



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, July 14, 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. Proclamation – National Parks & Recreation Month
7. Citizens to be Heard
8. Education Commission Appointments
9. Public Hearing – Ordinance 2014-8 – Amendment to Section 23-88 – Parking in Residential Districts
10. Contract for Legal Services
11. Ordinance 2014-9 - Increase in Judges Salary
12. Resolution 14R10 - Retirement Plan Amendment #5
13. Resolution 14R11 – Retirement Plan Amendment #6
14. Resolution 14R12 – Banking and Signature Cards
15. **CONSENT**
 - a. Shipment and Return of Used Fitness Equipment
 - b. PSA – GPAC Lighting - Dimmer Control

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: July 14, 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: July 14, 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 June 23, 2014.

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

To approve the minutes of the Board of Mayor and Aldermen Meeting held June 23, 2014.

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: July 14, 2014

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

SUBJECT: Ordinance 2014-08 – Amendments to the Regulations on Front Yard Parking in Residential Districts – Public Hearing and Second Reading

INTRODUCTION: The purpose of this agenda item is to hold a public hearing and approve on second reading an amendment to the regulations on the placement of front yard parking within residential zoning districts. The specific action requested is the approval of the proposed ordinance on second reading.

BACKGROUND: Germantown's current regulations prohibit parking within the required front yards of residential lots. The only exception is in the case of a circular driveway. The Board of Zoning Appeals has requested that staff and the Planning Commission discuss an amendment to this requirement. The Planning Commission recommended approval of the amendment on May 6, 2014.

Following are the current regulations:

Sec. 23-88. Driveways.

- (a) *Maximum width.* The maximum width of a driveway in the required front yard shall be 24 feet at the apron with a maximum driveway surface width of 18 feet, except that for houses that require additional width to accommodate garage/carport access, driveways may be up to the width of the garage/carport within 20 feet of the garage/carport. **No parking spaces shall be permitted within the required front yard.**
- (b) *Parking spaces.* Parking spaces constructed in a legal location and of a permitted material prior to the effective date of this section shall be permitted and may be maintained in their current location.
- (c) *Nonconforming driveways.* Any driveway installed according to the ordinances in effect at the time of installation may be maintained, repaired or replaced in its present configuration. However, no driveway may be altered except in conformity with the provisions of this article.
- (d) *Driveway permits.* It shall be unlawful to commence the installation or alteration of a driveway until the city engineer or his designated representative has issued a permit for such work. Applications for driveway permits will be available at the offices of the city. The city engineer may require the owner to provide an official signed and sealed survey, by a land surveyor in the State of Tennessee, in order to determine the appropriateness of the application for a permit.
- (e) *violation and penalty.* Any person violating any provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-10. Each day's continuance of a violation shall be considered a separate offense. The owner of any premises, or part thereof, where anything in violation of this

article shall be placed, or shall exist, and any person who may have knowingly assisted in the commission of any such violation, shall be guilty of a separate offense. Persons in violation of this article may also be subject to injunctive proceedings.

(Ord. No. 2005-9, § 12, 9-23-05)

DISCUSSION: Staff researched other community’s regulations on front yard parking for comparison purposes and found that most cities simply require vehicles to be parked on some form of hard service with an identifiable edge. Gravel is not an acceptable surface in those situations. Some communities limit the area of front yard pavement to a percentage (40% in several cases) or a set area. Raleigh, North Carolina allows parking pads within the front yard but requires either a berm or landscaping whenever a parking space is designed to be within 45 degrees of the public street. Staff suggests that Germantown’s current prohibition be replaced with a similar requirement for landscaping. The proposed language is shown in red in the following draft amendment and examples of allowed and prohibited situations are attached.

VISION 2020: Approval of the revisions to the residential parking regulations is consistent with Goal 12: Enhanced Residential Neighborhoods, and its goal of “well-maintained homes and landscaping”.

BUDGET AND STAFFING IMPACT: ECD staff (Planning staff, Code Officers, Construction Inspectors) have spent much time talking to homeowners and contractors who have constructed or want to construct additional parking within their front yard. The recommended amendment will simplify the requirements, in corner lot situations, for adding that parking space.

Prepared by: Wade Morgan
Wade Morgan, Chief Planner

Reviewed by: Cameron Ross
Cameron Ross, Director of Economic
and Community Development

PROPOSED MOTION: To approve on second reading ordinance 2014-08, which will amend the regulations in Section 23-88 of the City Code on parking in residential areas.

