



CITY OF GERMANTOWN TENNESSEE

1930 South Germantown Road • Germantown, Tennessee 38138-2815
Phone (901) 757-7200 Fax (901) 757-7292 www.germantown-tn.gov

January 8, 2014

Board of Mayor and Aldermen
Municipal Center
Germantown, TN 38138

Dear Board Members:

The following is a brief summary of the agenda items to be discussed at the meeting of the Board of Mayor and Aldermen scheduled for Monday, January 13, beginning at 6:00 p.m.

1. **Call to Order**

The Mayor will call the meeting to order.

2. **Invocation**

Public Services Director Bo Mills will give the invocation.

3. **Pledge of Allegiance**

Alderman Mike Palazzolo will lead the Pledge of Allegiance.

4. **Approval of Agenda**

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

5. **Approval of Minutes**

Approval is requested of the minutes of the regular meeting held December 9, and the special called meeting held December 16, 2013.

6. **Youth Excellence Award**

The December winner of the Youth Excellence Award is Ms. Brittany Parmenter, a senior at Germantown High School.

7. **Teacher of the Month**

Mrs. Cathi Degloma, a fourth grade teacher at Our Lady of Perpetual Help Catholic School, will receive the December award.

8. **Citizens to be Heard**

This item is to give citizens the opportunity to address the Board of Mayor and Aldermen on issues of concern.

BEER BOARD

9. **Public Hearing – Permit to Sell Beer for On-premise Consumption – Huey’s – 7677 W. Farmington Blvd.**

The owners of Huey’s have requested a permit to sell beer for on-premise consumption at their new location of 7677 W. Farmington Blvd.

10. Temporary Beer Permit – Leadership Germantown

Leadership Germantown has an annual “Germantown Trivia Night”. This 501(c)3 organization is requesting an on-premise temporary beer permit to sell beer on Saturday, February 15, 2014 in the Great Hall and Conference Center.

BOARD OF MAYOR AND ALDERMEN

11. Public Hearing - Ordinance 2013-15– Amendment to Section 3 – 116 (Alcoholic Beverages – Location of Establishments) regarding zoning districts - Second Reading

This is an amendment to the City’s regulations on zoning for places that sell alcoholic beverages. This is not a part of the Zoning Regulations, but it does relate to the required zoning of places that sell alcoholic beverages and to the provisions of the Smart Code.

12. Public Hearing - Ordinance 2013-16 – Amendment to Chapter 23 – (Zoning Regulations) regarding accessory buildings structures - Second Reading

This amendment addresses accessory building placement on double frontage lots.

13. Public Hearing - Ordinance 2013-17 – Amendment to Chapter 17 – (Subdivision Regulations) regarding Minor Subdivision Revisions - Second Reading

The proposed amendment adds the word “revision” to the description, to make clear the intent relates to modifications to existing subdivisions, and not to the creation of new lots.

14. Supplement 1 – FY14 On-Call Professional Services Agreement – Kimley-Horn & Associates Inc.

Kimley-Horn & Associates (KHA) has provided excellent and consistent on-call services for the City since 2006. Staff requested the Board to allow that relationship to continue through FY14. The Board previously approved the FY14 on-call contract for an amount not to exceed \$20,000.00.

We are half way through FY14 and have completely exhausted the budgeted amount. Each of the development applications has been relatively large in scale requiring a significant amount of traffic impact analyses and traffic signal plans review. Also, the City Traffic Engineer recently resigned his position. Both of these factors have resulted in heavier reliance on the on-call service contract. Staff is requesting approval of a supplement that will increase the FY14 on-call services contract to an amount not to exceed \$40,000.00.

15. Supplement 4 - Wolf River Blvd. CEI Supplement

This supplement involves additional services related to the monitoring and reporting of wetland areas impacted by roadway construction. Construction of the roadway negatively impacted approximately 4 acres of wetlands. TN Dept. of Environment and Conservation (TDEC) regulations dictate a 2:1 mitigation factor. For every 1 acre of wetlands disturbed, 2 acres of wetlands must be created. The City was required to create a total of 8 acres of wetlands on and off-site.

As per federal and state regulations, mitigated wetland areas must be monitored by a licensed biologist for a five year period. Staff recommends approval of Option 2 which is bi-annual reports for the first two years, and if sites are unsuccessful, bi-annual monitoring and reporting for next three years, totaling ten reports at a cost of \$33,430.33.

16. CONSENT

A. Email System Annual Renewal

The Board is asked to authorize a renewal to a contract for the annual maintenance and licensing for Google Apps for Government in the amount of \$22,003.80.

B. Appointments to Historic Commission

Approval is requested for the reappointment of Mr. Chuck Baker and Mr. Warren Travis to the Historic Commission.

C. Appointment to Neighborhood Preservation Commission

With the appointment of Mr. Patrick Mahoney the vacancy on the Neighborhood Preservation Commission will be filled.

D. Appointment to Industrial Development Board

The Industrial Development Board is appointed by the Mayor and approved by the Board. The term is for six (6) years. Mr. Mike Harless and Mr. Henry Evans have reapplied to serve. There is one position left vacant with a term that ends in 2017 that will be filled at a later date.

E. Recognition of Donation – Education Commission

Donations were received to be used for Battle of the Brains event expenses and as cash awards for the winning students.

F. Non-Inventory Janitorial Items

Janitorial items that are not inventoried but has significant impact for providing services and safety in City buildings include: entrance mats, dust mops, shop towels, towels and wash cloths for jail services. Due to the ongoing use of these items, it is more cost effective to have a full-service rental agreement than to purchase these items in the amount of \$13,553.28 to provide service for non-inventory janitorial items in City buildings.

G. Budget Calendar

Each year a budget calendar is developed for the timely completion of the City's annual operating and capital budgets for the forthcoming fiscal year. Three readings and public hearing are scheduled during May and June with final adoption scheduled for June 23, 2014.

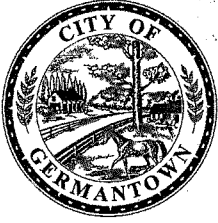
If you have questions regarding any of these agenda items, do not hesitate to contact me prior to the meeting on the 13th.

Sincerely,



Patrick J. Lawton

City Administrator



CITY OF GERMANTOWN

TENNESSEE

1930 South Germantown Road • Germantown, Tennessee 38138-2815
Phone (901)757-7200 Fax (901)757-7292 www.germantown-tn.gov

Board of Mayor and Aldermen Meeting

Monday, January 13, 2014 – 6:00 p.m.
Council Chambers – Municipal Building

1. Call To Order
2. Invocation
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes
6. Youth Excellence Award
7. Teacher of the Month
8. Citizens to be Heard

BEER BOARD

9. Public Hearing – Permit to Sell Beer for On-Premise Consumption – Huey's, Farmington Blvd.
10. Temporary Beer Permit – Leadership Germantown

BOARD OF MAYOR AND ALDERMEN

11. Public Hearing - Ordinance 2013-15 – Amendment to Section 3-116 (Alcoholic Beverages – Location of Establishments) regarding zoning districts – Second Reading
12. Public Hearing - Ordinance 2013-16 – Amendment to Chapter 23 – (Zoning Regulations) regarding accessory buildings structures; Second Reading
13. Public Hearing - Ordinance 2013-17 – Amendment to Chapter 17: (Subdivision Regulations) regarding Minor Subdivision Revisions, Second Reading
14. Supplement 1 – FY14 On-call Professional Services Agreement – Kimbley-Horn & Associates Inc.
15. Supplement 4 - Wolf River Blvd. CEI Supplement

16. CONSENT

- A. EMAIL System Annual Renewal
- B. Appointments to Historic Commission
- C. Appointment to Neighborhood Preservation Commission
- D. Appointments to IDB
- E. Recognition of Donation – Education Commission
- F. Non Inventory Janitorial Supplies
- G. Budget Calendar

The City of Germantown complies with the American with Disabilities Act. Should you need accommodations for this meeting, please call 757-7200 at least 48 hours in advance of the meeting.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: January 13, 2014
FROM: Patrick J. Lawton, City Administrator
SUBJECT: SET AGENDA

INTRODUCTION:

The Agenda must be set before the meeting. The Board must agree on the contents of the agenda and make changes to the agenda before the meeting begins.

PROPOSED MOTION(S), RESOLUTION(S), OTHER ACTION:

To approve the agenda (as amended).

BOARD ACTION: _____ **MOTION BY:** _____ **SECONDED BY:** _____

VOTE/TOTAL	MARCOM	DRINNON	PALAZZOLO	OWENS	JANDA	GOLDSWORTHY
YES	Yes	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No	No
ABSTAIN	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: January 13, 2014
FROM: Patrick J. Lawton, City Administrator *PJL*
SUBJECT: Approval of Minutes

INTRODUCTION:

The purpose of this agenda item is to approve the minutes of the Board of Mayor and Aldermen Meeting held December 9, and Special Called Meeting held December 16, 2013.

PROPOSED MOTION(S), RESOLUTION(S), OTHER ACTION:

To approve the minutes of the Board of Mayor and Aldermen Meeting held December 9, and the Special Called Meeting held December 16, 2013.,

BOARD ACTION: _____ **MOTION BY:** _____ **SECONDED BY:** _____

VOTE/TOTAL	MARCOM	DRINNON	PALAZZOLO	OWENS	JANDA	GOLDSWORTHY
YES	Yes	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No	No
ABSTAIN	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain

BOARD OF MAYOR AND ALDERMEN

December 9, 2013

A regular meeting of the Board of Mayor and Aldermen was held on Monday, December 9, 2013 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: Greg Marcom, John Drinnon, Mike Palazzolo and Forrest Owens. Alderman Rocky Janda was absent. Staff present: Patrick Lawton, Debra Wiles, George Brogdon, Tim Gwaltney, Bo Mills, Susan Hopson, Chief John Selberg, Chief Richard Hall, Pam Beasley, Reynold Douglas, Butch Eder, Ralph Gabb, Lisa Piefer and Dotty Johnson.

Call to Order

Mayor Goldsworthy called the meeting to order at 6:00 p.m.

Invocation

Economic and Community Services Director Andy Pouncey gave the invocation.

Pledge of Allegiance

Alderman John Drinnon led the Pledge of Allegiance.

Approval of Agenda

The Board agreed to defer the following agenda items: #5 - Police Department Mobile Data Terminal; #12- Police Vehicle Purchase (2) and #13 - Police Vehicle Purchase.

The Board agreed to add to the agenda #5b – Agreement of Compromise and Settlement.

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

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens -yes. Motion approved.

Approval of Minutes

There were no corrections or additions to the minutes.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to approve the minutes of the Board of Mayor and Aldermen meeting November 25, 2013.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens -yes. Motion approved.

ADD-ON – Agreement of Compromise and Settlement

Mayor Goldsworthy stated that earlier this board met with legal counsel to discuss terms for settlement of the litigation brought by the Shelby County Commission and City of Memphis. In its most basic form, that lawsuit asserts that formation of a Germantown Municipal School District is a violation of the 14th amendment.

Over the past few months, and in particular the past couple weeks, the suburban municipalities have sought individual agreements to address multiple facets of the municipal school district initiative. Such agreements would bring closure to the lawsuit, arrange for transfer of school properties from the Shelby County Schools to the respective municipal districts and provide for annual payments to SCS to address retiree health care obligations.

Five municipalities have signed off on agreements. For Germantown, we—your mayor, administration and legal counsel—have continued the negotiation as terms offered by SCS did not align with our community's vision and expectations.

Board of Mayor and Aldermen

December 9, 2013

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In October, the SCS superintendent recommended that five schools be ceded to the GMSD: Riverdale, Farmington, Dogwood, Houston Middle and Houston High. The proposal retained Germantown elementary, middle and high schools for operation by the Shelby County Schools.

For two years, we have persistently and consistently requested that the GMSD receive all eight schools and the authority to teach all students from areas zoned to those schools. That was the direction we gave SES, our consultants; that is the scenario envisioned in the feasibility report we adopted in January 2012. We cited the value of continuing the diversity of our student population and the stability it allowed for both students and faculty.

Our position, briefly stated at the October SCS board meeting and explained fully at the November 6 meeting of its facilities committee, called for regular and irregular review by both school boards to monitor capacity and to develop solutions should enrollment exceed capacity at the eight schools.

Given the expressed resistance of SCS to a proposal that did not embrace all attendance areas “in perpetuity”, we advanced an alternative by which we would secure six schools, adding Germantown Elementary to the five previously identified by the SCS board.

In subsequent discussions between us and SCS representation, we identified the manner in which both districts might proceed with adequate space. As is usual in negotiations, proposals prompt counter proposals and more. This weekend we concluded that the conditions described or attached on behalf of SCS did not offer the certainty that we believe critical as Germantown organizes its school district.

Consequently, administration has recommended to the Board of Mayor and Aldermen that we proceed with acceptance of the agreement proffered by SCS in late October:

- Transfer of ownership of the five schools and all their fixtures, furnishings and equipment to the GMSD, by deed next June 1
- The payment of \$355,453 to SCS annually for 12 years, such payment beginning next November 1, and
- Permanent relief from the lawsuit.

By consensus, during the litigation session this afternoon, the aldermen agreed to add this item to tonight’s agenda. Assuming its approval, it will be likewise considered by the SCS board at its scheduled meeting tomorrow. We would immediately ask the new GMSD Board of Education to call a special meeting to likewise endorse the agreement. If all approvals are in order, it would then move to the Shelby County Commission and City of Memphis Council for ratification. Ultimately, it would move—with those of the other municipalities—to the federal court presided over by Judge Samuel Hardy Mays.

We are keenly aware that acceptance of this agreement does not appear to immediately address all the concerns expressed by Germantown residents and parents of students. There has been a wealth of opinions, beliefs, alternative solutions and ideas advanced from a community obviously committed to local control of public education.

Nevertheless and with all respect due those who have supported or challenged this course of action, we believe it lays the foundation upon which the school district can be formed. We would not proceed if we did not believe that it:

- Allows the GMSD Board of Education to proceed quickly and efficiently toward opening of the Germantown Municipal Schools next August
- Assures a classroom for every Germantown resident student who wishes to attend a GMSD school in the next school term and beyond
- Is fiscally viable
- Anticipates development of facilities responsive to the needs of students and their families, and

- Offers potential for collaboration or inter-local agreements between or among the school districts of Shelby County.

City Administrator Patrick Lawton read the agreement and its adopting resolution.

AGREEMENT OF COMPROMISE AND SETTLEMENT

This Agreement is entered into by the Board of Commissioners of Shelby County (the "County Commission"), Shelby County, Tennessee ("the County"), the Shelby County Board of Education (the "County Board of Education"), the City of Germantown, Tennessee (the "City"), and the Germantown Board of Education (the "Germantown Board") (hereinafter referred collectively as "the Parties").

WHEREAS, the County Commission has sued the City and others in the United States District Court for the Western District of Tennessee (Docket No. 11-2101) alleging that the City's efforts to create its own municipal school district is illegal because they are motivated by racially-discriminatory intent and violative of various constitutional provisions (the "Pending Litigation"); and

WHEREAS, the City has denied the allegations of the Pending Litigation and vigorously defended against all claims that its actions are illegal; and

WHEREAS, this Agreement of Settlement and Compromise is intended to resolve all claims and contentions between the Parties concerning the creation of a municipal school district in the City which are or could be alleged in the Pending Litigation; and

THEREFORE, in view of the good and valuable consideration stated above, the sufficiency of which is hereby acknowledged by the Parties, it is AGREED that:

1. Pursuant to Tennessee Code Annotated § 49-2-127 and Chapter 256 of the Public Acts of 2013, the City shall create a new municipal school district, which system shall commence instruction no earlier than August 1, 2014.
2. The Germantown Board of Education shall provide for the supervision, management, and operation of Dogwood Elementary School, Farmington Elementary School, Houston High School, Houston Middle School and Riverdale Elementary School (the "City Schools").
3. The Germantown Board of Education shall receive and control all local, state, and federal funding that it is due to operate the Germantown Board of Education pursuant to applicable law.
4. The boundaries of the Germantown Municipal School District shall be coextensive with the boundaries of the City of Germantown as the City's boundaries may change from time to time.
5. The Shelby County Board of Education shall deed Dogwood Elementary School, Farmington Elementary School, Houston High School, Houston Middle School and 1 Riverdale Elementary School to the Germantown Board of Education pursuant to the terms and conditions of the Deed, attached hereto as Exhibit "A" upon written certification by the Germantown Board of Education that it will commence educating students in the Fall term of the 2014-2015 school year; provided that in no event shall said buildings be deeded prior to May 31, 2014.
6. The Shelby County Board of Education shall convey, by bill of sale, all unencumbered furniture, fixtures, books, supplies and equipment contained within or on the grounds of Dogwood Elementary School, Farmington Elementary School, Houston High School, Houston Middle School and Riverdale Elementary School as of the effective date of this Agreement (such items to include but not be limited to all "FF&E" as that accounting term is utilized in connection with the books and records of the Shelby County Board of Education); provided that in no event shall said

furniture, fixtures and/or equipment be conveyed prior to May 31, 2014. The Germantown Board of Education shall retain all right, title and interest in any and all student activity general funds held at each respective school described above as provided for by Tennessee law including but not limited to T.C.A. § 49-2-110 and any and all rules and regulations of the Tennessee State Comptroller.

7. The Germantown Board of Education agrees to pay the Shelby County Board of Education Three Hundred Fifty-Five Thousand, Four Hundred Fifty-Three Dollars (\$355,453) per calendar year for twelve (12) years with the first payment paid by November 1, 2014 and the remaining payments by November 1 of each year following. The parties agree that if any of the twelve (12) Three Hundred Fifty-Five Thousand, Four Hundred Fifty-Three Dollars (\$355,453) payments are not received by the Shelby County Board of Education by November 1 of each year commencing on November 1, 2014, the buildings and property described in numbered Paragraph 5 of this Agreement shall revert to the Shelby County Board of Education in accordance with the provisions set forth in the Deed. The commencement of said payments are contingent upon the Germantown Board of Education commencing the education of students in the Fall term of the 2014-2015 school year; otherwise the payments shall begin in November of the school year in which the Germantown Board of Education commences educating students. The payments required by this paragraph shall not be made as consideration for the transfer of title contemplated in Paragraph 5, but are instead made in return for the other promises and covenants contained herein.
8. The County Commission agrees that it will not reduce or supplant the County Commission's maintenance of effort responsibility to the County Board of Education as a result of the payments made by the Germantown Board of Education to the Shelby County Board of Education as set forth in numbered Paragraph 7 of the Agreement. However, the County Board of Education agrees that the payments made by the Germantown Board of Education to the Shelby County Board of Education as set forth in numbered Paragraph 7 of the Agreement shall be used by the County Board of Education to reduce its retiree health and life insurance liabilities incurred as of May 31,
9. Except as to the obligations imposed herein, the Parties hereby release, remit and discharge any and all claims, demands, and causes of action that have been asserted in the Pending Litigation, or that could have been asserted in the Pending Litigation, whether known or unknown, that they may have now, or may have in the future, against each other arising in any way out of the creation of a municipal school district in the City of Germantown.
10. This Agreement may be signed in multiple counterparts, each of which shall be an original, and shall be binding on the Parties hereto and their successors and assigns. This Agreement is not intended to create rights or any form or causes of action for any other party (not a signatory to this Agreement). It may only be amended by signed consent of each of the Parties upon approval of the Court.
11. The County Commission agrees to dismiss with prejudice all claims as to the City of Germantown in the Pending Litigation, with each Party to bear its own costs and fees.
12. The Parties agree that the exclusive venue for any dispute or controversy regarding this Agreement shall be the United States District Court for the Western District of Tennessee Western Division.
13. The signatories to this Agreement warrant and represent that they have the full and proper authorization to affix their signature to this document on behalf of the entity that they represent.
14. If any provision of this Agreement is held to be unlawful, invalid or unenforceable under any present or future laws, such provision shall be fully severable; and this Agreement shall then be construed and enforced as if such unlawful, invalid or unenforceable provision had not been a part hereof. The remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by such unlawful, invalid or unenforceable provision or by its severance here from.

