s best interests)  
Use of Field Purchase Order (FPO) system recommended

**Purchases from \$2,500 to less than \$4,000**

Two to three quotes for best-qualified low price (obtained by the department or by Purchasing)  
Approval by department manager and key business executive  
Light paperwork (Requisition, quotes and approval sheet)  
Expedited processing with limited paperwork and fewer approval levels

**Purchases from \$4,000 to less than \$10,000**

Shall be made in the open market without public advertisement, but shall, whenever possible, be based upon three competitive bids, and shall require approval of the City Administrator and Mayor.

**Quarterly summary to Board of Mayor and Aldermen**

The City Administrator will present to the Board of Mayor and Aldermen on a quarterly basis the number and type of purchases made by the City between \$2,500.00 and \$10,000.00.

**RESOLUTION – PURCHASING PROCEDURES – (cont'd)**

**Purchases of \$10,000 or more**

Sealed, competitive bids with Board of Mayor and Aldermen approval.

Motion by Mr. Uhlhorn, seconded by Mr. Drinnon, to adopt by resolution the attached purchasing guidelines and procedures in accordance with the recently adopted amendment to the City's purchasing ordinance.

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

**ORDINANCE 2007-4 – AMENDMENT TO THE GERMANTOWN SIGN ORDINANCE – ADDITION OF MEDICAL OFFICE SIGNS TO SECTION 14-34 – FIRST READING/SET PUBLIC HEARING DATE**

Josh Whitehead stated this would change Section 14-34 (b)(2) to add Medical Office Site. The Medical Office Signs will be allowed at any building or private site that has medical uses as defined in our Zoning Code and with tenants of 10,000 sq. ft. or more. The projects that already have signs will be permitted an address sign and for new project signs they can have the monument sign. This amendment originated with Economic Development Commission and was approved by the Design Review Commission.

If the applicant adheres to the background, font, address and color, it can be approved administratively through staff, which would expedite the process.

Alderman Palazzolo stated the Economic Development Commission had a major hand in the development of the plan; staff and representatives of the medical community came together to fine-tune the ordinance. The cooperation of all proves that Germantown is a friendly place to do business and with the growing medical care growth, this sign change should help.

Motion by Mr. Uhlhorn, seconded by Mr. Palazzolo, to approve Ordinance 2007-4 on First Reading and set a public hearing date for March 12, 2007.

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

**ORDINANCE 2007-5 – AMENDMENT TO THE GERMANTOWN SIGN ORDINANCE – MODIFICATION OF PERMANENT PROJECT SIGN PROVISIONS IN SECTION 14-34 – FIRST READING/SET PUBLIC HEARING DATE**

Mr. Whitehead stated this amendment would address permanent project signs for sites of 30 acres or more. It was specifically written for the Village Shops of Forest Hill. The proposed changes would allow the tenant names to be separated with different colors and allow logos for those tenants. This amendment would adhere to a variance that was granted by the Design Review Commission last October.

Motion by Mr. Drinnon, seconded by Mr. Uhlhorn, to approve Ordinance 2007-5 on First Reading and set a public hearing date for March 12, 2007.

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

## **CONSENT AGENDA**

### **Professional Services Agreement – Johnson Bailey Henderson McNeel – Architectural Services**

The project will consist primarily of exterior repairs to the Germantown Community Theatre building including replacement of 18 existing windows with new energy efficient wood/aluminum clad windows, repair/replacement of sills, jams and heads, replacement of existing front, rear and Theatre emergency doors with new energy efficient wood/glass doors to match existing size and type, replacement of existing emergency exit stairs, replacement of existing East and South side aluminum members/shapes to match the North and West sides and replacement of the existing concrete ramp with an ADA compliant ramp and rail.

MOTION: To approve a Professional Services Agreement with Johnson Bailey Henderson McNeel (JBHN) in the amount of \$10,650.00 for Architectural Design and Contract Administration Services for repairs to the Germantown Community Theatre.

### **Mobile Data Terminals – Fire and Police**

The Mobile Data Terminals are used by the police officers to do lookups on the drivers they stop. These Toughbooks will be installed in the new squad cars. The Fire Department will also use these terminals for displaying Haz-Mat data, navigation systems and data communications, including automatic vehicle location.

MOTION: To authorize the purchase of Toughbooks from CDW-G for a total amount of \$68,528.00.

### **Alternative Power Switches for Sewer Lift Stations**

The electrical design and drawings for the service connection of the Utility Division's trailer mounted emergency generator to sewer lift stations at two separate locations in the City have been completed and the request is to now contract with Shelby Electric Company for the purchase and installation of these power switches. Three bids were submitted and one bid met DePouw Engineering's specifications.

MOTION: To approve the contract with Shelby Electric Company for the purchase and installation of emergency power switches to two (2) sewer lift stations, in the amount of \$8,992.00.

### **Line Striper**

This machine will be used to apply traffic paint to cross walks, parking lots, special event related tasks and other City-wide street striping projects in-house when contracting this service is not the best option. Three bids were received and staff recommends the low bid.

MOTION: To authorize the purchase of one walk-behind line striper from Sherwin Williams Company in the amount of \$4,200.00.

### **Vibratory Tamper**

This equipment is utilized by all the Public Services Divisions during utility, street and drainage maintenance repairs to compact fill materials such as sand, concrete base, crushed rock or dirt in preparation for surface asphalt or sod. Four bids were received, two were no bids.

MOTION: To authorize the purchase of three vibratory tampers from H & E Equipment Company in the amount of \$7,005.00.