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

ATTACHMENTS:

1. Proposed Amendments
2. Planning Commission minutes – May 6, 2014
- 3 - 7: Possible situations



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: July 14, 2014

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

SUBJECT: LEGAL SERVICES AGREEMENT

INTRODUCTION: The BMA is asked to consider the attached agreement for legal services with Debra Wiles and the law firm of Burch Porter and Johnson

BACKGROUND:

Debra Wiles is the City attorney for the City of Germantown appointed by the BMA in accordance with the city's charter. Ms. Wiles works for the law firm of Burch, Porter and Johnson. All compensation paid to Ms. Wiles is paid to the law firm under an existing retainer. This retainer has been in place for the past twenty three years with different retainer amounts approved by the BMA over time. The most recent agreement was executed on June 11, 2007

DISCUSSION:

The firm has requested an increase in compensation for legal services provided to the City of Germantown under the terms and conditions outlined in the attached agreement. Activity under the supervision of Ms. Wiles and members of the firm including Ms. Wiles provide the BMA, City Administration and staff, legal, research, documents and agreements on a variety of issues identified below designed to protect the City of Germantown from the legal risks that may ensue.

- Contractual arrangements
- Risk management
- Development activities (Planning, Zoning)
- Purchasing
- Human Resources
- Utilities
- Beer and alcohol
- State Statute interpretation
- Municipal Ordinance development
- General advice and counsel to the BMA

The administration has been extremely pleased with the legal services provided by Burch Porter and Johnson under the management by Ms. Wiles and is supportive of this increase in the retainer, under the proposed agreement; the legal service monthly retainer with the exception of litigation will be \$22,000 per month.

Funding for this increase is included in the FY15 approved budget



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: July 14, 2014

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

SUBJECT: RESOLUTION 14R11 RETIREMENT PLAN AMENDMENT NO. 6

INTRODUCTION:

The purpose of this agenda item is to approve Resolution 14R11 Retirement Plan Amendment Number 6 in Section 4.2(b)3 and Section 4.4 of the Amended and Restated Employees' Retirement Plan Dated November 10, 2008.

BACKGROUND:

The City has a Retirement Plan for the benefit of the employees of the City of Germantown. From time to time this plan has been amended to comply with federal and state requirement. However, the plan is amended to enhance the benefits of the employees.

DISCUSSION:

The Retirement Plan Amendment Number 6 Section 4.2(b)3 offers 2 options. Option 1 Additional annual retirement income shall cease upon the participants attainment of age sixty-five or in the case of emergency services participant who dies after retirement and before his normal retirement date, the benefit of an eligible spouse shall include the survivor benefit based on such temporary supplement, until the date the participant would have attained age sixty five, had they survived. Participants elect the payment under option 2 additional annual retirement income shall cease upon the participants attainment of social security normal retirement age, or in the case of an emergency service participant who dies after retirement and before his normal retirement date, the benefit of an eligible spouse shall include the survivor benefit based on such temporary supplement, until the date the participant would have attained social security normal retirement age.

Section 4.34 amend adds that for participants who retired on or before June 30, 2009 and have been receiving as of July 1, 2014 continuously since retirement income under the playa for a period of no less than five years shall receive a one-time cost of living increase to their retirement income of 5%.

VISION 2020:

This agenda item supports the objectives under the Financial Sustainability goals within the Vision 2020 Plan of City financially accountable through citizen boards and commissions, every manager and supervisor taking responsibility for managing resources in a prudent manner.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: July 14, 2014

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

SUBJECT: GPAC UPGRADED LIGHTING & LIGHTING CONTROLS – PROFESSIONAL SERVICES AGREEMENT

INTRODUCTION:

The purpose of this agenda item is to consider approval of a Professional Services Agreement in the amount of \$15,000.00 with DePOUW Engineering, LLC for the Germantown Performing Arts Center’s Lighting and Lighting Controls upgrade.

BACKGROUND:

The Germantown Performing Arts Center has been in service for more than twenty years and its original lighting system and lighting controls have become obsolete. The availability of parts is becoming scarce resulting in a genuine risk of a complete lighting failure during a performance.

DISCUSSION:

This Professional Services Agreement will provide electrical engineering services to upgrade the Germantown Performing Arts Center Lighting and lighting control systems including the design of a new diming system that is compatible with both LED and incandescent lighting for House and Production Lighting systems, design of a sequencing system panel for audio amplifiers, preparation of electrical specifications and shop drawing review. In addition, new LED lighting for the house lighting and a new low-voltage control system for Non-Dim Lighting will be designed for bidding as Add Alternates.

City staff met with DEPOUW Engineering several times to discuss the scope of the project and to negotiate a fee. The scope adequately addresses the Germantown Performing Arts Center’s lighting needs for the foreseeable future and staff believes that the fee which is 4.76% of the estimated construction cost is reasonable.

The funding for the Professional Services Agreement is included the FY15 Capital Improvements Budget and staff recommends approval.

BUDGET AND STAFFING IMPACT:

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>
CIP	032-0000-400.25-40	General Gov’t	Prof. Services.	\$15,000.00	\$15,000.00
GG1504					