Furthermore, in lieu of such unlawful, invalid, or unenforceable provision, there shall be added automatically as a part of this Agreement a legal, valid and enforceable provision as similar in terms to such unlawful, invalid or unenforceable provision as possible.

THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE

THE CITY OF GERMANTOWN

Motion by Mr. Drinnon, seconded by Mr. Marcom, to authorize the mayor to execute the Agreement of Compromise and Settlement between the City, the Board of Commissioners of Shelby County, the Shelby County Board of Education, and the Germantown Board of Education to resolve all claims and contentions between the parties concerning the creation of a municipal school district within the boundaries of the City of Germantown.

Alderman Marcom stated they had been working very diligently on this for three years and while this is not perfect or what we wanted, we wanted 8 schools, but this is a foundation, a starting point. He appreciated the work that administration had done to get to this point.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens -yes. Motion approved.

Youth Excellence Award

Mrs. Mindy Fischer, chairman of the Education Commission, presented Ms. Kayce Hyde, a senior at St. George's Independent School, the Youth Excellence Award for the month of December.

Teacher of the Month Award

Mrs. Fischer, presented Mr. Leroy Walker, a physical education teacher at Germantown Middle School with the Teacher of the Month Award for the month of December. Coach Walker thanked the Board and the Education Commission for the honor and introduced his wife and father-in-law.

Citizens to be Heard

Jason Polley, 2217 Deodora Cove, came forward and stated he was disappointed that the Board did not fight for all of the 8 schools.

Don Adams, 2568 Cedarwood Dr, felt the housing areas around the three Germantown schools would suffer and go down in value.

Resolution 13R14 –New Pension Plan

Human Resources Director Susan Hopson explained that the New Pension Plan is for employees and re-employed individuals whose date of hire or reemployment is on or after July 1, 2013. Employees must reach age 21 and have attained six (6) months of service. Under this plan, normal retirement for all employees will be attainment of 62 and 10 years of service. Early retirement for all employees under the New Plan will be attainment of 55 and 10 years of service. The vesting period will be ten years. The New Plan requires a mandatory employee contribution of 5% but it is pre-tax contribution. The City will contribute 5% and the employee will also receive a (5%) interest credit per year on June 30 of each Plan Year based on the value of the employee's Accumulation Account at the beginning of the Plan Year.

RESOLUTION NO. 13R14

WHEREAS, the City of Germantown, Tennessee (the "City") maintains a contributory retirement plan known as the "City of Germantown, Tennessee Employees Retirement Plan" effective July 12, 1966, as subsequently amended and restated from time to time (the "Pension Plan"); and

WHEREAS, the Pension Plan is administered by the Retirement Plan Administration Committee ("RPAC"); and

WHEREAS, U.S. Bank National Association, a national banking association organized under the laws of the United States with offices in Minneapolis, Minnesota (the "Bank") is acting Trustee of the Pension Plan; and

WHEREAS, by Resolution 13R02 duly adopted by the Board of Mayor and Aldermen, the City amended and restated the Pension Plan limiting eligibility and participation in the Plan to those employees whose date of hire is on or prior to June 30, 2013; and

WHEREAS, for employees and reemployed individuals whose date of hire or reemployment is on or after July 1, 2013, the City desires to adopt a contributory retirement plan to be known as the "City of Germantown, Tennessee Defined Benefit Plan" (the "New Plan"); and

WHEREAS, eligibility and participation in the New Plan shall be limited to those employees whose date of hire or reemployment is on or after July 1, 2013; and

WHEREAS, the Board desires to designate the RPAC to administer the New Plan; and

WHEREAS, the Board desires to appoint the Bank as Trustee for the New Plan;
NOW, THEREFORE,

1. The Board of Mayor and Aldermen ("Board") hereby adopt and approve the New Plan, substantially in the form and substance as presented to this Board, containing the following terms and conditions, with such other terms and provisions as set forth in the Plan:
 - a. The effective date of the New Plan shall be July 1, 2013.
 - b. Employees hired or reemployed on or after July 1, 2013 shall be entitled to participate in the New Plan after attainment of age twenty-one (21) and performance of six (6) months of service.
 - c. The term Employee shall not include:
 - i. The Mayor (or other elected official who fulfills the duties now performed by the Mayor);
 - ii. Any Alderman (or other elected official who fulfills the duties now performed by an Alderman);
 - iii. The City Attorney and any Assistant City Attorney;
 - iv. City Judges;
 - v. City Prosecutors;
 - vi. Any member of any collective bargaining unit, unless the collective bargaining agreement specifically provides for participation in such Plan by such members;
 - vii. All employees classified as other than permanent, full time employees;
 - viii. Any employee who is employed pursuant to a written contract which provides that the employee shall not be a participant in the plan;

- ix. Any independent contractor, any leased employee, and any individual who is not considered by the Employer to be its employee, notwithstanding any contrary determination by any other person, court, agency or other instrumentality of any description.
- d. The normal retirement date under the New Plan for all Employees shall be attainment of age 62 and 10 years of service.
- e. The normal retirement benefit under the New Plan shall be a monthly income which can be provided actuarially from each Participant's Accumulation Account.
- f. The early retirement date under the New Plan for all Employees shall be attainment of age 55 and 10 years of service.
- g. The early retirement benefit under the New Plan shall be a monthly income which can be provided actuarially from each Participant's Accumulation Account.
- h. The death benefit under the New Plan shall be 100% of the Participant's vested Accumulation Account.
- i. The Participant's interest in his or her Accumulation Account will vest upon completion of ten (10) years of service with the City.
- j. The New Plan will provide for the following employee retirement income options—
 - i. Payments over the participant's life (monthly income);
 - ii. Payments over the participants life but guaranteed for 10 years (monthly income guaranteed for 10 years);
 - iii. Lump sum payment;
 - iv. Joint & 50% survivor payments (monthly income to participant for life, then 50% of such payment to the participant's designated beneficiary);
 - v. Joint & 100% survivor payments (monthly income to participant for life, then 100% of such payment to the participant's designated beneficiary).
- k. The Plan Year shall commence July 1 and end June 30 of each year.
- l. Participants will have a mandatory participation contribution to the New Plan of five percent (5%) of the Participant's compensation each year, deducted by the City from the Participant's compensation with the City and "picked up" by the City as employer contributions and thus pre-tax to the Participant under Internal Revenue Code §414(h)(2).
- m. The City will contribute five percent (5%) of the Participant's compensation each Plan Year, provided the Participant is employed as of June 30 of the Plan Year.

- n. The Participant will also receive an "interest credit" of five (5%) per year on June 30 of each Plan Year, based on the value of the Participant's Accumulation Account at the beginning of the Plan Year.
 - o. The Participant's Accumulation Account shall consist of the Participant's mandatory contribution, the City's contribution, and the "interest credit."
 - p. Under the New Plan, determination of actuarial equivalence will be based upon six percent (6%) interest and the Applicable Mortality Table as published by the IRS for December preceding the Annuity Starting Date for each participant.
 - q. Compensation, for purposes of the New Plan, shall have the same definition as provided for compensation under the Pension Plan.
 - r. Vesting service shall be determined under the New Plan based upon completed years and months of service with the City, beginning as of the Participant's date of hire and continuing until the Participant's date of termination.
 - s. The City reserves the right to terminate or amend the New Plan at any time and from time to time.
2. The Board further appoints and approves the RPAC to administer the New Plan.
 3. The Board further appoints and approves U.S. Bank as Trustee of the New Plan, pursuant to a Trust Agreement in substantially the form and substance as the Trust Agreement presented to the Board.

IN WITNESS WHEREOF, the City has caused this Resolution to be executed this 9th day of December, 2013.

Motion by Mr. Palazzolo, seconded by Mr. Owens, to adopt Resolution 13R14 which includes adopting this New Plan, appointing the RPAC to administer the Plan and lastly, appointing U.S. Bank as Trustee for the Plan.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens -yes. Motion approved.

Stop Loss Insurance

Ms. Hopson explained that Stop Loss Insurance protects the City's self-funded plan from extreme medical expense. In years past, the City utilized a broker to complete the request for proposal process and then presented the results to the Board for approval. This year, as a result of the City Attorney's review of current purchasing laws, Procurement staff completed the process by issuing a Request for Proposal (RFP) for these services.

The City received seven proposals from five vendors. Only two met all of the RFP requirements. As a result, this quote with American Fidelity represents a cost savings for the City over \$542,082.36. After thorough analysis of the City's medical plan activity this past year and review by the City's consultant, ESP Inc., it is the recommendation of staff that the City move to cease coverage with the existing carrier, Sun Life, and set forth coverage with American Fidelity. The stop loss would remain at an individual \$225,000 deductible for 2014 with a savings in excess of \$542,082.36.

Motion by Mr. Marcom, seconded by Mr. Drinnon, to authorize the Mayor and Board to enter into a contract with American Fidelity in the amount of \$667,622.24 for stop loss insurance coverage for 2014.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens -yes. Motion approved.

CONSENT

Lobbying Service Contract

The City has engaged the services of Farris Bobango Branan PLC (FBB) Attorneys at Law for lobbying services for the past seven years. Administration has been extremely pleased with the efforts of the firm in representing Germantown's interests as well as monitoring specific bills and legislative proposals. The lobbying services agreement, in an amount of \$20,000.00, will begin on January 1, 2014 and end June 30, 2014.

MOTION: To authorize the Mayor to execute a lobbying services agreement with Farris Bobango Branan PLC Attorneys at Law for lobbying services on behalf of the City of Germantown beginning January 1, 2014 and ending June 30, 2014 in the amount of \$20,000.00.

Recognition of Donation – Youth Basketball

Wolfchase Toyota donated \$2,000.00 to enhance the Youth Basketball program. In addition to the team jerseys that are provided by the Parks and Recreation Department, this money will be used to purchase t-shirts for each player to wear over their team jersey.

MOTION: To recognize the donation made to the Parks and Recreation Department totaling \$2,000.00 and to approve Budget Adjustment No. 14-34.

Recognition of Donation – Parks & Recreation

Mr. and Mrs. Brian deWitt have made a donation to the Parks and Recreation Department in the amount of \$1,000.00. The deWitt family asked the funds be used to purchase a park bench in memory of their son.

MOTION: To recognize the donation made to the Parks and Recreation Department totaling \$1,000.00 and to approve Budget Adjustment No. 14-37.

Recognition of Donations – Germantown Community Library and Germantown Regional History and Genealogy Center.

Donations have been made to the Germantown Community Library and Germantown Regional History and Genealogy Center totaling \$1,851.00.

MOTION: To recognize donations to Germantown Community Library and Germantown Regional History and Genealogy Center totaling \$1,851.00, and approve Budget Adjustment No. 14-33.

Motion by Mr. Owens, seconded by Mr. Marcom, to accept the consent agenda as presented.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens -yes. Motion approved.

Alderman Marcom stated this would be the last meeting that Andy Pouncey, Economic and Community Development Director, would be attending because he was retiring at the end of the year. He praised Andy for his years of service, his friendship and all he had done for the City.

Andy stated he had worked for the City for 23½ years. He had seen a lot of changes over the years. He stated he approached his work with passion and had the opportunity to be creative on some projects such as Wolf River medians and some of the gardens and parks. He was proud to be able to serve the City.

Mayor Goldsworthy stated that Andy had made contributions to this community from both within city government but especially outside city government. He contributed so much to the way Germantown looks. He showed a real ability in those circumstances where someone came in and wanted to do something and it did not line up with what we wanted them to do, Andy found a way to make it work. She stated Andy had worked through problems with dignity. He delivered public service to a community

Board of Mayor and Aldermen

December 9, 2013

Page 10

in a way that made winners out of everyone. Andy also played a role outside the community with his leadership in the final relocation of the Memphis Belle. It took a lot of courage to say the community was not prepared to put into a memorial situation what the Memphis Belle deserves and it is now both literally and figuratively in a very good place. He has also been instrumental in keeping the West Tennessee Veterans Cemetery Association group together. The Mayor stated how she and the City appreciates and values his services to the City and wish him well in his retirement.

ADJOURNMENT

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

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder

DRAFT

BOARD OF MAYOR AND ALDERMEN

December 16, 2013

A special called meeting of the Board of Mayor and Aldermen was held on December 16, 2013 at 5:00 p.m. in the Administration Conference Room of the Municipal Center.

Mayor Sharon Goldsworthy was present and presiding.

The following Aldermen were present: John Drinnon, Greg Marcom, Rocky Janda, Forrest Owens, and Mike Palazzolo. Staff present: Patrick Lawton, George Brogdon, Ralph Gabb and Dotty Johnson.

Competitive Sealed Proposal Authorization for Tennis Professional Services

City Administrator Patrick Lawton explained that the current Tennis Pro has notified the City that he will be leaving and staff would like to have authorization to have a competitive sealed proposal process to seek services of a tennis pro. Authorization is needed by the Board before we can do a competitive sealed bid.

Motion by Mr. Owens, seconded by Mr. Marcom, to authorize the use of the competitive sealed proposal process to procure a contract for tennis professional services to develop the sport of tennis for all groups at City tennis courts.

ROLL CALL: Marcom-yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda-yes. Motion approved.

Authorization of Payment to Germantown Board of Education

Mr. Lawton this money is to cover the expenses of certain expenses for this year. The School Board does not have a budget, all the purse strings are controlled by the City of Germantown during the fiscal year 2014 and we had always anticipated at some point, the City would be making purchases, whether for furniture and equipment that the Board had earlier approved by the Board. We need to provide funding for the School Board so they can contract for services and not the City.

The School Board will have a contract with a company called Paychecks and they will actually process the payroll for the School Board. There will be certain positions that will be needed during fiscal year 2014. We have identified the salaries that will be needed for fiscal year 14.

The recommended expenditure needs to be in a checking account that Mr. Gabb has established with SunTrust, separate and apart from the City. Until they have finance director, Mr. Gabb will keep track of their charter of accounts.

At the School Board's first meeting they approved a the law firm of Jackson Shields Kaiser to provide their legal representation. They come highly recommended. The estimate of \$50,000.00 was what the legal firm estimated. The consulting amount includes the amount needed for the payroll processing.

A discussion followed on the amount of money and the person who will be overseeing this money. Mr. Lawton explained that Ralph Gabb will be watching the money. No money will be expensed until the payroll happens. Mr. Gabb will be monitoring the accounts.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to approve the appropriation of funding in the amount of \$576,100.00 to the Germantown Board of Education to fund specified expenses incurred during the current fiscal year.

Motion by Mr. Marcom, seconded by Mr. Janda, to amend the previous motion to transfer these funds contingent on the approval of the agreement between the City of Germantown, Shelby County Commission and our Board of Education.

Board of Mayor and Aldermen

Special Called Meeting

December 16, 2013

Page 2

Mr. Marcom, with consent of the second, amended the amendment to the motion to read “said transfer date to be determined at the discretion of the Mayor.” Seconded by Mr. Janda

ROLL CALL: Marcom–yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda-yes. Motion approved.

Main motion as amended: to approve the appropriation of funding in the amount of \$576,100.00 to the Germantown Board of Education to fund specified expenses incurred during the current fiscal year with said transfer date to be determined at the discretion of the Mayor.

ROLL CALL: Marcom–yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda-yes. Motion approved.

Appointment of Vice Mayor

Motion by Mr. Owens, seconded by Mr. Janda, to appoint Alderman Palazzolo to serve as Vice Mayor for 2014.

ROLL CALL: Marcom–yes, Drinnon-yes, Palazzolo-abstain, Owens-yes, Janda-yes. Motion approved.

Alderman Marcom thanked the Board for their confidence in him this past year as he served as Vice Mayor and considered it an honor.

Aldermen Liaisons

Beautification Commission	Owens
Board of Zoning Appeals	Owens
Design Review Commission	Marcom
Economic Development	Marcom
Education Commission.....	Janda
Environmental Commission	Drinnon
Financial Advisory Commission	Janda
Germantown Athletic Club Commission	Palazzolo
Great Hall Advisory Commission	Janda
Historic Commission.....	Owens
Neighborhood Preservation Commission.....	Marcom
Parks and Recreation Commission.....	Palazzolo
Personnel Advisory Commission	Janda
Planning Commission.....	Owens
Public Safety Education Commission	Marcom
Retirement plan Administration Commission	Palazzolo
Senior Citizen Commission.....	Drinnon
Telecommunications Commission	Drinnon

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to accept the Liaison Aldermen as written.

ROLL CALL: Marcom–yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda-yes. Motion approved.

Attorney Appointments for 2014

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to appoint Debra Wiles as City Attorney; Alan Strain, Robert McLean, David Harris, and Lisa Krupicka as Assistant City Attorneys; Christopher Nearn as Senior Prosecuting Attorney, Mark B. Miesse, Taylor Cates and Roane Waring, III as Assistant Prosecuting Attorneys and Mark S. McDaniel as Police Advisor for 2014.

ROLL CALL: Marcom–yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda-yes. Motion approved.

Planning Commission

Mayor Goldsworthy appointed the following members to the Planning Commission: Dike Bacon, Hale Barclay, Susan Burrow, Michael Harless, George Hernandez, David Klevan and Stephen Wilensky.

Board of Mayor and Aldermen

Special Called Meeting

December 16, 2013

Page 3

The Planning Commission selects their own chairman.