### **Hydraulic Power Buggy**

The buggy will be utilized to transport materials and tools to isolated job site areas such as drainage ditches, rear property lines or places not accessible by truck. Four bids were received, two were no bids.

MOTION: To authorize the purchase of one hydraulic power buggy from Rebel Equipment Company in the amount of \$6,329.00.

**Mail Sorter Maintenance Agreement**

This multi-purpose piece of equipment is used by the Finance Department for distribution of tax bills, delinquent notices and monthly utility bill notifications. Pitney Bowes is the authorized service dealer for maintenance and repair of the Five Series Folder Inserter. There is a 4% increase from the previous contract price

MOTION: To contract with Pitney Bowes for the annual equipment maintenance service agreement of the Pitney Bowes Five Series Folder Inserter in the amount of \$3,017.50.

**Appointment to Education Commission – Jennifer Cummins**

A vacancy was created on the Education Commission with the resignation of Mr. Jason Hernandez. Ms. Jennifer Cummins had previously expressed a desire to serve on the commission.

MOTION: To approve the appointment of Ms. Jennifer E. Cummins to serve on the Education Commission until June 30, 2007.

**Recognition of Donation to Parks & Recreation – Germantown Woman’s Club**

The Germantown Woman’s Club recently donated funds to sponsor two projects developed by the Parks and Recreation Department. These funds provide support for the annual maintenance and upkeep of Turtle Bayou Interpretive Station at the Wolf River Nature Area - \$300.00, and equipment and supplies for youth fitness in the REACH Program - \$460.00.

MOTION: To recognize donations made to the Parks and Recreation Department for the Wolf River Nature Area and the REACH program totaling \$760.00 and to approve Budget Adjustment No. 07-39.

**Renewal of Medical Stop Loss Insurance**

Medical stop loss insurance is the insurance that protects the City’s self-funded medical plan from catastrophic medical costs. The anniversary date of the policy is March 1, 2007.

MOTION: To renew the City’s Medical Stop Loss Insurance with Hartford Life Insurance effective March 1, 2007.

**Copy Machine Rentals**

The City is replacing or renewing copy machines that have been operated under lease for the past 3 to 4 years. The City will lease Minolta machines from NovaCopy Inc. under the newly approved Shelby County Contract.

MOTION: To lease three copy machines from NovaCopy Inc. under three-year rental agreements for an estimated annual cost of \$4,950.00 for approximately 214,000 copies per year with about \$2,100.00 estimated cost for the remainder of FY07.

**Donation to Police Department**

The Young At Heart group from Germantown Presbyterian Church makes a donation of \$50.00 to each organization that speaks to their youth group.

MOTION: To recognize a donation from Young At Heart of \$50.00.

**Professional Services – EMS Medical Director**

The Fire Department provides advanced life support level emergency medical services and must have a physician medical director to provide authorization for using advanced life support protocols, to write prescriptions for the medications used in the program, to oversee the program for compliance with State laws, and to monitor the quality assurance program.

MOTION: To renew the professional services agreement with Emergency Medical Resources, PLLC for the services of Joseph E. (Joe) Holley, Jr. MD as medical director for the City's Emergency Medical Services (EMS) program at an annual cost of \$6,000.00.

**C.O. FRANKLIN PARK IMPROVEMENTS**

The Phase I improvements consist of expansion and renovation of the north parking lot, and on-site drainage improvements, that include new curbs and gutters in the rear of the stables preventing runoff from the stable area flowing onto adjacent properties on Stout Road. In addition, off-site drainage improvements will be made to address flooding concerns from storm water runoff from the park between two homes adjacent to the main arena on Moore Road.

MOTION: To authorize the Mayor to enter into a construction contract with Barnes and Brower, Inc. for Phase I improvements to C.O. Franklin Park in the amount of \$327,509.00.

**ASPHALT PAVEMENT REJUVENATION PROGRAM**

To extend asphalt pavement life cycles, Public Services has implemented an annual budgeted project for pavement rejuvenation. Only one bid was received, however, the unit price is \$.03/per square yard less than last year's contract.

MOTION: To contract with Pavement Technology, Inc. for the annual pavement rejuvenation program in an amount not to exceed \$73,332.35.

**SEWER AGREEMENT AMENDMENT**

Based upon our analysis of the allocation formula by our Research & Budget division and the City Attorney's office, the volumetric fee that we will pay to the City of Memphis, based on their charges, will be 57.33%. This type of amendment to the sewer agreement will be presented to the Board every two years.

MOTION: To authorize the Mayor to execute Amendment No. 3 to the Sewer Services Agreement between the City of Germantown and the City of Memphis.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to accept the consent agenda in its entirety.

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

Mayor Goldsworthy welcomed Melody Pittman who had been named Acting Director of the Germantown Community Library.

Alderman Chism stated that the Shelby County Schools had received a grant to incorporate a program in all the county schools called "School Watch" that was patterned after the "Neighborhood Watch" program. The neighbors of the schools report things they see back to the proper authorities over the weekends or at night around the schools.

Alderman Hinely stated that because the citizens were so concerned over the logo and seal she asked for a work session.

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Mayor Goldsworthy stated they had anticipated a work session as we consider the Smart Growth Plan and to look at all the components of it and part of it was the branding of the City. This should take place in early March.

**ADJOURNMENT**

There being no further business to be brought before the Board, the meeting was adjourned at 8:45 p.m.

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Sharon Goldsworthy, Mayor

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Dotty Johnson, City Clerk/Recorder