Board of Zoning Appeals

Motion by Mr. Owens, seconded by Mr. Marcom, to approve the appointments of Frank Uhlhorn and Hunter Browndyke to serve on the Board of Zoning Appeals until December 31, 2016.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens–yes, Janda–yes. Motion approved.

Design Review Commission

Motion by Mr. Marcom, seconded by Mr. Drinnon, to approve the appointments of Christopher Schmidt, Ralph Smith, Paul Bruns, Henry Porter, John Walker, Eric Alter, Keith Saunders and Neil Sherman to serve on the Design Review Commission.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens–yes, Janda–yes. Motion approved.

Mayor Goldsworthy appointed Keith Saunders as chairman.

Beautification Commission

Motion by Mr. Owens, seconded by Mr. Marcom, to approve the appointments of Margaret Cobb-Boyd, Victoria Bruns, Lana Fowler, Brandy Miller, Sylvia Poll, Betty McFarland, Greg Garrison, Andrea Vu, Thomas Blanche and Jeffrey Stebbins to the Beautification Commission.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens–yes, Janda–yes. Motion approved.

Mayor Goldsworthy appointed Victoria Bruns as chairman.

Economic Development Commission

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to appoint Steven Levy – Retail, Rick Towne – Gn. Bus., David Ray – Medical, Donald Robbins – Home Bus. Off., Michele East – Finance, James King – Homeowner, Sally Ostheimel – Homeowner, and Ron Sklar – Res./Non Res. Dev. to serve on the Economic Development Commission.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens–yes, Janda–yes. Motion approved.

Mayor Goldsworthy appointed Jerry Klein as chairman.

Environmental Commission

Motion by Mr. Drinnon, seconded by Mr. Janda, to appoint the following people to the Environmental Commission: Clyde Davidson, Dr. Jimmy Davis, Urania Erskine, Steven Fleischmann, Andrew Foster, Linda Kaplan, Laura Meanwell, Susan Threlkeld, Joe Skelly, and Paul Mostellar.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens–yes, Janda–yes. Motion approved.

Mr. Joe Skelley was appointed chairman by Mayor Goldsworthy.

Financial Advisory Commission

Motion by Mr. Janda, seconded by Mr. Drinnon, to appoint Sudhir Agrawal, Glenda Brock, Vincent Correale, Eddie Cox, Rik Ditter, Clinton Hardin, Russell Johnson, Juliet Klein, Walter Krug, Howard Lasley, Frank Marcus, Frederick Miller, Julius Moody, Paul Mosteller, Howard Steinberg, Richard Wagoner, Mark Holland, Christy Gilmore, Christine Menzel, Dale Stover, Jonathan Turner and Sidney Kuehn.

Board of Mayor and Aldermen

Special Called Meeting

December 16, 2013

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ROLL CALL: Marcom–yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda-yes. Motion approved.

Mayor Goldsworthy appointed Mr. Julius Moody as chairman.

Germantown Athletic Club Commission

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to approve the following appointments to the Germantown Athletic Club Commission: Ronald Fittes, Jim Hasting, Kelly Nanney, Kristen New, Ronald Rossman, Garth Thompson, Ric Wolbrecht, Randall Windschitl and Brent Beavers.

ROLL CALL: Marcom–yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda-yes. Motion approved.

Mayor Goldsworthy appointed Ric Wolbrecht as chairman.

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to appoint Frank Adams, a Collierville resident, as a non-resident, non-voting member if the Code of Ordinances permits.

ROLL CALL: Marcom–yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda-yes. Motion approved.

Alderman Drinnon stated that the Senior Commission, through the Senior Expo, brings in about \$10,000.00 a year. They currently have around \$145, 000.00 saved. He expressed his appreciation to George Brogdon, Ralph Gabb and Bo Mills for their help in accomplishing all they have done.

Great Hall Advisory Commission

Motion by Mr. Janda, seconded by Mr. Drinnon, to appoint Kathleen Picker, Mark Sharp, Harry Sullivan, Paul Volpe, John Wagner, Julius Klein, Kim Knop to the Great Hall Advisory Commission.

ROLL CALL: Marcom–yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda-yes. Motion approved.

Mayor Goldsworthy appointed Mr. Mark Sharp as chairman.

Historic Commission

Motion by Mr. Owens, seconded by Mr. Drinnon, to appoint Jacque Clift, Thomas Parzinger, Karen Rice, Elizabeth Riggins, Sylvia Water, Dale Hicks, Sandy Wilson, Barbara Schneider and Andrew Pouncey to the Historic Commission.

ROLL CALL: Marcom–yes, Drinnon-yes, Palazzolo-yes, Owens-yes, Janda-yes. Motion approved.

Mayor Goldsworthy appointed Jacque Clift as chairman.

Neighborhood Preservation Commission

Motion by Mr. Marcom, seconded by Mr. Drinnon, to appoint Allyson Avera, Renee DeGutis, David Jackson, Archana Agrawal, Lynn Crawford, Joseph Kohane and Cathy Phillips, Margaret Owens and Cathy Phillips to the Neighborhood Preservation Commission.

ROLL CALL: Marcom–yes, Drinnon-yes, Palazzolo-yes, Owens-abstain, Janda-yes. Motion approved.

The Mayor appointed David Jackson to serve as chairman.

Parks and Recreation Commission

Motion by Mr. Palazzolo, seconded by Mr. Drinnon, to appoint Rodney Strop and Ben Bousson to the Parks & Recreation Commission to serve until the end of the year 2016.

Board of Mayor and Aldermen

Special Called Meeting

December 16, 2013

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ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens–yes, Janda–yes. Motion approved.

Mayor Goldsworthy appointed Kevin Young as chairman.

Personnel Advisory Commission

Motion by Mr. Janda, seconded by Mr. Drinnon, to appoint Sudhir Agrawal, Rebecca DeRousse, Ronald Poll, Scott Williams, and Mark Holland to the Personnel Advisory Commission.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens–yes, Janda–yes. Motion approved.

Mayor Goldsworthy appointed Richard Vosburg as the chairman.

Public Safety Education Commission

Motion by Mr. Marcom, seconded by Mr. Owens, to appoint John Arth, Betty Duke, Al Gabriel, Susan Kingston, Matt Price, Ron Roberson, Todd Shapiro, Jaime Corman, Oscar Blythe, John Fabian, and Kari Wanzer to serve on the Public Safety Education Commission.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens–yes, Janda–yes. Motion approved.

Mayor Goldsworthy named Matt Price as the chairman.

Retirement Plan Advisory Commission/OPEB

Motion by Mr. Palazzolo, seconded by Mr. Drinnon to appoint David Dent, Frank SanPietro and Todd Proctor to the Retirement Plan Administration Commission/OPEB.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–yes, Owens–yes, Janda–yes. Motion approved.

The Mayor named Frank SanPietro as the chairman.

Senior Advisory Commission

Motion by Mr. Drinnon, seconded by Mr. Janda, to appoint Wynn Bellerjeau, Charles Clark, Alice Colville, James Debo, Nick Dunn, Irv Hyman, John Hicks, Dino Palazzolo, Manilal Shah, Alice Wallace, Frank Curran and Horace Williams, to the Senior Citizen Advisory Commission and to add Jay Wacim as an ex officio member.

ROLL CALL: Marcom–yes, Drinnon–yes, Palazzolo–abstain, Owens–yes, Janda–yes. Motion approved.

Mayor Goldsworthy appointed John Hicks to serve as chairman.

Telecommunication Commission

Mayor Goldsworthy stated she was aware that there was some interest in a discuss as to whether or not this commission, although it is still ordained by ordinance, whether the Board is interested in considering whether or not to reappoint because of perception or reality of how this group functions with the city.

Alderman Janda stated that his concern is that the chairman has left and we really have no input with the cable industry and the only thing the commission ends up being is the GHS-TV report and we are about to lose that. Right now, it might be a good idea to not appoint anyone until we get a report from staff. We need to find out if we need to reinvent the commission or not.

Alderman Drinnon stated he would yield to the Mayor and Patrick’s decision as to what to do about this commission.

Board of Mayor and Aldermen

Special Called Meeting

December 16, 2013

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Alderman Marcom recommended waiting and reevaluating this commission and maybe making it more of an information technology and communications commission. It could consider the dispatch communications, telephone service and have people from the community who are more knowledgeable about the subject would be a good idea.

Alderman Palazzolo stated when working with the key business unit's one of the things that was asked was to analyze the commissions as to consolidation, elimination, etc. for the next calendar year.

Mr. Lawton stated this was one of the Board's strategic objectives and is incorporated into one of the focus area cabinets that George is overseeing and working on and we hope to have something before the Board this spring.

ADJOURNMENT

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

Sharon Goldsworthy, Mayor

Dotty Johnson, City Clerk/Recorder



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: January 13, 2014

FROM: Patrick J. Lawton, City Administrator *PJL*

SUBJECT: December 2013 Youth Excellence Award

The December 2013 Youth Excellence Award winner is Miss Brittany Parmenter. She is the daughter of Mark and Sandy Parmenter.

Brittany, who is a senior in the International Baccalaureate Program at Germantown High School, is described by her nominator as a master at maximizing her time, energy and talents. She is able to balance academics, basketball, community service and friends and family as only a highly organized, mature, motivated person can. Brittany has taken the most rigorous classes possible at GHS including nine honors classes, one AP class and twelve International Baccalaureate classes. She is currently ranked fourth in her class and is an IB Diploma Candidate.

Brittney is a natural leader. She actively participates in the National Honor Society, Key Club, Beta Club, Science National Honor Society, SADD, Spanish Club, International Club and the Student Government Association. Brittany is a four-year member of the GHS varsity basketball team and is serving this year as captain. She also plays on the varsity soccer team and has been a Girl Scout for many years.

In recognition of her commitment to excellence, the Germantown Education Commission is proud to present Brittany Parmenter with the Germantown Youth Excellence Award.

PREPARED BY: Stacey Ewell
Stacey Ewell, Assistant to the City Administrator



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: January 13, 2014

FROM: Patrick J. Lawton, City Administrator *PJL*

SUBJECT: December 2013 Teacher of the Month

The December 2013 Teacher of the Month is Mrs. Cathi Degloma, she is currently the fourth grade teacher at Our Lady of Perpetual Help Catholic School, a class she calls the "Fantastic and Fabulous Fourths."

Mrs. Degloma's nominator describes her as one who always seems to have a smile on her face and who is very enthusiastic about everything she teaches. She puts in long hours each day, not only in her classroom, but in other areas of the school as well.

Mrs. Degloma is a member of the school improvement leadership team. She selflessly shares with new teachers and is a great mentor to her peers. She tutors children after school at no cost to the parent and is great at meeting a diversity of needs in the classroom.

Mrs. Degloma incorporates traditional fourth grade academics with lessons in giving back to local and distant underprivileged communities. She involves her class in fundraising and awareness of those less fortunate. Her classes have raised money for Heifer International, Hope House, Smile Train and Soles 4 Souls. In addition, she sponsors the Forensics club, one of the largest in the area, and is well known for her "Memphis in May" classroom projects.

Mrs. Degloma, please accept our appreciation for your commitment to Germantown students. Your award is sponsored by Wolfchase Toyota.

PREPARED BY: Stacey Ewell

Stacey Ewell, Assistant to the City Administrator



CITY OF GERMANTOWN

TENNESSEE 1930 South Germantown Road • Germantown, Tennessee 38138-2815
Phone (901) 757-7200 Fax (901) 757-7292 www.ci.germantown.tn.us

November 15, 2013

Dotty Johnson
1930 S. Germantown Rd.
Germantown, TN 38138

Mrs. Johnson,

I have completed a records check through NCIC/TCIC, Shelby County Justice Management System, and City of Germantown for any records and outstanding warrants on the following individual(s):

Name

Lauren C. McHugh

D.O.B

2/8/65

NO RECORD

Sincerely,

A handwritten signature in cursive script that reads "R.A. Carter".

R.A. Carter,
Detective Germantown Police Department Investigations



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November 15, 2013

Dotty Johnson
1930 S. Germantown Rd.
Germantown, TN 38138

Mrs. Johnson,

I have completed a records check through NCIC/TCIC, Shelby County Justice Management System, and City of Germantown for any records and outstanding warrants on the following individual(s):

Name

Virginia A. Robilio

D.O.B

8/12/67

NO RECORD

Sincerely,

A handwritten signature in cursive script that reads "R.A. Carter".

R.A. Carter,
Detective Germantown Police Department Investigations



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November 15, 2013

Dotty Johnson
1930 S. Germantown Rd.
Germantown, TN 38138

Mrs. Johnson,

I have completed a records check through NCIC/TCIC, Shelby County Justice Management System, and City of Germantown for any records and outstanding warrants on the following individual(s):

Name

Samantha C. Dean

D.O.B

1/26/69

NO RECORD

Sincerely,

R.A. Carter,
Detective Germantown Police Department Investigations

APPLICATION FOR A BEER PERMIT

STATE OF TENNESSEE
CITY OF GERMANTOWN

Application for (check one):

- ON-PREMISES PERMIT
- OFF-PREMISES PERMIT
- MANUFACTURER'S OR DISTRIBUTOR'S PERMIT
- TEMPORARY PERMIT

THE OWNER OF THE HEREIN NAMED BUSINESS ("APPLICANT") HEREBY MAKES APPLICATION FOR A PERMIT TO SELL, STORE, MANUFACTURE FOR SALE, OR DISTRIBUTE BEER AUTHORIZED TO BE SOLD, STORED, MANUFACTURED FOR SALE, OR DISTRIBUTED UNDER THE PROVISIONS OF T.C.A. § 57-5-101 ET SEQ. AND GERMANTOWN CODE § 3-71 ET SEQ., AND BASES THE APPLICATION UPON THE ANSWERS TO FOLLOWING QUESTIONS:

1. Full name of applicant (owner): Lauren B. McHugh

Individual Firm (Partnership – General or limited) Corporation
Joint-stock Company Syndicate Association Other

2. List the names and addresses of all persons or business entities having at least a five percent (5%) ownership interest in the applicant (attach additional sheet, if needed).

Lauren B. McHugh 511 Lindseywood Cove, Memphis, TN 38117
Ashley B. Robilio 4082 Waynoka, Memphis, TN 38117
Samantha B. Dean 1418 Collierville Arlington, Eads, TN 38028
Beggs Family Trusts

3. If a business entity owns at least a five percent (5%) ownership interest in the applicant, list the names and addresses of all owners having at least a five percent (5%) ownership interest in such business entity (attach additional sheet, if needed)

Instructions for Answering Questions 4, 5, and 6 are as follows:

- (a) If the applicant (owner of the business) is an individual, the questions pertain to such individual.
- (b) If the applicant (owner of the business) is a business entity of any form, the questions, where applicable, pertain to all persons or business entities having at least a five percent (5%) ownership interest in the applicant.
- (c) Attach separate sheet if necessary.

4. What is your full name and present home address?
See attachment

5. Previous address(es) (within the last 10 years)

6. Date of birth _____ Home telephone number _____
Business telephone number 901-726-9693
Social Security Number _____

7. Under what name will this business operate? Huey's Germantown, LLC

8. Location(s) of business by street address or other geographical description and phone number of the business(es): 7677 W. Farmington Blvd., Germantown, TN 38138
901-726-9693

9. Specify the name, title, and address of the person to receive annual privilege tax notices and any other communications from the City: Lauren B. McHugh, President
1910 Madison Ave., #506, Memphis, TN 38104

10. Give name and address of property owner where business is located, if other than applicant: Kroger Limited Partnership
1014 Vine St.
Cincinnati, OH 45202-1100

11. Will the permit be used to operate two (2) or more restaurants or other businesses within the same building pursuant to the same permit, as permitted by Germantown Code § 3-81(c)(4)?
Yes _____ No X _____.

If so, specify number: _____ . List the names of the restaurants or other businesses and describe their exact location (use additional sheet if necessary).

12. A. Has any person having at least a five percent (5%) ownership interest in the applicant, or any owner of at least a five percent (5%) ownership interest in any business entity owning at least a five percent (5%) ownership interest in the applicant, or any person to be employed by the applicant in the distribution, sale, or manufacture for sale of beer at the location(s) shown in paragraphs 8 and/or 11 above, been convicted, within the past ten (10) years of any crime, whether felony or misdemeanor, involving misuse or abuse of alcohol or the illegal use of drugs, including, but not limited to, driving under the influence, public intoxication, as defined in T.C.A. § 39-17-310, disorderly conduct when it involves use of alcohol or the illegal use of drugs, and/or any violation of the laws against possession, sale, manufacture for sale, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell any controlled substance that is listed in Schedules I through V in title 39, chapter 17, part 4, of the Tennessee Code, and/or any crime involving moral turpitude?

INSTRUCTIONS for Answering Question 12.A: If no person or business entity owns at least a five percent (5%) ownership interest in the applicant, this question should be answered relative to the person(s) who will be the manager(s) of the applicant's business at the location. NOTE: Pursuant to the City's beer ordinances, an applicant must, at all times, assure that any persons employed in the distribution, sale, or manufacture of beer has not been convicted within the past ten (10) years of any crime involving misuse or abuse of alcohol, or the illegal use of drugs, and/or any crime involving moral turpitude. The City does not presently require background checks beyond those required by this application, but it reserves the right to do so; and the applicant must understand that if it employs, at any time, a person who will distribute, sell, or manufacture beer and that person is found by the City to have been convicted of such a crime within the specified time period, such could be found by the beer board to be a violation by the applicant of the City's beer ordinances and handled accordingly.

Yes _____ No X _____.

If so, identify the person(s) and give the particulars of each charge, court, and date of conviction.

B. Identify the name, residence addresses for the last ten (10) years, and Social Security number of any person(s) identified in the response to paragraph 12.A.

13. Has the applicant ever had a beer permit revoked, suspended, or denied in any jurisdiction, including the City? Yes No . If so, provide specific details relating thereto, including where, when, and why such revocation, suspension, or denial occurred.

On Dec. 6, 2007, a bartender at Huy's Collierville served a minor. We appeared before the beer board on Feb 19, 2008. Our beer license was suspended for two weeks. We have had a few other citations but no other suspensions, revocations or been denied any time.

I (the applicant or, if a business entity, a duly authorized representative of the applicant) am knowledgeable of the laws, both state and local, prohibiting the sale of beer to minors, and represent that no sales in contravention of said laws shall be made by applicant. I am also aware that a beer permit shall not be issued or may be revoked if the applicant's business and/or its location causes traffic congestion or interferes with schools, churches, or other places of public gathering, or otherwise interferes with public health, safety, and morals, the City Beer Board having the right to forbid the sale, storage, distribution, or manufacture for sale of beer on the foregoing grounds. It is understood and agreed that applicant must amend or supplement the information provided herein if any change in circumstances affects the responses provided. It is also understood and agreed that, in the event applicant makes a false statement in this application, applicant's permit shall be forfeited, and the applicant shall not be eligible to receive a beer permit from the City for a period of ten (10) years.

I hereby certify that the City provided to me a copy of the City of Germantown Beer Ordinance, which I have read and am familiar with, and that the information provided herein is correct and accurate to the best of my knowledge, information, and belief.

Laure McHugh

Signature of Applicant/Owner
(or Authorized Representative)

Lauren B. McHugh

Printed Name of Signatory

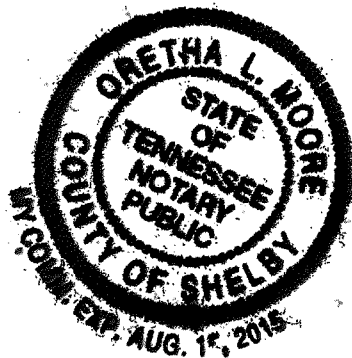
Sworn to and subscribed before me this the 11th day of November, 2013.

Oretha L. Moore

Notary Public

My Commission Expires:

08/15/15



NOTICE: A non-refundable two-hundred fifty dollar (\$250.00) fee must accompany this application. If the application is approved, the applicant is required to provide documentation of sales tax registration to the City within ten (10) days of such approval.

A privilege tax of one hundred dollars (\$100.00) is imposed on the business of selling, distributing, storing, or manufacturing beer in the City. Any person or business entity engaged in the sale, distribution, storage, or manufacture of beer shall remit said privilege tax each successive January 1 to the City of Germantown. At the time a new permit is issued to any person or business entity subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next payment date.

A beer permit cannot be transferred to another person or business entity. The transfer of fifty percent (50%) or more of the beneficial interests in any business entity which is the holder of the beer permit shall constitute a change of control and render the permit invalid.



To: The Board of Mayor and Aldermen
City of Germantown

From: Donna Chandler Newman
Executive Director, Leadership Germantown

Date: December 16, 2013

Re: Temporary Beer Permit

On behalf of the Leadership Germantown organization, I respectfully request a Temporary Beer Permit for our Trivia Night fundraiser.

The event will be held on Saturday evening, February 15, 2014, at The Great Hall & Conference Center, 1900 South Germantown Road in Germantown, Tennessee. The Board of Leadership Germantown plans to sell beer during our Trivia Night 2014 event, scheduled to begin at 6:00pm, and end at 10:30pm. We will use the profits for the benefit of our 501(c)3 organization.

We thank you in advance for your consideration – and we appreciate your prompt attention to the approval of our request.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: January 13, 2014

FROM: Patrick J. Lawton, City Administrator *PJL*

SUBJECT: ORDINANCE 2013-15 –AMENDMENT TO THE ALCOHOLIC BEVERAGE REGULATIONS: PUBLIC HEARING AND SECOND READING

INTRODUCTION:

The specific action requested by the Board is to approve an amendment to the City's regulations on zoning for places that sell alcoholic beverages. The proposed amendment can be best described as a "clean-up" amendment to address over-sights, clarifications, and less-than-clear language. The specific action requested is to hold a public hearing and approve the amendment on second reading.

BACKGROUND:

Various conflicts, unclear language and similar issues have been identified by staff as they implement the regulations on subdivisions, businesses and dwellings. In some cases, the current regulations cause unnecessary delays and expenses to property owners, and can be confusing to staff, residents and business owners.

DISCUSSION:

The proposed amendment addresses the following situation that needs clarification:

1. **Section 3-116 (Alcoholic Beverages – Location of Establishments)** – While this is not part of the Zoning Regulations, it does relate to the required zoning of places that sell alcoholic beverages and to the provisions of the Smart Code. Currently, section 3-116 limits places that sell alcoholic beverages to the C-2 (General Commercial) zoning district. When the Smart Code and associated districts were adopted in 2007, section 23-804 (Table 10: Specific Functions) permitted Liquor Selling Establishments to be located in T-5 districts, subject to the approval of a warrant. Staff recommends that Section 3-116 be amended to include the SC-1 district as a permitted district, and the T-5 district as a permitted district, subject to the approval of a warrant.

BUDGET AND STAFFING IMPACT:

The amendment will not directly affect the City's budget or time and effort commitments of City staff.

GERMANTOWN VISION 2020:

The proposed amendment is consistent with several goals from Germantown Vision 2020: Goals for redevelopment in the heart of Germantown, including Goal 13 which supports "redevelopment and reuse of older commercial and residential buildings"; and Goal 12, which has the objective of well-maintained and modernized homes and landscaping.

ATTACHMENT 1: RED-LINED MARK-UPS OF EXISTING AND PROPOSED LANGUAGE

AMENDMENT:

1. Sec. 3-116. - Location of establishments.

It shall be unlawful for any person to operate or maintain any wholesale or retail establishment for the sale, storage, or distribution of alcoholic beverages in the city except at locations (a) within the C-2 Commercial, SC-1 Shopping Center, or T-5 Urban Center zoning classification of the zoning ordinances of the city and (b) within a congregate care facility located in the R-H retirement housing zoning classification of the zoning ordinances of the city, but only in conjunction with common dining, social, and recreational facilities located therein.

ATTACHMENT 2: COMPARISON OF USES PERMITTED IN THE SC-1 AND C-2 DISTRICTS

ALLOWED USES - SC-1 DISTRICT

- (1) Community assembly facilities such as, but not limited to, places of worship, community centers and enclosed theaters;
- (2) Recreational facilities such as, but not limited to, parks, playgrounds and amusement places;
- (3) Medical services such as, but not limited to, advertising firms, rental and leasing services and mailing services;
- (4) Professional services such as, but not limited to, architectural, legal and engineering services;
- (5) Business services such as, but not limited to, advertising firms, rental and leasing services and mailing services;
- (6) Finance, insurance and real estate services such as, but not limited to, banks, insurance offices, savings and loan associations, and security brokers;
- (7) Educational services such as, but not limited to, nursery, primary and secondary schools, professional schools, and vocational or trade schools;
- (8) Generally recognized retail trade establishments which supply convenience goods, shoppers' goods and general merchandise, excluding automobile sales agencies and lumber sales;
- (9) Personal services such as, but not limited to, tailor shops, beauty parlors and barber shops, photographic studios, laundries and child care facilities;
- (10) Public uses such as, but not limited to, governmental offices, public facilities, post offices and schools;
- (11) Public utilities such as, but not limited to, water, gas and electric lines and stations;
- (12) Restaurants which provide for the consumption of food on the premises (restaurants whose primary function is to provide consumption within the building and/or take out service); no drive-in restaurants will be allowed;
- (13) Cultural activities such as, but not limited to, museums, libraries and art galleries;
- (14) General offices;
- (15) Wireless transmission facilities;
- (16) Assisted-care living facilities; and
- (17) Accessory buildings and uses customarily incidental to such uses including, but not limited to, satellite dish receiving antenna
- (18) Sexually oriented business excluding "Adult hotel"

ALLOWED USES: C-2 DISTRICT

- (1) Generally recognized retail trade establishments which supply convenience goods, shoppers' goods and general merchandise;
- (2) Personal services such as, but not limited to, tailor shops, beauty parlors, barber shops, photographic studios, laundries, child care facilities and hospitals;
- (3) Repair services such as, but not limited to, radio and television repair, appliance repair and shoe repair;
- (4) Finance, insurance and real estate services such as, but not limited to, banks, insurance offices, savings and loan associations and security brokers;
- (5) Cultural activities such as, but not limited to, museums, libraries and art galleries;
- (6) Educational services such as, but not limited to, nursery, primary and secondary schools, professional schools, and vocational or trade schools;
- (7) Public uses such as, but not limited to, governmental offices, public facilities, post offices and schools;
- (8) Professional services such as, but not limited to, architectural, legal and engineering services;
- (9) Restaurants which provide for the consumption of food on premises; (restaurants whose primary function is to provide consumption within the building and/or takeout services; no drive-in restaurants will be allowed);
- (10) General offices;
- (11) Wireless transmission facilities;
- (12) Assisted-care living facilities; and
- (13) Accessory buildings and uses customarily incidental to such uses including, but not limited to, satellite dish receiving antenna.
- (14) Sexually oriented business.
- (15) Hotels

Text – Uses not in common;

Text – Uses that are in common;

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, August 6, 2013**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on August 6, 2013. Chairman Klevan welcomed everyone and asked the Commission members as well as the audience to please speak into the microphone so they could be heard. Chairman Klevan then called the meeting to order at 6:06 p.m. asking the secretary for the roll.

1. Ms. Rush called the roll of the Board to establish a quorum:

Commissioners Present: Hale Barclay, Alderman Forrest Owens, Dike Bacon, George Hernandez, David Klevan, Mike Harless, Steve Wilensky and Susan Burrow.

Commissioners Absent:

Staff Present: David Harris, Wade Morgan, Tim Gwaltney, Andy Pouncey and Pam Rush.

2. A quorum for tonight's Planning Commission meeting was established.

Chairman Klevan stated that item number 6, the Somerset Subdivision, East side of Exeter Road, North of Neshoba Road, request Preliminary and Final Plat approval, has been withdrawn from the agenda this evening.

3. Approval of Minutes for July 2, 2013

Chairman Klevan stated for those people who just arrived, tonight's agenda is on the front table. The first order of business is the approval of the minutes for July 2, 2013. If there were no additions, corrections or deletions to the minutes of the July 2, 2013, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Bacon moved to approve the Planning Commission minutes of July 2, 2013, as submitted, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow –yes; Hernandez - yes; Wilensky – abstain; Bacon – yes; Harless –yes; Owens - yes; Klevan – yes. **The motion was passed**

6. Amendments to Chapters 3 (Alcoholic Beverages), 17 (Subdivisions) and 23 (Zoning) of the Germantown Codes of Ordinances

INTRODUCTION: The zoning regulations were initially adopted to address community values about the use of land and buildings, and have been amended over the years to adapt to new building issues, changing technology, and changing desires of residents. As the regulations are applied to real-life conditions, situations that were not originally envisioned become apparent and over-sights are discovered.

DISCUSSION: The proposed amendments address various situations that need clarification:

2. **Section 3-116 (Alcoholic Beverages – Location of Establishments)** – While this is not part of the Zoning Regulations, it does relate to the required zoning of places that sell alcoholic beverages. This section limits places that sell alcoholic beverages to the C-2 (General Commercial) zoning district. When the Smart Code and associated districts were adopted in 2007, section 23-804 (Table 10: Specific

Functions) permitted Liquor Selling Establishments to located in T-5 districts, subject to the approval of a warrant. Staff recommends that Section 3-116 be amended to include the T-5 district as a permitted district.

3. **Sections 23-187 (R-E District), 23-212 (RE-1 District), 23-236 (R District), 23-261 (R-1 District), 23-286 (R-2 District) and 23-311 (R-3 District)** – These section address the location and similar physical characteristics of accessory buildings within single family residential districts, and are all essentially identical. Accessory buildings are not permitted beyond the front line of the principal building, with corner lots being defined as having front building lines on both streets. However, double frontage lots (lots that have frontage on 2 streets that do not intersect) are not directly addressed by this section. Illustrations of double-frontage lots are attached. The definitions section of the Zoning Regulations identifies both frontages of a double frontage lot as a front yard. Therefore, storage buildings and similar structures are effectively not permitted on double frontage lots.

Staff recommends that accessory structures be allowed within the yards of double frontage lots that are located between the building line and the street to which there is no vehicular access. The majority of double frontage lots in Germantown have fences along the street, which the “rear” of the house faces, so that accessory structures are screened from view from the street. There should be further requirements that the street frontage be screened by a site-proof fence (typically wood or masonry), and accessory structures should be limited in height to 10 feet.

4. **Section 17-1 (Policies)** – In 2009, the Subdivision Regulations were amended to create the category of “minor subdivision” to allow administrative approval of revisions to existing subdivisions that do not create new lots. Situations that would fall under the minor subdivision category include relocation of easements, relocation of lot lines, the merging of two lots into one, and similar situations. The proposed amendment adds the word “revision” to the description, to make clear the intent relates to modifications to existing subdivisions, and not to the creation of new lots.

STAFF RECOMMENDATION: approval.

ZONING & ANNEXATION SUBCOMMITTEE: (SUSAN BURROW, CHAIRMAN) – The subcommittee met on July 17, 2013 and withheld a recommendation.

PROPOSED MOTION 1: To recommend approval of the proposed amendments to Section 3-116 location of establishments.

Ms. Burrow moved to recommend approval of the proposed amendments to Section 3-116 location of establishments, subject to staff comments, seconded by Mr. Harless.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow – yes; Hernandez - yes; Wilensky – yes; Bacon – yes; Harless –yes; Owens - yes; Klevan – yes. **The motion was passed**

PROPOSED MOTION 2: To recommend approval of the proposed amendments to Section 23-236 accessory buildings.

Ms. Burrow moved to recommend approval of the proposed amendments to Section 23-236 accessory buildings, subject to staff comments, seconded by Mr. Harless.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow – yes; Hernandez - yes; Wilensky – yes; Bacon – yes; Harless –yes; Owens - yes; Klevan – yes. **The motion was passed**

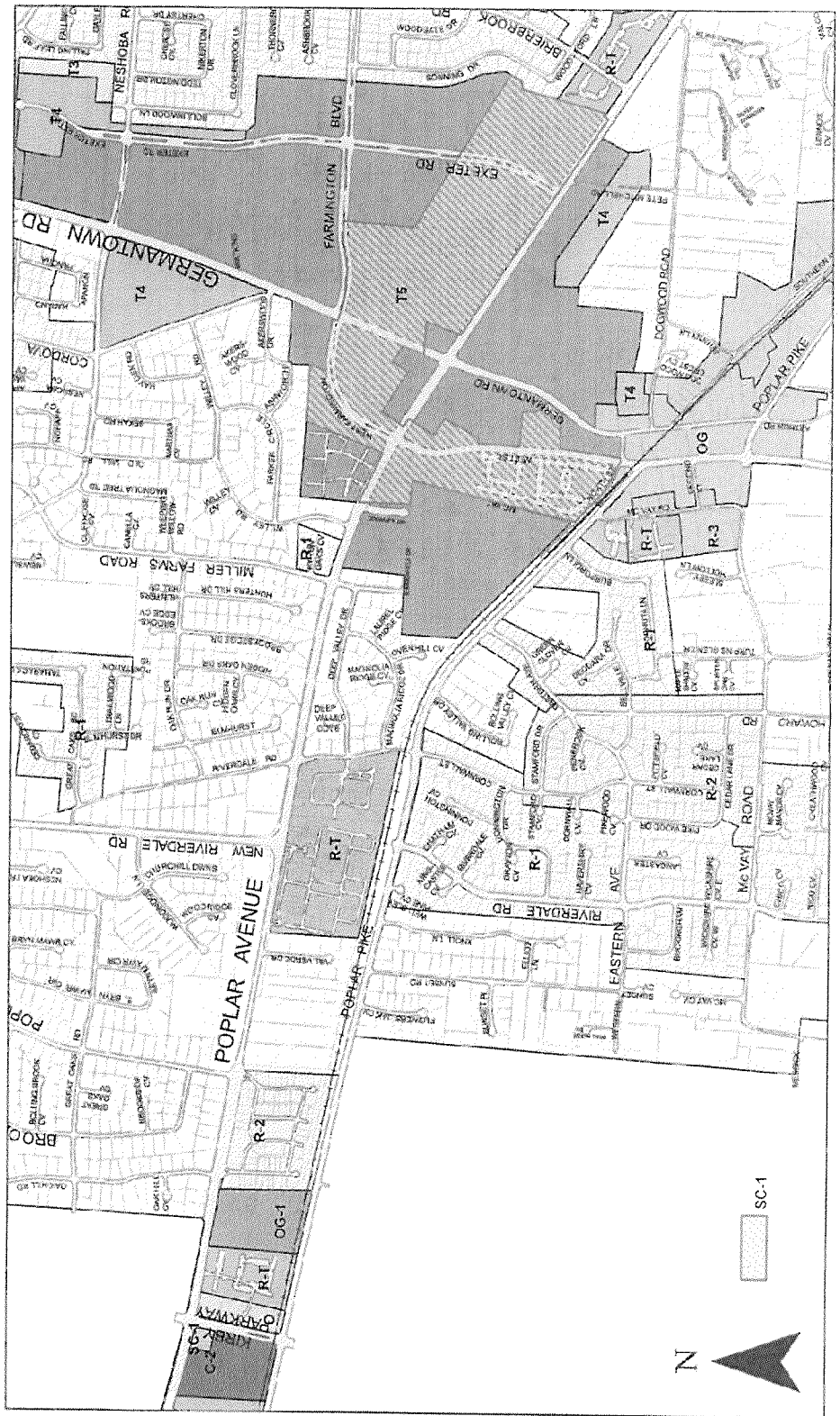
PROPOSED MOTION 3: To recommend approval of the proposed amendments to Section 17-1 (Policies).

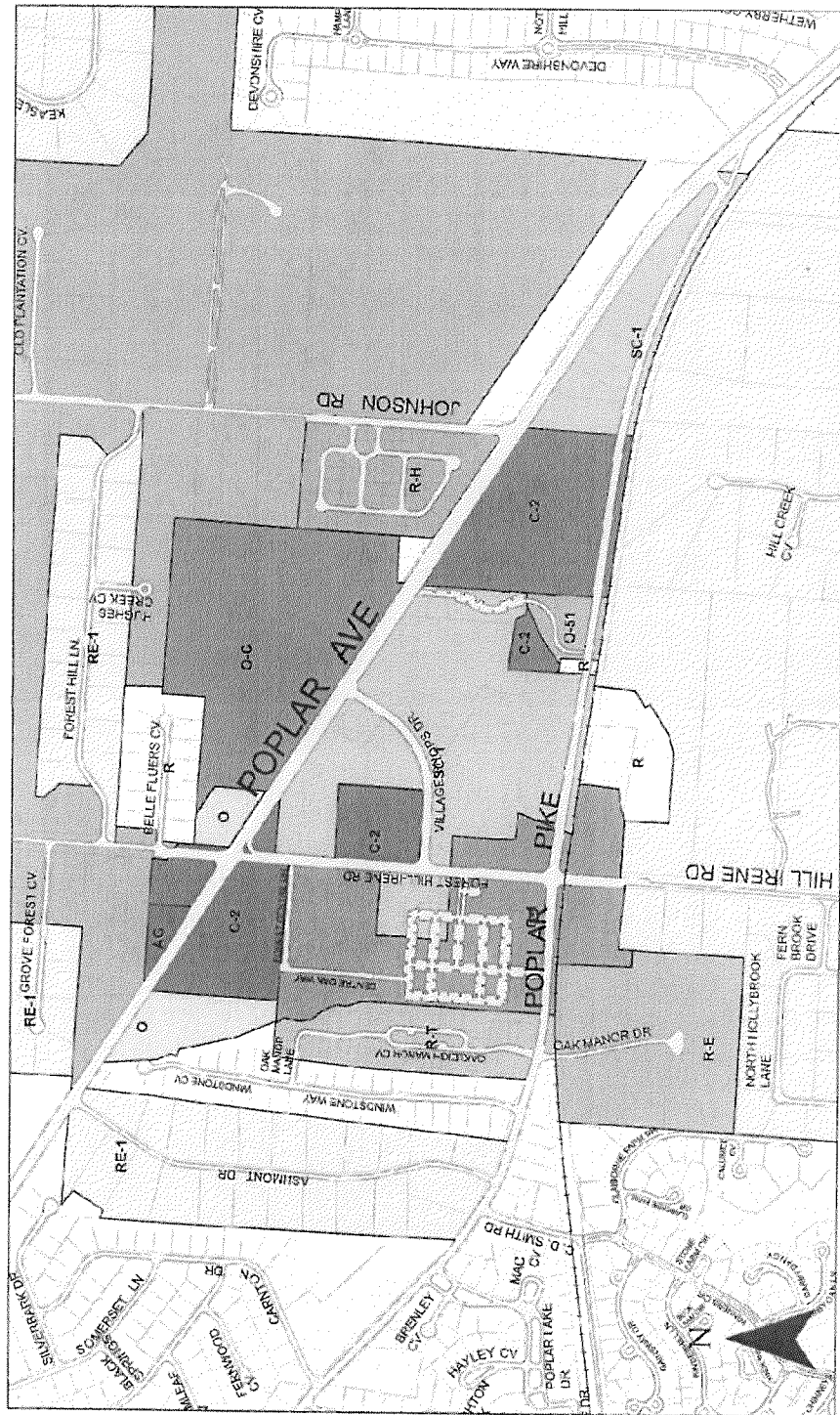
Ms. Burrow moved to recommend approval of the proposed amendments to Section 17-1 (Policies), subject to staff comments, seconded by Mr. Harless.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow – yes; Hernandez - yes; Wilensky – yes; Bacon – yes; Harless –yes;
Owens - yes; Klevan – yes. **The motion was passed**

ATTACHMENT 4 – MAPS OF AREAS ZONED SC-1







CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: January 13, 2014

FROM: Patrick J. Lawton, City Administrator *PSL*

SUBJECT: ORDINANCE 2013-16 –AMENDMENT TO THE ZONING REGULATIONS:
PUBLIC HEARING AND SECOND READING

INTRODUCTION:

The specific action requested by the Board is to approve an amendment to the City's regulations on the allowed locations of accessory structures. The proposed amendment can be best described as a "clean-up" amendment to address over-sights, clarifications, and less-than-clear language. The specific action requested is to hold a public hearing and approve the amendment on second reading.

BACKGROUND:

Various conflicts, unclear language and similar issues have been identified by staff as they implement the regulations on subdivisions, businesses and dwellings. In some cases, the current regulations cause unnecessary delays and expenses to property owners, and can be confusing to staff, residents and business owners.

DISCUSSION:

The proposed amendment addresses the following situation that needs clarification:

1. **Sections 23-187 (R-E District), 23-212 (RE-1 District), 23-236 (R District), 23-261 (R-1 District), 23-286 (R-2 District) and 23-311 (R-3 District)** – These sections address the location and similar physical characteristics of accessory buildings within single family residential districts, and are all essentially identical. Accessory buildings are not permitted beyond the front line of the principal building, with corner lots being defined as having front building lines on both streets. However, double frontage lots (lots that have frontage on 2 streets that do not intersect) are not directly addressed by this section. Illustrations of double-frontage lots are attached. The definitions section of the Zoning Regulations identifies both frontages of a double frontage lot as a front yard. Therefore, storage buildings and similar structures are effectively not permitted on double frontage lots. Residents living on double-frontage lots have been forced to apply to the Board of Zoning Appeals for a variance so that they can place a storage building, play-fort or similar accessory structure in what they view as their "back yard", but are considered a front yard by the Zoning Regulations.

Staff recommends that accessory structures be allowed within the yards of double frontage lots that are located between the building line and the street to which there is no vehicular access.

The majority of double frontage lots in Germantown have fences along the street which the "rear"

of the house faces, so that accessory structures are screened from view from the street. There should be further requirements that the street frontage be screened by a site-proof fence (typically wood or masonry), and accessory structures should be limited in height to 10 feet.

BUDGET AND STAFFING IMPACT:

The amendment will not directly affect the City’s budget or time and effort commitments of City staff.

GERMANTOWN VISION 2020:

The proposed amendments are consistent with several goals from Germantown Vision 2020: Goals for redevelopment in the heart of Germantown, including Goal 13 which supports "redevelopment and reuse of older commercial and residential buildings"; and Goal 12, which has the objective of well-maintained and modernized homes and landscaping.

ATTACHMENTS:

1. Planning Commission meeting minutes; 08/06/13
2. Red-lined markup of existing and proposed language.

PREPARED BY: Wade Morgan
Wade Morgan, Chief Planner

REVIEWED BY: Andy Pouncey
Andy Pouncey, Director, Economic and
Community Development

PROPOSED MOTION(S), RESOLUTION(S), OTHER ACTION:

To approve on second reading Ordinance 2013-16, which will amend Sections 23-187 (R-E District), 23-212 (RE-1 District), 23-236 (R District), 23-261 (R-1 District), 23-286 (R-2 District) and 23-311 (R-3 District) of the Zoning regulations.

BOARD ACTION: MOTION BY: SECONDED BY:

VOTE/TOTAL	MARCOM	DRINNON	PALAZZOLO	OWENS	JANDA	GOLDSWORTHY
YES	Yes	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No	No
ABSTAIN	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain

ATTACHMENT 1: RED-LINED MARK-UPS OF EXISTING AND PROPOSED LANGUAGE**AMENDMENTS:****1. Sec. 23-236. - Accessory buildings.**

Accessory buildings/structures and other outdoor accessory constructions and items that are normal and incidental to single-family dwellings; excluding, but not limited to, satellite receiving antennas (covered in section 23-2), basketball goals, temporary lawn game apparatus, decorative items, lawn furniture, birdhouses, decorative garden structures and similar appurtenances, shall be located in compliance with the following:

- (1) No accessory buildings/structures and other outdoor accessory constructions shall extend beyond the front line ~~of the building~~ of the principal building, nor shall they extend into the required side yard between the front and rear lines of the principal building. On corner lots, both sides of the principal building that face the intersecting streets are classified as front building lines of the principal building. On double frontage lots, accessory buildings/structures may be located between the principal building line and the non-accessible street, provided 1) there is a sight-proof fence along the non-accessible street, 2) the accessory building/structure is located a distance equal to at least the height of the structure from all lot lines, and 3) the accessory structure is less than 10 feet in height.
 - (2) Location:
 - a. No accessory building or structure shall be located within a recorded easement.
 - b. An accessory building or structure with a height of eight feet or more may extend into the required rear yard, but shall be located a distance equal to at least the height of the structure from the rear and side lot lines.
 - c. An accessory building or structure with a height of less than eight feet may extend into the required rear yard, but shall be located a minimum of three feet, six inches from the rear and side lot lines.
 - (3) No accessory building shall exceed 20 feet in height.
 - (4) Accessory buildings shall not cover more than 25 percent of the required rear yard.
 - (5) Accessory buildings, structures and other accessory items and uses are not allowed on lots that do not have a principal building.
 - (6) Flagpoles shall be located on any yard, provided that they are located a distance equal to or greater than their own height from the nearest property line. Flagpoles shall not be located within a recorded easement; and shall not exceed 20 feet in height.
-

ATTACHMENT 2: PLANNING COMMISSION MINUTES

Agenda Number: 1

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, August 6, 2013**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on August 6, 2013. Chairman Klevan welcomed everyone and asked the Commission members as well as the audience to please speak into the microphone so they could be heard. Chairman Klevan then called the meeting to order at 6:06 p.m. asking the secretary for the roll.

1. Ms. Rush called the roll of the Board to establish a quorum:

Commissioners Present: Hale Barclay, Alderman Forrest Owens, Dike Bacon, George Hernandez, David Klevan, Mike Harless, Steve Wilensky and Susan Burrow.

Commissioners Absent:

Staff Present: David Harris, Wade Morgan, Tim Gwaltney, Andy Pouncey and Pam Rush.

2. A quorum for tonight's Planning Commission meeting was established.

Chairman Klevan stated that item number 6, the Somerset Subdivision, East side of Exeter Road, North of Neshoba Road, request Preliminary and Final Plat approval, has been withdrawn from the agenda this evening.

3. Approval of Minutes for July 2, 2013

Chairman Klevan stated for those people who just arrived, tonight's agenda is on the front table. The first order of business is the approval of the minutes for July 2, 2013. If there were no additions, corrections or deletions to the minutes of the July 2, 2013, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Bacon moved to approve the Planning Commission minutes of July 2, 2013, as submitted, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow –yes; Hernandez - yes; Wilensky – abstain; Bacon – yes; Harless –yes; Owens - yes; Klevan – yes. **The motion was passed**

6. Amendments to Chapters 3 (Alcoholic Beverages), 17 (Subdivisions) and 23 (Zoning) of the Germantown Codes of Ordinances

INTRODUCTION: The zoning regulations were initially adopted to address community values about the use of land and buildings, and have been amended over the years to adapt to new building issues, changing technology, and changing desires of residents. As the regulations are applied to real-life conditions, situations that were not originally envisioned become apparent and over-sights are discovered.

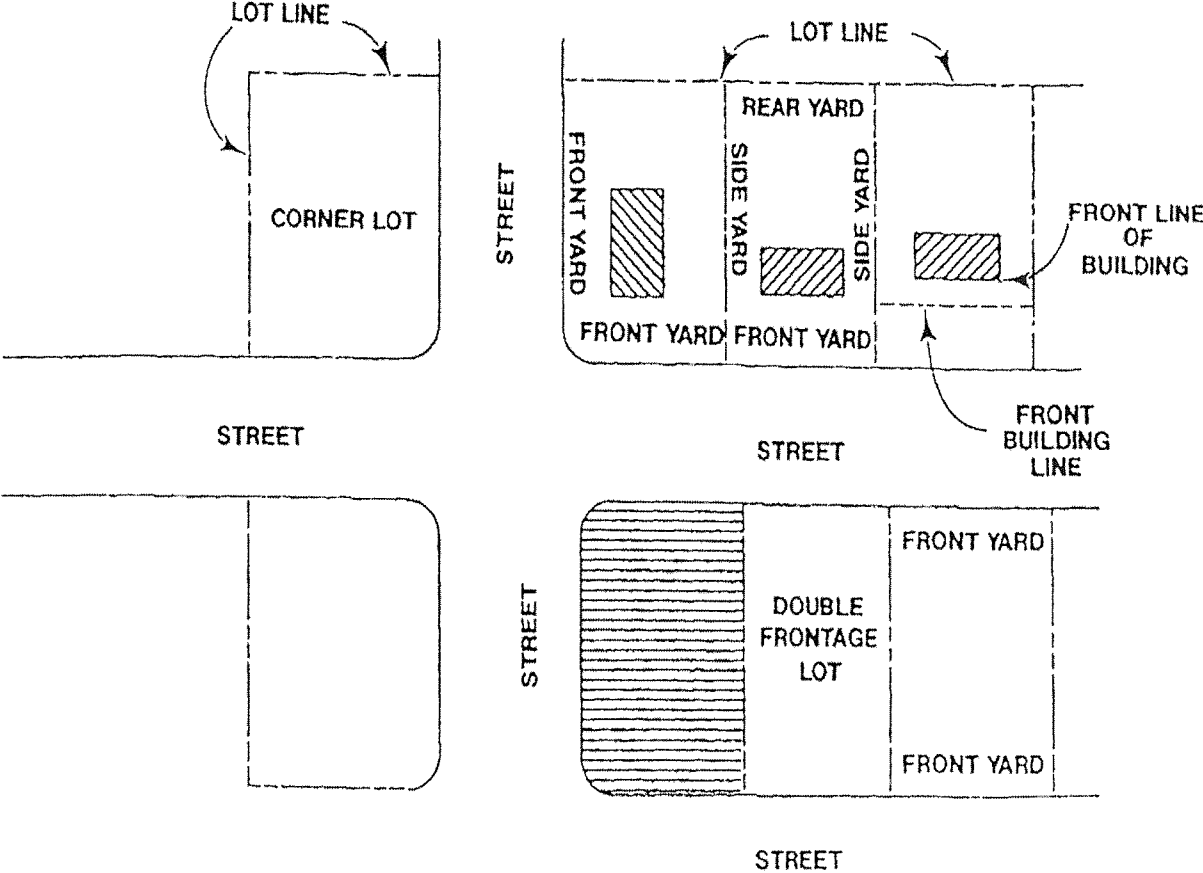
DISCUSSION: The proposed amendments address various situations that need clarification:

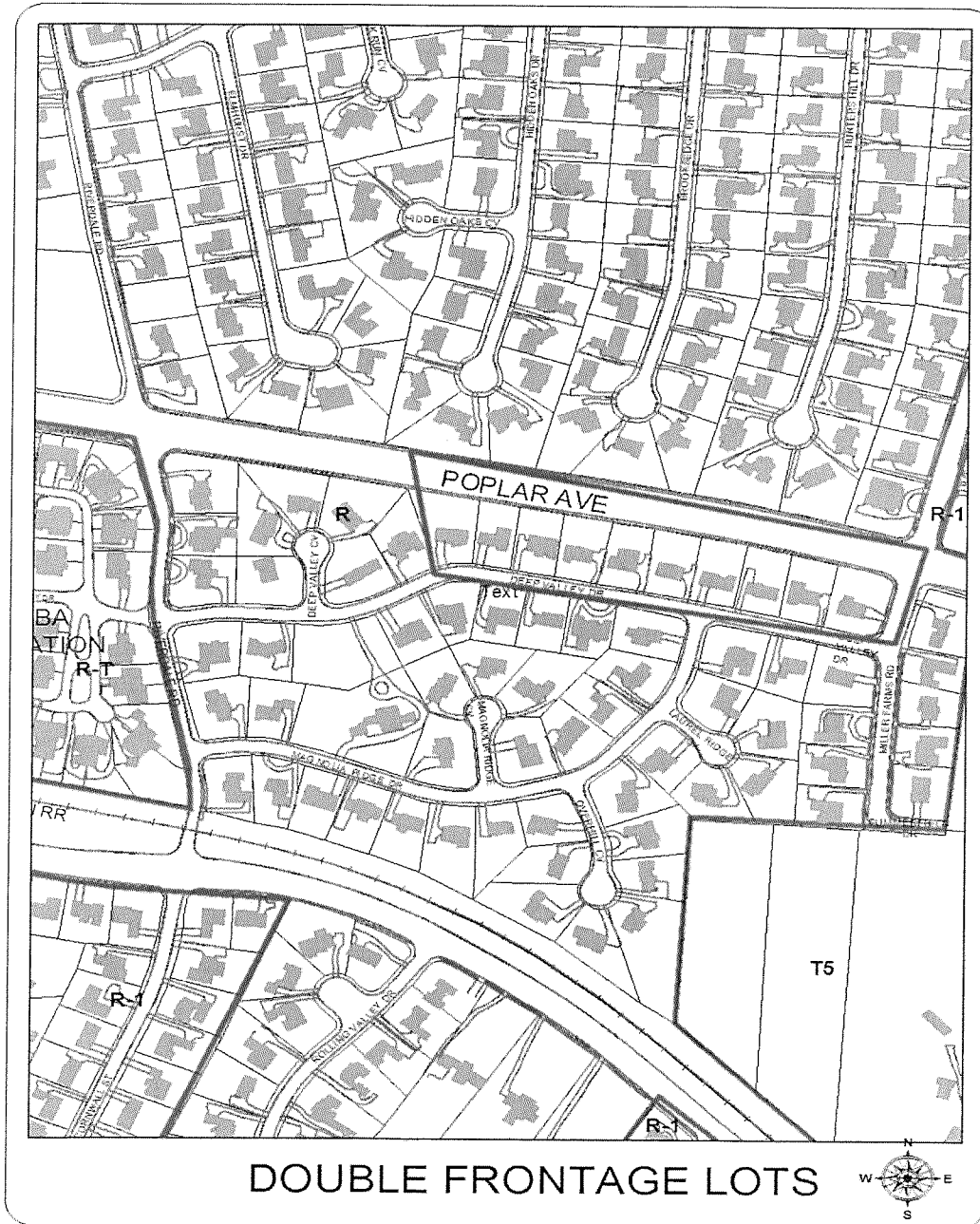
2. **Section 3-116 (Alcoholic Beverages – Location of Establishments)** – While this is not part of the Zoning Regulations, it does relate to the required zoning of places that sell alcoholic beverages. This section limits places that sell alcoholic beverages to the C-2 (General Commercial) zoning district. When the Smart Code and associated districts were adopted in 2007, section 23-804 (Table 10: Specific Functions) permitted Liquor Selling Establishments to located in T-5 districts, subject to the approval of a warrant. Staff recommends that Section 3-116 be amended to include the T-5 district as a permitted district.
3. **Sections 23-187 (R-E District), 23-212 (RE-1 District), 23-236 (R District), 23-261 (R-1 District), 23-286 (R-2 District) and 23-311 (R-3 District)** – These section address the location and similar physical characteristics of accessory buildings within single family residential districts, and are all essentially identical. Accessory buildings are not permitted beyond the front line of the principal building, with corner lots being defined as having front building lines on both streets. However, double frontage lots (lots that have frontage on 2 streets that do not intersect) are not directly addressed by this section. Illustrations of double-frontage lots are attached. The definitions section of the Zoning Regulations identifies both frontages of a double frontage lot as a front yard. Therefore, storage buildings and similar structures are effectively not permitted on double frontage lots.

Staff recommends that accessory structures be allowed within the yards of double frontage lots that are located between the building line and the street to which there is no vehicular access. The majority of double frontage lots in Germantown have fences along the street, which the “rear” of the house faces, so that accessory structures are screened from view from the street. There should be further requirements that the street frontage be screened by a site-proof fence (typically wood or masonry), and accessory structures should be limited in height to 10 feet.

4. **Section 17-1 (Policies)** – In 2009, the Subdivision Regulations were amended to create the category of “minor subdivision” to allow administrative approval of revisions to existing subdivisions that do not create new lots. Situations that would fall under the minor subdivision category include relocation of easements, relocation of lot lines, the merging of two lots into one, and similar situations. The proposed amendment adds the word “revision” to the description, to make clear the intent relates to modifications to existing subdivisions, and not to the creation of new lots.

GENERAL AREA REQUIREMENT TERMS





STAFF RECOMMENDATION: approval.

ZONING & ANNEXATION SUBCOMMITTEE: (SUSAN BURROW, CHAIRMAN) – The subcommittee met on July 17, 2013 and withheld a recommendation.

PROPOSED MOTION 1: To recommend approval of the proposed amendments to Section 3-116 location of establishments.

Ms. Burrow moved to recommend approval of the proposed amendments to Section 3-116 location of establishments, subject to staff comments, seconded by Mr. Harless.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow – yes; Hernandez - yes; Wilensky – yes; Bacon – yes; Harless – yes; Owens - yes; Klevan – yes. **The motion was passed**

PROPOSED MOTION 2: To recommend approval of the proposed amendments to Section 23-236 accessory buildings.

Ms. Burrow moved to recommend approval of the proposed amendments to Section 23-236 accessory buildings, subject to staff comments, seconded by Mr. Harless.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow – yes; Hernandez - yes; Wilensky – yes; Bacon – yes; Harless – yes; Owens - yes; Klevan – yes. **The motion was passed**

PROPOSED MOTION 3: To recommend approval of the proposed amendments to Section 17-1 (Policies).

Ms. Burrow moved to recommend approval of the proposed amendments to Section 17-1 (Policies), subject to staff comments, seconded by Mr. Harless.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow – yes; Hernandez - yes; Wilensky – yes; Bacon – yes; Harless – yes; Owens - yes; Klevan – yes. **The motion was passed**



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: January 13, 2014

FROM: Patrick J. Lawton, City Administrator *PJL*

SUBJECT: ORDINANCE 2013-17 –AMENDMENT TO THE SUBDIVISION REGULATIONS: PUBLIC HEARING AND SECOND READING

INTRODUCTION:

The specific action requested by the Board is to approve an amendment to the City’s regulations on land uses and land use approval processes. The proposed amendment can be best described as a “clean-up” amendment to address over-sights, clarifications, and less-than-clear language. The specific action requested is to hold a public hearing and approve the amendment on second reading.

INTRODUCTION:

The specific action requested by the Board is to approve an amendment to the City’s regulations on land uses and land use approval processes. The proposed amendment can be best described as “clean-up” amendments to address over-sights, clarifications, and less-than-clear language. The specific action requested is approval of the amendments on first reading, and the setting of a public hearing date for January 13, 2014.

BACKGROUND:

Various conflicts, unclear language and similar issues have been identified by staff as they implement the regulations on subdivisions, businesses and dwellings. In some cases, the current regulations cause unnecessary delays and expenses to property owners, and can be confusing to staff, residents and business owners.

DISCUSSION:

The proposed amendment addresses the following situation that needs clarification:

1. **Section 17-1 (Policies)** – In 2009, the Subdivision Regulations were amended to create the category of “minor subdivision” to allow administrative approval of revisions to existing subdivisions that do not create new lots. Situations that would fall under the minor subdivision category include relocation of easements, relocation of lot lines, the merging of two lots into one, and similar situations. The proposed amendment adds the word “revision” to the description, to make clear the intent relates to modifications to existing subdivisions, and not to the creation of new lots.

BUDGET AND STAFFING IMPACT:

The amendment will not directly affect the City's budget or time and effort commitments of City staff.

GERMANTOWN VISION 2020:

The proposed amendments are consistent with several goals from Germantown Vision 2020: Goals for redevelopment in the heart of Germantown, including Goal 13 which supports "redevelopment and reuse of older commercial and residential buildings"; and Goal 12, which has the objective of well-maintained and modernized homes and landscaping.

ATTACHMENTS:

1. Red-lined markup of existing and proposed language.
2. Planning Commission meeting minutes; 08/06/13

PREPARED BY: Wade Morgan
Wade Morgan, Chief Planner

REVIEWED BY: Andy Pouncey
Andy Pouncey, Director, Economic and
Community Development

PROPOSED MOTION(S), RESOLUTION(S), OTHER ACTION:

To approve on second reading Ordinance 2013-17, which will amend Section 17-1 (Policies) of the Subdivision regulations.

BOARD ACTION: MOTION BY: SECONDED BY:

VOTE/TOTAL	MARCOM	DRINNON	PALAZZOLO	OWENS	JANDA	GOLDSWORTHY
YES	Yes	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No	No
ABSTAIN	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain

Agenda Number:
XXXX

ATTACHMENT 1: RED-LINED MARK-UPS OF EXISTING AND PROPOSED LANGUAGE

AMENDMENTS:

1. Section 17-1 (Policies)

e. Minor revision to a subdivision means the shifting of existing property lines so that the total number of tracts or parcels is unchanged or the removal of existing property lines combining lots within a recorded subdivision so that the total number of tracts or parcels is reduced.

(1) When a minor revision to a subdivision plat is presented that involves a minor lot line adjustment to a property line, combining lots or easements, or other similar changes and does not involve any street or public utility construction to serve such lot(s), the approval may be endorsed in writing on the plat by the secretary of the planning commission upon certification by the city administrator, or his designees, that the subdivision complies in all respects with these regulations and all other adopted ordinances and policies of the governing body. No plat may be approved under this provision if such plat involves a request for a deviation from these regulations or if such plat is not in total compliance with all ordinances or policies of the city.

(2) Any person authorized to endorse approval in writing on the final plat, as provided in subpart (1), above, may refuse to endorse approval of the plat and request consideration of the plat by the planning commission at the next regularly scheduled meeting of the body.

ATTACHMENT 2: PLANNING COMMISSION MINUTES

Agenda Number: 1

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, August 6, 2013**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on August 6, 2013. Chairman Klevan welcomed everyone and asked the Commission members as well as the audience to please speak into the microphone so they could be heard. Chairman Klevan then called the meeting to order at 6:06 p.m. asking the secretary for the roll.

1. Ms. Rush called the roll of the Board to establish a quorum:

Commissioners Present: Hale Barclay, Alderman Forrest Owens, Dike Bacon, George Hernandez, David Klevan, Mike Harless, Steve Wilensky and Susan Burrow.

Commissioners Absent:

Staff Present: David Harris, Wade Morgan, Tim Gwaltney, Andy Pouncey and Pam Rush.

2. A quorum for tonight's Planning Commission meeting was established.

Chairman Klevan stated that item number 6, the Somerset Subdivision, East side of Exeter Road, North of Neshoba Road, request Preliminary and Final Plat approval, has been withdrawn from the agenda this evening.

3. Approval of Minutes for July 2, 2013

Chairman Klevan stated for those people who just arrived, tonight's agenda is on the front table. The first order of business is the approval of the minutes for July 2, 2013. If there were no additions, corrections or deletions to the minutes of the July 2, 2013, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Bacon moved to approve the Planning Commission minutes of July 2, 2013, as submitted, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow –yes; Hernandez - yes; Wilensky – abstain; Bacon – yes; Harless –yes; Owens - yes; Klevan – yes. **The motion was passed**

6. Amendments to Chapters 3 (Alcoholic Beverages), 17 (Subdivisions) and 23 (Zoning) of the Germantown Codes of Ordinances

INTRODUCTION: The zoning regulations were initially adopted to address community values about the use of land and buildings, and have been amended over the years to adapt to new building issues,

changing technology, and changing desires of residents. As the regulations are applied to real-life conditions, situations that were not originally envisioned become apparent and over-sights are discovered.

DISCUSSION: The proposed amendments address various situations that need clarification:

2. **Section 3-116 (Alcoholic Beverages – Location of Establishments)** – While this is not part of the Zoning Regulations, it does relate to the required zoning of places that sell alcoholic beverages. This section limits places that sell alcoholic beverages to the C-2 (General Commercial) zoning district. When the Smart Code and associated districts were adopted in 2007, section 23-804 (Table 10: Specific Functions) permitted Liquor Selling Establishments to located in T-5 districts, subject to the approval of a warrant. Staff recommends that Section 3-116 be amended to include the T-5 district as a permitted district.
3. **Sections 23-187 (R-E District), 23-212 (RE-1 District), 23-236 (R District), 23-261 (R-1 District), 23-286 (R-2 District) and 23-311 (R-3 District)** – These section address the location and similar physical characteristics of accessory buildings within single family residential districts, and are all essentially identical. Accessory buildings are not permitted beyond the front line of the principal building, with corner lots being defined as having front building lines on both streets. However, double frontage lots (lots that have frontage on 2 streets that do not intersect) are not directly addressed by this section. Illustrations of double-frontage lots are attached. The definitions section of the Zoning Regulations identifies both frontages of a double frontage lot as a front yard. Therefore, storage buildings and similar structures are effectively not permitted on double frontage lots.

Staff recommends that accessory structures be allowed within the yards of double frontage lots that are located between the building line and the street to which there is no vehicular access. The majority of double frontage lots in Germantown have fences along the street, which the “rear” of the house faces, so that accessory structures are screened from view from the street. There should be further requirements that the street frontage be screened by a site-proof fence (typically wood or masonry), and accessory structures should be limited in height to 10 feet.

4. **Section 17-1 (Policies)** – In 2009, the Subdivision Regulations were amended to create the category of “minor subdivision” to allow administrative approval of revisions to existing subdivisions that do not create new lots. Situations that would fall under the minor subdivision category include relocation of easements, relocation of lot lines, the merging of two lots into one, and similar situations. The proposed amendment adds the word “revision” to the description, to make clear the intent relates to modifications to existing subdivisions, and not to the creation of new lots.

STAFF RECOMMENDATION: approval.

ZONING & ANNEXATION SUBCOMMITTEE: (SUSAN BURROW, CHAIRMAN) – The subcommittee met on July 17, 2013 and withheld a recommendation.

PROPOSED MOTION 1: To recommend approval of the proposed amendments to Section 3-116 location of establishments.

Ms. Burrow moved to recommend approval of the proposed amendments to Section 3-116 location of establishments, subject to staff comments, seconded by Mr. Harless.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow – yes; Hernandez - yes; Wilensky – yes; Bacon – yes; Harless – yes; Owens - yes; Klevan – yes. **The motion was passed**

PROPOSED MOTION 2: To recommend approval of the proposed amendments to Section 23-236 accessory buildings.

Ms. Burrow moved to recommend approval of the proposed amendments to Section 23-236 accessory buildings, subject to staff comments, seconded by Mr. Harless.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow – yes; Hernandez - yes; Wilensky – yes; Bacon – yes; Harless – yes; Owens - yes; Klevan – yes. **The motion was passed**

PROPOSED MOTION 3: To recommend approval of the proposed amendments to Section 17-1 (Policies).

Ms. Burrow moved to recommend approval of the proposed amendments to Section 17-1 (Policies), subject to staff comments, seconded by Mr. Harless.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow – yes; Hernandez - yes; Wilensky – yes; Bacon – yes; Harless – yes; Owens - yes; Klevan – yes. **The motion was passed**

AMENDMENTS:

2. Section 17-1 (Policies)

e. Minor revision to a subdivision means the shifting of existing property lines so that the total number of tracts or parcels is unchanged or the removal of existing property lines combining lots within a recorded subdivision so that the total number of tracts or parcels is reduced.

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CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: January 13, 2014

FROM: Patrick J. Lawton, City Administrator *PJL*

SUBJECT: SUPPLEMENT 1 - FY14 ON-CALL PROFESSIONAL SERVICES AGREEMENT - KIMLEY-HORN & ASSOCIATES, INC.

INTRODUCTION: The purpose of this agenda item is to approve Supplement 1 in the amount of \$20,000.00 thereby increasing the existing FY14 On-call Professional Services Agreement (PSA) with Kimley-Horn & Associates, Inc. (KHA) to an amount not to exceed \$40,000.00.

BACKGROUND:

The City of Germantown initially entered into an On-Call PSA with Kimley-Horn in 2006. KHA is recognized nationally as an industry leader in the field of transportation. Locally, KHA has provided their transportation expertise to all municipalities within Shelby County, the Memphis-Metropolitan Planning Organization (Memphis-MPO) and the Tennessee Department of Transportation (TDOT), Memphis Area Transit Authority (MATA) and the Memphis-Shelby County Airport Authority (MSCAA). Their local knowledge of the regional transportation network has been a tremendous asset to the City through the years. Typical services under the agreement have included, traffic/transportation studies, traffic impact analyses, striping plans, signal timing assistance and assistance in various MPO matters.

For FY's 2007-2009 the average amount of the on-call services contract was approximately \$60,000/yr. In FY's 10-13 the contract averaged just over \$14,000/yr. The drastic reduction in average cost can be attributed to the professional development and experience of the City's full time Traffic Engineer coupled with a fairly weak economy which reduced the amount of economic development submittals.

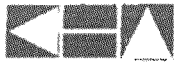
DISCUSSION:

KHA has provided excellent and consistent on-call services for the City since 2006. Staff requested the Board of Mayor and Aldermen (BMA) to allow that relationship to continue through FY14. Subsequently, the BMA approved the FY14 on-call contract for an amount not to exceed \$20,000.00. This amount was budgeted in Economic and Community Development's FY14 operating budget.

We are billed at the hourly rates in the proposal up to an amount not to exceed the ceiling without BMA approval. The fee proposal is attached for your information. We are half way through FY14 and have completely exhausted the budgeted amount for a couple of reasons. The amount of development submittals has been on the increase for the latter half of FY13 and has continued into FY14. Each of the development application has been relatively large in scale requiring a significant amount of traffic impact analyses and traffic signal plans review. Also, the City Traffic Engineer recently resigned his position. Both of these factors have resulted in heavier reliance on the on-call service contract.

Staff respectfully requests approval of the supplement. Approval of this request will increase the FY14 on-call services contract to an amount not to exceed \$40,000.00.

VISION 2020: This project supports the Vision 2020 objective of well planned, designed, constructed and maintained infrastructure and promotes safe and efficient mobility.



Kimley-Horn
and Associates, Inc.

July 23, 2013

Mr. Tim Gwaltney, P.E.
City Engineer
City of Germantown
1920 South Germantown Road
Germantown, Tennessee 38138

Suite 117
6625 Lenox Park Drive
Memphis, Tennessee
38115

Re: On-Call Engineering Services for FY 2014 (July 1, 2013 – June 30, 2014)

Dear Mr. Gwaltney:

Kimley-Horn and Associates, Inc. (“Kimley-Horn” or “the Consultant”) is pleased to submit this scope of services to the City of Germantown (“City” or “the Client”) for providing various professional engineering services. Our project understanding, scope of services, schedule, and fee are below.

Project Understanding

It is our understanding that the City of Germantown desires to retain the services of a consulting engineer to provide various engineering services for the City. The Consultant shall provide the necessary and appropriate professional engineering services on an “as needed” basis for the following typical assignments: transportation planning and traffic engineering, bidding / construction phase services and miscellaneous engineering review, design and drafting services.

It is the intent of the City of Germantown and the Consultant that the Consultant act as an independent, expert advisor and consultant to the City, undertaking appropriate actions, studies and / or investigations and providing information and advice for the agreed upon scope concerning each task assigned to the Consultant. In performing its professional services, the Consultant will use that degree of care and skill ordinarily exercised, under similar circumstances, by reputable members of its profession practicing in the same or similar locality.

Scope of Services

The tasks below describe the general types of services to be provided by the Consultant during the term of this agreement. These descriptions are not intended to be an all inclusive list, nor are they intended to imply that other tasks may not be included in this agreement upon mutual agreement by the parties involved. Further, this list of tasks does not imply that all of these services will necessarily be provided during the term of the agreement.



Task 1 – Traffic and Transportation Planning / Design Services

These activities may include the following items:

- Review of proposed developments for traffic impacts
- Review of traffic impact studies prepared by other consultants
- Development of transportation related improvement recommendations
- Meetings and presentations to citizens groups, the Planning Commission and Mayor and Board of Aldermen, as requested.

If written reports are required, they shall include analyses of existing conditions and recommendations of improvements that will be needed to accommodate future conditions should the projects be completed as planned.

This task may include performing various traffic operations evaluations and studies and the development and implementation of solutions to traffic flow problems. This task may include such items ranging from performing local area studies to conducting traffic counts to adjusting traffic signal timings.

This item may include the preparation of construction plans for traffic engineering related projects, such as traffic signal installations and modifications, the installation and modification of pavement markings, the installation and modification of traffic signing, and other projects as deemed appropriate.

This task may include the preparation of corridor or area traffic studies, preparation of air quality evaluations, the preparation of roadway alignment studies and the preparation of other special studies as determined necessary.

Kimley-Horn will assist the City with activities associated with the Metropolitan Planning Organization (MPO) and the Tennessee Department of Transportation (TDOT) including preparation for meetings, data acquisition, reports, presentations and follow-up activities.

Task 2 – Miscellaneous Engineering Services

This task includes general civil engineering services as requested by the City. These services may include, but are not limited to the following:

- Engineering plans review
- Staff training
- Developing Opinions of Probable Construction Costs
- Bidding and Construction Phase Services
- Drafting Services



Services Not Included

Any other services, including but not limited to the following, are not included in this Agreement.

- Surveying
- Geotechnical Engineering
- Architectural Design

Additional Services

Any services not specifically provided for in the above scope will be considered additional services and can be performed at our then current hourly rates.

Information Provided By Client

We shall be entitled to rely on the completeness and accuracy of all information provided by the Client. The Client will provide any information that the Client has available that relates to the assigned task.

Schedule

We will provide our services as expeditiously as practicable to meet a mutually agreed upon schedule. A schedule for specific task orders may be determined prior to beginning work on that task order.

Contract Term

The services of the Consultant shall commence as of the date of this agreement. The term of the agreement shall be until June 30, 2014 or until services are no longer requested by the Client. The Client shall have the right to extend the agreement annually.

Fee and Billing

Kimley-Horn will provide the Scope of Services on a labor fee plus expense basis. Labor fee will be billed according to the attached rate schedule, which is subject to annual adjustment. The fee for these tasks will not exceed \$20,000.00 without prior approval of the Client. As to these tasks, direct reimbursable expenses such as express delivery services, fees, air travel, and other direct expenses will be billed at 1.15 times cost. A percentage of labor fee will be added to each invoice to cover certain other expenses as to these tasks such as telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Administrative time related to the project may be billed hourly. All permitting, application, and similar project fees will be paid directly by the Client.



It is understood that when the Client contemplates assigning a task to the Consultant, the parties may enter into a written agreement (task order) specifying (a) the scope of the task, (b) the fee to be paid to the Consultant, including expenses, (c) the time schedule for the completion of the task and (d) other conditions as to which the parties shall be bound.

Fees will be invoiced monthly based on the actual amount of service performed and expenses incurred. Payment will be due within 25 days of your receipt of the invoice.

Closure

It is intended that all of the work performed under this agreement will be by Kimley-Horn and Associates, Inc. Sub consultants will not be used without the prior approval of the City of Germantown.

Kimley-Horn, in an effort to expedite invoices and reduce paper waste, offers its clients the option to receive electronic invoices. These invoices come via email in an Adobe PDF format. We can also provide a paper copy via regular mail if requested. Please select a billing method from the choices below:

____ Please email all invoices to _____@_____.

____ Please email invoices to _____@_____ AND provide a hard copy to the address listed above (please note below if it should be to someone else's attention or an alternative address).

____ Please ONLY provide a hardcopy invoice to the address listed above (please note below if it should be to someone else's attention or an alternative address).

We appreciate the opportunity to provide these services to you. Please contact me if you have any questions.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'J. Collins', is written over the printed name.

By: James F. Collins, P.E.
Senior Vice-President

Attachment – Billing Rate Schedule

BILLING RATE SCHEDULE

<u>Classification</u>	<u>Hourly Rate</u>
Principal	190.00 – 250.00
Senior Professional	150.00 – 220.00
Professional	110.00 – 170.00
Junior Professional/ Analyst	85.00 – 125.00
Senior Technical/ CADD Operator	90.00 – 140.00
Technical/ Drafter	65.00 – 110.00
Admin/ Clerical	60.00 – 90.00

These hourly rates will remain in effect until June 30, 2014



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: January 13, 2014

FROM: Patrick J. Lawton, City Administrator *PJL*

SUBJECT: SUPPLEMENT NO. 4 - CONSTRUCTION ENGINEERING AND INSPECTION (CEI) SERVICES FOR WOLF RIVER BOULEVARD WETLAND MITIGATION REPORTING

INTRODUCTION:

The purpose of this agenda item is to consider approval of Supplement No. 4 to the Construction Engineering and Inspection (CEI) Professional Services Agreement with Smith Seckman and Reid, Inc. (SSR) in an amount not to exceed \$33,430.33 related to Wolf River Boulevard Wetland Mitigation and Reporting.

BACKGROUND:

On January 24, 2011 the City entered into a construction contract for Wolf River Boulevard (WRB) between Kimbrough Road and Farmington Boulevard. Construction began in March of 2011. The project involved construction of approximately two (2) miles of four (4) lane median divided roadway through an environmentally sensitive area. The project was completed and opened to traffic in August of 2013.

Also in January of 2011, the City entered into a Professional Services Agreement with SSR in the amount of \$2,999,949.98 to provide Construction Engineering and Inspection Services (CEI) for the project. Periodically throughout the entire 2-1/2 years of construction of the roadway, the original CEI contract was supplemented to add services as needed. The below table summarizes those supplements:

	Amount	Description
Original Contract Amount	\$2,999,949.98	CEI
Supplement 1	\$92,661.57	Added Erosion Prevention and Sediment Control (ESPC) services
Supplement 2	\$66,550.00	Added Design Services for of the Greenway Trial
Supplement 3	\$44,757.57	51 day Construction Time Extension

The current ceiling for CEI services is \$3,203,919.30.

The project was funded through the Surface Transportation Program (STP) 80/20. The City was reimbursed 80% of all expenditures (construction and CEI).

DISCUSSION:

Supplement 4 involves additional services related to the monitoring and reporting of wetland areas impacted by roadway construction. Construction of the roadway negatively impacted approximately 4 acres of wetlands. TN Department of Environment and Conservation (TDEC) regulations dictate a 2:1 mitigation factor. In other words, for every 1 acre of wetlands disturbed, 2 acres of wetlands must be created. Therefore, the City was required to create a total of 8 acres of wetlands on and off-site. Five (5) wetland sites totaling 4 acres were

created at various locations on-site and are located such that they will become focal points of the future Greenway Trail. One (1) wetland site is a four (4) acre site that was created on Chickasaw Basin Authority (CBA) property north of the river between Houston-Levee and Collierville-Arlington Road.

As per federal and state regulations, mitigated wetland areas must be monitored by a licensed biologist for a five (5) year period. The first two (2) years of the five year monitoring period requires bi-annual reports to TDEC regarding the health of those wetlands. If after two (2) years of monitoring the wetlands are determined to be “stable”, annual monitoring/reporting is required for the next three (3) years. If the wetlands are not stable after two (2) years, corrective actions and bi-annual monitoring/reporting must continue for the next three (3) years.

Since these services were not included in the original scope, we asked SSR to provide a fee proposal (attached) for wetland monitoring and reporting services. As described above, the scenarios and associated fees are as follows:

- Option 1 – Bi-annual reports for the first two (2) years, and if sites are successful, annual monitoring and reporting for next three (3) years, totaling seven (7) reports: \$24,184.73
- Option 2 - Bi-annual reports for the first two (2) years, and if sites are unsuccessful, bi- annual monitoring and reporting for next three (3) years, totaling ten (10) reports: \$33,430.33

Staff recommends approval of Option 2 in the amount of \$33,430.33. We will only be billed for the necessary reports. In other words, if only 7 reports are conducted during the 5-yr monitoring period, we will only be billed a total of \$24,184.73. If 10 reports are conducted, we will be billed for \$33,430.33. This amount is 80% reimbursable.

VISION 2020:

This project supports the Vision 2020 Quality of Life Goal 18 Parks, Green Spaces and Natural Areas throughout Germantown (page 48), Objective 5, well designed and maintained parks and Green Spaces throughout our City and Objective 6, Environmental Education Opportunities at the Wolf River Natural Area.

ATTACHMENTS:

Additional CEI Services Proposal.

BUDGET & STAFFING:

Tim Bierdz, City Stormwater Manager is assigned to this project.

Source of Funding:

<u>Fund</u>	<u>Line Item No.</u>	<u>Dept.</u>	<u>Line Item Description</u>	<u>Budget Balance</u>	<u>Recommended Expenditure</u>
Capital	030-0000-400.25-40 MR1405	Major Roads	Professional Services	\$33,430.33	\$33,430.33

PREPARED BY: Tim Bierdz

Tim Bierdz, City Stormwater Manager

REVIEWED BY: Tim Gwaltney

Tim Gwaltney, City Engineer

REVIEWED BY: Butch Eder

Butch Eder, CIP Manager

REVIEWED BY: Ralph J. Gabb

Ralph J. Gabb, Finance Director

PROPOSED MOTION(S), RESOLUTION(S), OTHER ACTION:

To approve Supplement 4 adding Wetland Mitigation Monitoring and Reporting services in an amount not to exceed \$33,430.33 to the CEI contract with Smith Seckman Reid, Inc., increasing the contract amount from \$3,203,919.30 to \$3,237,349.63.

BOARD ACTION: MOTION BY:

SECONDED BY:

VOTE/TOTAL	MARCOM	DRINNON	PALAZZOLO	OWENS	JANDA	GOLDSWORTHY
YES	Yes	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No	No
ABSTAIN	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain



2650 Thousand Oaks Blvd.
Suite 3200
Memphis, TN 38118
Phone: 901-683-3900
Fax: 901-683-3990
www.ssr-inc.com

December 12, 2013

Mr. Tim Gwaltney, P.E.
City Engineer
City of Germantown
1920 S. Germantown Road
Germantown, Tennessee 38138-2815

Re: Wolf River Boulevard – Wetland Mitigating Reporting (Supplement 4)
State Project No: 79954-3537-54
Federal Aid Project No: STP-M-9420(1)
PIN: 101615.00

Dear Sir:

Smith Seckman Reid, Inc. ("SSR") is pleased to submit this letter agreement to the City of Germantown ("the City") for providing engineering services for the monitoring of six (6) wetland mitigation sites in relationship to the completion of the Wolf River Boulevard connector road project in Germantown, Tennessee.

Project Understanding

The monitoring permit requires bi-annual reports for the first two (2) years and, if the sites are successful, annual monitoring and reports for the next three (3) years. After two (2) years if the sites are unsuccessful, bi-annual monitoring and reporting will be required for the remaining three (3) years as well. The five (5) on-site and one (1) 4-acre off-site wetland mitigation areas are located within the Chickasaw Basin Mitigation property north of the Wolf River and east of Houston Levee Road, Shelby County, Tennessee.

Each monitoring report will follow the requirements set forth in the Regulatory Guidance letter 08-3 and Code of Federal Regulations 332.8 (q)(2). The body of the report should not exceed ten (10) pages in length along plus photo documentation. The first and final monitoring reports will include wetland delineation overlaid on a property survey showing the wetland boundaries to verify cover has been achieved over the monitoring period as approved. Permanent signage will be placed every 200 feet around the perimeter of each mitigation site. The signs will provide the permittee's name, permit number and must state the area is a mitigation site that shall not be disturbed.

Scope of Services

Services provided shall include preparing and submitting monitoring reports to the Corps of Engineers with copies to the City and the Tennessee Department of Environment and Conservation. Each monitoring report will follow the requirements set forth in the Regulatory Guidance letter 08-3 and Code of Federal Regulations 332.8 (q)(2).

Monitoring and Reporting Schedule:

- Option 1 - Bi-annual reports for the first two (2) years and, if the sites are successful, annual monitoring and reports for the next three (3) years.
- Option 2 - Bi-annual reports for the first two (2) years and, if the sites are unsuccessful, bi-annual monitoring and reports for the next three (3) years.

SSR will provide the City updates and generally keep them informed of the wetland conditions. SSR will

respond to questions and/or concerns from the Corps of Engineers. SSR will attend any project related meetings.

Fee and Billing

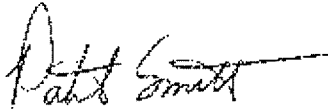
SSR will provide the above services at a lump sum fee of \$24,184.73 for Option 1 or \$33,430.33 for Option 2 depending upon the success of the wetlands after the first two (2) years. The lump sum fee includes all direct and indirect costs associated with the monitoring and reporting during the five (5) year period.

SSR will invoice the City bi-annually for the first two (2) years and annually or bi-annually for the next three (3) years depending on the success of the wetlands after the first two (2) years. Payment is expected within thirty (30) days from invoice.

Upon review and acceptance of this scope and fee, this document may serve as an agreement for SSR to begin work with the City.

I look forward to working with the City of Germantown. If you have any questions please feel free to contact me.

Sincerely,
Smith Seckman Reid, Inc.

A handwritten signature in black ink that reads "Patrick Smith". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Patrick Smith, PE, PLS
Vice President



Agenda No. 16a

CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: JANUARY 13, 2014

FROM: Patrick J. Lawton, City Administrator *PJL*

SUBJECT: EMAIL SYSTEM ANNUAL MAINTENANCE AND LICENSING

INTRODUCTION: The purpose of this agenda item is to request the Board's authorization to renew the annual maintenance and licensing for Google Apps for Government in the amount of \$22,003.80 from Onix Networking.

BACKGROUND:

The previous email system was installed 10 years ago. Since installation, there was no significant software upgrade and the hardware was approaching end of life. Reliability of the system had become questionable. Over the last 10 years, providing various ways for citizens to communicate with the City of Germantown has become commonplace and the reliability of that service a must.

Using email as a method of communication between citizens, staff and elected officials has allowed the City to adapt to current technology. Employee Survey results and employee focus groups noted the need for additional email accounts throughout City departments to aid in better communication city-wide. This request for funding would provide email accounts for all full-time employees along with additional package incentives unavailable under the current system.

On January 14, 2013 the Board of Mayor and Aldermen approved the implementation of Google Apps for Government.

DISCUSSION:

Google Apps for Government is a robust, secure "Cloud" based product developed specially for governments. It provides secure access from anywhere without the requirement of a mobile device. In addition to email information account users will also be able to access calendar and contact information.

Added benefits are:

- Overall cost reduction
- Eliminating older technology
- Seamless integration with various systems
- Streamline collaboration efforts among employees
- Google Docs (Documents, spreadsheets, and presentations. in real-time without attachments.)
- Group calendars
- Meeting facility calendars
- Disaster recovery
- Search/archive capability

EMAIL SYSTEM ANNUAL MAINTENANCE AND LICENSING

January 13, 2014

Onix Networking holds GSA Schedule number GS-35F-5519H. The City utilizes statewide contracts or cooperative purchasing agreements to purchase services or products saving considerable time and resource savings for participating member agencies. This process also streamlines contracting and maximizes efficiencies.

Onix Networking provided a complete turnkey project that included the first year’s licensing; implementation; data migration; configuration; and training. Annual expenses will vary based upon the number of user licenses. Current licenses are projected to be 455 users with an annual expense of \$22,003.80.

BUDGET AND STAFFING IMPACT:

Source of Funding:

Fund	Line Item No.	Dept.	Line Item Description	Budget Balance	Recommended Expenditure
General	010-1510-416.26-30	IT	Comp. Equipment Maintenance	\$469,109.34	\$22,003.80

VISION 2020:

This Agenda item will provide City staff with the necessary tools to achieve the City’s Mission as defined in Vision 2020. In addition it will promote the true S-P-I-R-I-T of Germantown as identified in Vision 2020 as well as support goal 23 Service Excellence and goal 25 Services delivered in the most cost effective manner.

City Services and Finances – “Adequate resources to support defined services and service levels”, “Investment in maintaining and upgrading the City’s facilities and infrastructure”, “Use state-of-the-art, innovative and creative techniques and approaches.”, City focusing on mission and core services, “new techniques and technology used to enhance service delivery”, and “Services delivered in a manner consistent with our core beliefs”.

EMAIL SYSTEM ANNUAL MAINTENANCE AND LICENSING
January 13, 2013

ATTACHMENTS:

Onix Networking Quote

PREPARED BY: Stephanie S. Logan
Stephanie S. Logan, Technical Services Coordinator

REVIEWED BY: Tony Fischer
Tony Fischer, Director of Information Technology

REVIEWED BY: Lisa A. Piefer
Lisa A Piefer, Procurement Director

PROPOSED MOTION(S), RESOLUTION(S), OTHER ACTION:

To authorize the renewal of the annual maintenance and licensing for Google Apps for Government in the amount of \$22,003.80 from Onix Networking.

BOARD ACTION: MOTION BY: _____ SECONDED BY: _____

VOTE/TOTAL	MARCOM	DRINNON	PALAZZOLO	OWENS	JANDA	GOLDSWORTHY
YES	Yes	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No	No
ABSTAIN	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain



QUOTE

Number ONC05442

Date Dec 4, 2013

Tony Fischer
 TN - City of Germantown
 afischer@germantown-tn.gov
 1930 Germantown Road South
 Germantown, TN 38138

LaVia Allen
 Onix Networking Corp.
 18519 Detroit Road
 Lakewood, Ohio 44107

Phone: (901) 757-7324

Fax: (901) 757-7292

Phone: (216) 529-3058

Fax: 216-529-3020

Valid for 30 Days

Account Manager:
 John Shihadeh
 john@onixnet.com

Part #	Description	List Price	Unit Price	Qty	Ext. Price
GAPPS-PREM-1USE R-12MO-GOV	2013 Renewal; Google Apps for Government, 12 months Term Dates: 2/7/2014 - 2/6/2015 Domain: germantown-tn.gov	\$50.00	\$48.36	455	\$22,003.80

Let Onix Networking be your single source for all your Google Solutions requirements.


Google Search Appliances Google Apps Google Site Search
 Google Earth Enterprise and Pro Google Maps

SubTotal	\$22,003.80
Shipping	\$0.00
Total	\$22,003.80

Our highly trained and certified on-staff Google engineers provide intallation and customization services to fulfill the most stringent requirements. Ask your Onix Account Manager about Rapid Results services!

Terms: NET 30

Ship Via: Electronic

Onix Networking Corporation Information	
Address Purchase Orders to: Onix Networking Corp. 18519 Detroit Road Lakewood, OH 44107 (800) 664-9638 (216) 529-3020 fax EFT: ABA (routing #) 041200555, Acct # 5746000202 DFAS: WAWF GSA Finance Electronic Invoicing System Terms: Net 30 days from receipt of product and/or beginning of maintenance or support	Cage Code:0ZZJ6 D&B Number:80-7896121 Open Market Federal ID Number:34-1729033 Status:Small Business www.onixnet.com 



CITY OF GERMANTOWN TENNESSEE

1930 South Germantown Road • Germantown, Tennessee 38138-2815
Phone (901) 757-7200 Fax (901) 757-7292 www.germantown-tn.gov

2013 Board and Commission Application

Date: October 23, 2012 Application for appointment to: Historic

Name: Charles Phillips Baker, Jr. Commission

Birth Date: 05/11/1971 Resident of Germantown 33 years Name of Spouse: Jennifer Davidson Baker

Home Address: 7693 Apahon Lane Zip: 38138-2249

Phone: (901) 277-3801 Fax: _____ E-mail: cpbaker@gmail.com

Business/Profession: CN/Illinois Central Railroad - Investigator Travel Required? Random

Business Address: 297 Rivergate Drive Zip: 38109-2427

Phone: (901) 789-6336 Fax: (901) 789-6314 E-mail: charles.baker@cn.ca

Education: School: Mississippi State University Year: 1997 Degree: B.S.
Memphis University School (M.U.S.) 1990 College Prep

Organizations/Associations: (Names of group or activity, years of participation, leadership positions)

Professional: Operation Lifesaver, Association of Certified Fraud Examiners (A.C.F.E.), American Society for Industrial Security (A.S.I.S.), Fraternal Order of Police (F.O.P.), Association of American Railroads (A.A.R.)

Community: Past President of the Neshoba Neighborhood Association (3 terms) 2006-2008, Carnival Memphis, Mississippi State University Alumni Association, Germantown Public Safety Education Commission, Kappa Alpha Order, St. George's Episcopal Church, Leadership Germantown Alumni Association

Leadership Germantown Class of: 2012

Special Qualifications: : Commissioned Railroad Police Officer (Special Agent) , Former State of Tennessee Drug Enforcement Agent, Former Germantown Police Officer, Law Enforcement/Railroad Instructor, Certified Criminal Investigator, Certified Crisis Intervention Team Member (C.I.T.), Multiple Law Enforcement/Public Safety/Investigation/Fraud Certifications

Comments: _____
I wish to help protect and promote the history of Germantown, Tennessee.

Previous City Appointments/Assignments: 2009 - 2012 Public Safety Education Commission

I hereby attest that the information I have entered on this application is true and correct and that I am full-time resident of the City of Germantown permanently residing at the home address listed above.

CPB
Signature

10/23/2012
Date



CITY OF GERMANTOWN TENNESSEE

1930 South Germantown Road • Germantown, Tennessee 38138-2815
Phone (901) 757-7200 Fax (901) 757-7292 www.germantown-tn.gov

2013 Board and Commission Application

Date: 11-7-12, 2012 Application for appointment to: Historic
Commission

Name: WARREN TRAVIS

Birth Date: 6-13-43 Resident of Germantown 30 years Name of Spouse: PAM

Home Address: 2352 LANSINGWOOD Zip: 38139

Phone: 7578403 Fax: 7560847 E-mail: WFTRAVIS1@gmail.com

Business/Profession: FAA INSPECTOR Travel Required? NO

Business Address: 3772 BUSINESS PARK Zip: _____

Phone: 3228650 Fax: _____ E-mail: WARREN.F.TRAVIS@FAA.GOV

Education: School: LOUISIANA STATE UNIV Year: 1971 Degree: BS

Organizations/Associations: (Names of group or activity, years of participation, leadership positions)

Professional: Airline Pilots Association (20)
Air Force Association (20)

Community: US Power Squadron (8) Executive Officer
Germantown Historic Comm (2)
Germantown Reserve Police officer (4)

Leadership Germantown Class of: _____

Special Qualifications: BS degree in History. LSU

Comments: _____

Previous City Appointments/Assignments: Historic + Beautification Comm
Reserve Police officer

I hereby attest that the information I have entered on this application is true and correct and that I am full-time resident of the City of Germantown permanently residing at the home address listed above.

Warren Travis
Signature

11-7-12
Date



CITY OF GERMANTOWN TENNESSEE

1930 South Germantown Road • Germantown, Tennessee 38138-2815
Phone (901) 757-7200 Fax (901) 757-7292 www.germantown-tn.gov

2013 Board and Commission Application

Date: 10/23/12, 2012 Application for appointment to: Neighborhood Preservation
Name: Patrick J. Mahoney Commission

Birth Date: 6/29/51 Resident of Germantown 33 years Name of Spouse: Margaret

Home Address: 2200 Conchs Road Zip: 38139

Phone: 757-5411 Fax: 754-2029 E-mail: pat@remodelingpros.com

Business/Profession: General Contractor Travel Required? Min.

Business Address: 2034 Exeter Zip: 38139

Phone: Same Fax: Same E-mail: Same

Education: School: Tennessee, Knoxville Year: 74 Degree: Accounting
Christian Brothers High School 1969

Organizations/Associations: (Names of group or activity, years of participation, leadership positions)

Professional: Memphis Area Home Builders Association: Past President,
Presidential Leadership Award National Home Builders Board,
Local Home Builders, Chair of All Committees

Community: State of Tennessee Home Improvement Chairman,
Board for Seaford Sec 5

Leadership Germantown Class of: 2007

Special Qualifications: Have spearheaded Home Built for Charities:
Service over Sect, Home Brothers, Boys Club

Comments: Have enjoyed working on the Remodeling Tour
And would like to continue.

Previous City Appointments/Assignments: Neighborhood Preservation, Planning Commission

I hereby attest that the information I have entered on this application is true and correct and that I am full-time resident of the City of Germantown permanently residing at the home address listed above.

Patrick J. Mahoney
Signature

10/23/12
Date

Please return completed application by November 30, 2012 to: Dotty Johnson, Germantown City Clerk, 1930 S. Germantown Rd., Germantown, TN 38138 or e-mail djohnson@germantown-tn.gov or fax to Attn: City Clerk, 757-7292.



CITY OF GERMANTOWN TENNESSEE

1930 South Germantown Road • Germantown, Tennessee 38138-2815
 Phone (901) 757-7200 Fax (901) 757-7292 www.germantown-tn.gov

2014
2014 Board and Commission Application *IDB*

Date: 11/11/13, 2012 Application for appointment to: Planning Commission
 Commission

Name: Michael K Harless

Birth Date: 4/21/43 Resident of Germantown 37 years Name of Spouse: Widower

Home Address: 2389 Sleepy Hollow Zip: 38138

Phone: 754 9024 Fax: — E-mail: MK Harless @ Bellsouth.net

Business/Profession: Retired - Consultant Travel Required? Minimal

Business Address: N/A Zip: —

Phone: — Fax: — E-mail: —

Education: School: U of Memphis Year: 44 Degree: BS

Organizations/Associations: (Names of group or activity, years of participation, leadership positions)

Professional: Southaven Chamber of Commerce 8yrs Past President
Pink Ribbon Open 9yrs Chair
Partners in Public Education (PRPE) Past Vice Chair 15yrs Executive Board

Community: S.R.U.S. 2yr - Executive Board
Memphis Family Shelter 2yrs Board Member
Memphis-Shelby Co Joint Board of Appeals - 6 mos - Board

Leadership Germantown Class of: Leadership Memphis - 1989

Special Qualifications: 40 years Human Resource Management Experience
20 years Economic Development Experience
14 years serving on various Boards/Commissions for City of Germantown

Comments: I enjoy working on the Planning Commission

Previous City Appointments/Assignments: Planning Commission - 2yrs, IDB - 9yrs;
Personnel Advisory Commission - 6yrs Economic Development Commission 10yrs

I hereby attest that the information I have entered on this application is true and correct and that I am full-time resident of the City of Germantown permanently residing at the home address listed above.

Michael K Harless
 Signature

11/11/13
 Date



CITY OF GERMANTOWN TENNESSEE

1930 South Germantown Road • Germantown, Tennessee 38138-2815
Phone (901) 757-7200 Fax (901) 757-7292 www.germantown-tn.gov

Board and Commission Application

Date: 12/19/13, 2013 Application for appointment to: Inv. Dev. Bd
Commission

Name: HENRY EVANS

Birth Date: 7/8/38 Resident of Germantown 36 years Name of Spouse: Ginger

Home Address: 2184 Coatsbridge Zip: 38139

Phone: 754-4163 Fax: _____ E-mail: EVANScentre@bellsouth.net

Business/Profession: mgt consult Travel Required? _____

Business Address: _____ Zip: _____

Phone: _____ Fax: _____ E-mail: _____

Education: School: Univ. of TN Year: 1959 Degree: BS

Organizations/Associations: (Names of group or activity, years of participation, leadership positions)

Professional: _____

Community: _____

Leadership Germantown Class of: _____

Special Qualifications: _____

Comments: _____

Previous City Appointments/Assignments: PAC, FAC, Planning, IDB, BZA

I hereby attest that the information I have entered on this application is true and correct and that I am full-time resident of the City of Germantown permanently residing at the home address listed above.

Henry R. Evans
Signature

12/19/13
Date



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: January 13, 2014

FROM: Patrick J. Lawton, City Administrator *PSV*

SUBJECT: RECOGNITION OF DONATION – EDUCATION COMMISSION

INTRODUCTION: The purpose of this agenda item is to recognize donations to the Germantown Education Commission totaling \$1,650.00 and approve Budget Adjustment Number 14-41.

BACKGROUND: Donations were designated to support the work of the Germantown Education Commission's annual The Battle of the Brains math and science competition.

During the Battle of the Brains competition, students from Germantown and Houston High Schools compete with projects related to science, technology, engineering and math.

DISCUSSION: The following donated funds to be used to cover Battle of the Brains event expenses and as cash awards for the winning students.

Dr. and Mrs. Dino Palazzolo	\$300
English Meadows Neighborhood Association	\$500
The Butcher Shop	\$200
Dr. Roy and Dr. Stephanie Van Arsdale	\$300
Skip Hobbs Construction	\$ 50
Lucite International	\$300

VISION 2020: The work of the Germantown Education Commission supports the guiding principles of Vision 2020 mandating excellent schools and lifelong learning. The Battle of the Brains event is a cooperative effort between the City and local schools to provide a venue where academically minded students can compete and receive feedback from distinguished judges.

ATTACHMENTS: Budget adjustment 14-41

PREPARED BY: Stacey Ewell
Stacey Ewell, Assistant to the City Administrator

REVIEWED BY: Ralph J. Gabb
Ralph J. Gabb, Finance Director

CITY OF GERMANTOWN
REQUEST FOR BUDGET TRANSFER OR APPROPRIATION

No. 14-41

REQUEST FOR TRANSFER W/IN ONE ALLOCATION

DATE: 13-Jan-14

REQUEST FOR TRANSFER ACROSS FUNDS/PROJECTS

REQUEST FOR ADDITIONAL FUNDS

DEPT: Administration

ACCOUNT NUMBER	PROJ. #	ACCOUNT DESCRIPTION	CURRENT BUDGET	PROPOSED ADJUSTMT	PROPOSED BUDGET
010 - 0000 - 369 . 10 - 0	n/a	Other Revenue	\$ (304,100)	\$ (1,650)	\$ (305,750)
010 - 1210 - 413 . 40 - 10	n/a	Grants	\$ 3,864	\$ 1,650	\$ 5,514

JUSTIFICATION: To recognize donations from R.A. Palazzolo, English Meadows Neighborhood Association Butcher Shop, Stephanie Van Arsdale, Skip Hobbs Construction and Lucite International in the amount of \$1,650 for the Education Commission and Battle of the Brains.

REQUESTED BY: _____

COMMENTS: _____

REVIEWED BY: _____

Division Director

REVIEWED BY: *Patricia J. Smith*

City Administrator

APPROVED FOR SUBMISSION: Jessica Brown

Budget & Performance

REQUEST FOR TRANSFER WITHIN ONE DEPARTMENT APPROVED: _____

Mayor

REQUEST FOR ADDITIONAL FUNDS REVIEWED BY: _____

Mayor

REQUEST FOR TRANSFER ACROSS FUNDS/PROJECTS

APPROVED BY BOARD OF MAYOR & ALDERMEN: CERTIFIED BY: _____

City Clerk

DATE: _____



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN**DATE:** January 13, 2014**FROM:** Patrick J. Lawton, City Administrator *PL***SUBJECT:** NON-INVENTORY JANITORIAL ITEMS**INTRODUCTION:**

The purpose of this agenda item is to request contract approval with UniFirst Corporation in the amount of \$13,553.28 to provide services for non-inventory janitorial items in City buildings.

BACKGROUND:

Janitorial items that are not inventoried but has significant impact for providing services and safety in City buildings include: entrance mats, dust mops, shop towels, along with towels and wash cloths for jail services. The items are replenished every week. Due to the ongoing use of these items, it is more cost effective to have a full-service rental agreement than to purchase these items. In previous years, the bid process was used because National Joint Power Alliance (NJPA) pricing was not available.

DISCUSSION:

The City utilizes cooperative purchasing agreements for products and services whenever the process may not be advantageous. National cooperative contracts provide faster implementation time and resource savings for participating member agencies.

The current agreement, with a different service provider, expires January 30, 2014 and the current cost exceeds NJPA pricing. The Procurement Department contacted various janitorial supply vendors for price comparisons to cooperative pricing and found that UniFirst, which has a local full service office, can meet the needs of the City and the pricing cannot increase during the contract period. The NJPA Contract # 012111-UFC is valid until February 24, 2015.

The State of TN Statue 12-3-1008 & 1009 of Title 12 Public Property, Printing and Contracts Chapter 3 Public Purchases Part 10 Local Governments mandates how municipalities can utilize these cooperatives. Because not all cooperative purchasing agreements are the same, purchasing staff has researched many of the national cooperatives to insure that they follow similar bidding practices to the state and local statutes and requirements for purchasing. As a result, staff was able to review the business practices and procedures for the NJPA purchasing cooperative and approve them for use in the procurement of janitorial items.

NJPA establishes a legal paper trail for the municipalities, justifying the City's contract purchasing decision. At no cost to the City, NJPA membership provides access to competitively bid national cooperative contracts, procured by a national municipal contracting agency. These contracts leverage national volume pricing and provide NJPA members with the desired vendor choices.

Each state government entity has a purchasing level at which public agencies are required to "go out to bid." NJPA has nationally solicited, evaluated and awarded contracts through a competitive bidding process on behalf of its members. These contracts can be leveraged by municipalities under the authority of NJPA's enabling legislation and your state's procurement laws and/or Principal Procurement Agency. These laws allow access to NJPA's contracts and procurement process to satisfy local/state bidding requirements, which can avoid duplication of the bid process.

FACILITY SERVICES

Merchandise Description	Inventory Quantity	Service Quantity	Price Per Product	Total Cost
MUNICIPAL CENTER				
4X6 Mats	28	14	\$ 2.210	\$ 30.94
3x10 Mats	6	3	\$ 2.640	\$ 7.92
3x5 Scraper Mats	3	3	\$ 1.380	\$ 4.14
Bath Towels	20	10	\$ 0.180	\$ 1.80
Auto Replacement	1	1	\$ 0.550	\$ 0.55
Wash Cloth Towel	30	15	\$ 0.112	\$ 1.68
Auto Replacement	1	1	\$ 0.550	\$ 0.55
TOTAL				\$ 47.58
DEVELOPMENTAL BUILDING				
4X6 Mats	2	1	\$ 2.210	\$ 2.21
3x10 Mats	2	1	\$ 2.640	\$ 2.64
TOTAL				\$ 4.85
PRO SHOP				
4X6 Mats	2	1	\$ 2.210	\$ 2.21
TOTAL				\$ 2.21
PERFORMING ARTS				
4X6 Mats	8	4	\$ 2.210	\$ 8.84
3x5 Scraper Mats	2	2	\$ 1.380	\$ 2.76
TOTAL				\$ 11.60
PARKS AND RECS BLDG				
3X5 Mats	2	1	\$ 1.420	\$ 1.42
4X6 Mats	8	4	\$ 2.210	\$ 8.84
TOTAL				\$ 10.26
DEPOT BLDG				
3X5 Mats	2	1	\$ 1.420	\$ 1.42
TOTAL				\$ 1.42
WATER TREATMENT BUILDING				
3x10 Mats	6	3	\$ 2.640	\$ 7.92
4X6 Mats	4	2	\$ 2.210	\$ 4.42
TOTAL				\$ 12.34
PICKERING CENTER				
4X6 Mats	4	2	\$ 2.210	\$ 4.42
3X5 Mats	2	1	\$ 1.420	\$ 1.42
TOTAL				\$ 5.84
PUBLIC SERVICES DEPT				
4X6 Mats	6	3	\$ 2.210	\$ 6.63
3x10 Mats	10	5	\$ 2.640	\$ 13.20
TOTAL				\$ 19.83
FLEET SHOP				
4X6 Mats	2	1	\$ 2.210	\$ 2.21
Shop Towels	50	25	\$ 0.071	\$ 1.78
Auto Replacement	1		\$ 0.450	\$ 0.45
TOTAL				\$ 4.44

FACILITY SERVICES (Continued)

Merchandise Description	Inventory Quantity	Service Quantity	Price Per Product	Total Cost
JOHNSON ROAD WATER PLANT				
3x10 Mats	6	3	\$ 2.640	\$ 7.92
4X6 Mats	4	2	\$ 2.210	\$ 4.42
TOTAL				\$ 12.34
GERMANTOWN LIBRARY				
3x5 Scraper Mats	4	4	\$ 1.380	\$ 5.52
3X5 Mats	4	2	\$ 1.420	\$ 2.84
4X6 Mats	4	2	\$ 2.210	\$ 4.42
TOTAL				\$ 12.78
MISC.				
Mops 36" Dust	46	23	\$ 0.870	\$ 20.01
Mops 48" Dust	4	2	\$ 1.140	\$ 2.28
TOTAL				\$ 22.29
DEFE(DELIVERY AND ENVIR CHARGE)				\$ 2.00
TOTAL				\$ 174.63

* All consumable items (like paper and soap) are delivered and billed as needed

ATHLETIC CLUB

Merchandise Description	Inventory Quantity	Service Quantity	Price Per Product	Total Cost
ATHLETIC CLUB				
4X6 Mats	10	5	\$ 2.210	\$ 11.05
3x10 Mats	6	3	\$ 2.640	\$ 7.92
3x5 Ultra Flow	12	6	\$ 1.530	\$ 9.18
3x9 Ultra Flow	16	8	\$ 2.750	\$ 22.00
Mops 36" Dust	14	7	\$ 0.870	\$ 6.09
Mops 48" Dust	14	7	\$ 1.140	\$ 7.98
Mops 60" Dust	14	7	\$ 1.530	\$ 10.71
TOTAL				\$ 74.93

GREAT HALL

Merchandise Description	Inventory Quantity	Service Quantity	Price Per Product	Total Cost
GREAT HALL				
4X6 Mats	4	2	\$ 2.210	\$ 4.42
3x10 Mats	4	2	\$ 2.640	\$ 5.28
3x5 Scraper Mats	2	1	\$ 1.380	\$ 1.38
TOTAL				\$ 11.08

All consumable items (like paper and soap) are delivered and billed as needed

PROPOSED FY15 BUDGET CALENDAR

January

- 1/10/14 Budget Material distributed to Departments
- 1/13/14 **Board Meeting** - Budget Calendar review and approval by the Board of Mayor and Aldermen

February

- 2/03/14 Capital Improvements Program (CIP) applications due to CIP Manager
- 2/07/14 FY15 Budget materials (Revenues and Expenses) and Program Change Request Forms due to Budget and Performance (General Fund, Enterprise Funds, Internal Service Funds, Special Revenue Funds, Infrastructure Replacement Program)
- 2/18/14 **Financial Advisory Commission – First Meeting:** Introduction, BMA Retreat overview and Environmental Scan
- 2/20/14 Vehicle and equipment replacement schedule review with City Administrator
- 2/19-2/28/14 FY15 Budget review with departments

March

- 3/18/14 **Financial Advisory Commission – Second Meeting:** Review of FY15 Budget Enterprise Funds (Utility, Germantown Athletic Club, Great Hall, Stormwater and Sanitation)

April

- 4/01/14 **Financial Advisory Commission – Third Meeting:** Review of Capital Improvements Program and Infrastructure Replacement Program
- 4/02/14 Board of Mayor and Aldermen – work session on CIP
- 4/11/14 Proposed FY15 Budget and Capital Plan delivered to Department Directors for final comment and review
- 4/15/14 **Financial Advisory Commission – Fourth Meeting:** Review of FY15 Special Revenue Funds
- 4/29/14 **Financial Advisory Commission – Fifth Meeting:** Review of FY15 General Fund Revenues and General Fund Expenditures

May

- 5/02/14 Proposed FY15 Budget delivered to Board of Mayor and Aldermen *Budget in Brief* prepared
- 5/02/14 Proposed FY15 Business Plans and FY15 Focus Area Cabinet Strategic Plans due to Budget and Performance
- 5/07/14 Board of Mayor and Aldermen work session on FY15 Budget
- 5/12/14 **Board Meeting - First Reading on FY15 Budget Ordinance 2014-2**
Schedule meetings with Chamber, Homeowner Associations and Civic Clubs;
Distribute *Budget in Brief*; Press Conference; Neighborhood News (Budget and Property Tax Rate)
- 5/16/14 Document printing RFP due to Purchasing

June

- 6/09/14 **Board Meeting - Public Hearing on FY15 Budget; Second Reading on FY15 Budget Ordinance 2014-2**
- 6/23/14 **Board Meeting - Third and Final Reading on FY15 Budget Ordinance 2014-2**