



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 28, 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. Citizens to be Heard
7. Ordinance 2014-8 – Amendment to Regulations on Front Yard Parking in Residential Districts – Third and Final Reading
8. Field Use Agreement
9. PSA – On Call Contract - Traffic Management
10. PSA – GPAC Entrance Drive Modification and Parking Lot Expansion
11. Notification of Interest Rate
12. Interlocal Governmental Agreement - GMSD
13. **CONSENT**
 - a. Approval of Donations – Germantown Community Library

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 28, 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 28, 2014

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

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 July 14, 2014.

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

To approve the minutes of the Board of Mayor and Aldermen Meeting held July 14, 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 28, 2014

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

SUBJECT: Ordinance 2014-08 – Amendments to the Regulations on Front Yard Parking in Residential Districts – Third Reading

INTRODUCTION: The purpose of this agenda item is to approve on third and final 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 third 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 third 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	MARGOM	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 28, 2014

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

SUBJECT: FACILITY USAGE AGREEMENT

INTRODUCTION:

The BMA is asked to consider the adoption of the attached Facility Usage Agreement for Germantown High School's use of certain City-owned park facilities.

BACKGROUND:

On June 13, 2014, Germantown City Administration delivered to the Superintendent of Shelby County Schools a proposed facility usage agreement as described above. The agreement clearly laid out the terms and conditions for the use of these facilities in exchange for specific considerations requested by the City. Although no official position was taken by the Shelby County Board of Education (SCBE) it was clear the SCBE would not agree to one of the City's primary considerations, the name change of Germantown High, Middle and Elementary school.

After weeks of attempting to reach the superintendent's office to discuss all other aspects of the agreement, I was able to discuss the City's desire to move forward with a revised agreement as outlined below. A copy of the agreement is attached for your review.

DISCUSSION:

The revisions made to the originally proposed facility usage agreement and related exhibits have been revised to reflect the following:

1. The requirement that SCBE change the names of the three "Germantown" schools as a consideration has been removed
2. New language requiring that the payments due to the City are due and payable prior to the use of the respective fields
3. The agreement for usage is for one year
4. Added permission to SCBE to charge admission fees to the Red Devil Baseball games

The superintendent stated that he was agreeable to these revised terms and conditions and that collectively we would conduct an after action report in spring of 2015 and discuss other terms and conditions for use of the fields next season



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: July 28, 2014

FROM: Patrick J. Lawton, City Administrator *[Signature]*

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

INTRODUCTION: The purpose of this agenda item is to consider approval of a Professional Services Agreement (PSA) on an “as-needed” basis with Kimley-Horn & Associates, Inc. (KHA) in an amount not to exceed \$40,000.00 for FY15.

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 former full time Traffic Engineer coupled with a fairly weak economy which reduced the amount of economic development submittals. An uptick in development occurred in the 2nd half of FY14 which caused the On-call contract amount to increase to \$40,000.00.

DISCUSSION:

KHA has provided excellent on-call services for the City since 2006 and we would like to continue that relationship by renewing the contract through FY15 for an amount not to exceed \$40,000.00. Economic and Community Development’s FY15 operating budget includes \$50,000.00 for on-call professional services. KHA’s proposal is attached for your review.

We are billed at the hourly rates in the proposal up to an amount not to exceed the ceiling without BMA approval.

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

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>
General	010-1610-438.2540	Development	Prof. Serv.	\$181,290.00	\$40,000.00

City Engineer, Tim Gwaltney will serve as the project manager. KHA is not authorized to perform any work toward this contract unless directed by the City Engineer.

ATTACHMENTS:

KHA's Proposal

REVIEWED BY: Tim Gwaltney, P.E.
Tim Gwaltney, PE, City Engineer

REVIEWED BY: Cameron Ross, AICP
Cameron Ross, AICP, Economic and Community Development Director

REVIEWED BY: Ralph Gabb
Ralph Gabb, Finance Director

REVIEWED BY: Lisa Piefer
Ralph Gabb, Procurement Director

PROPOSED MOTION(S), RESOLUTION(S), OTHER ACTION: To approve an On-call Professional Services Agreement with Kimley-Horn & Associates, Inc. in an amount not to exceed \$40,000.00.

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 28, 2014

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

SUBJECT: GPAC ENTRANCE DRIVE MODIFICATION AND PARKING LOT EXPANSION

INTRODUCTION:

The purpose of this agenda item is to consider approval of a Professional Services Agreement in the amount of \$21,765.65 with ETI Corporation for the design of the Germantown Performing Arts Center Entrance Drive Modification and Parking Lot Expansion.

BACKGROUND:

When the Germantown Performing Arts Center and the Germantown Athletic Club were constructed more than twenty years ago the main entrance drive off Exeter Road was designed to serve both venues. As the use of the facilities increased over time, it has become evident that the entrance drive alignment is very confusing to clients trying to access a particular facility. This confusion is amplified at the conclusion of a performance at the Germantown Performing Arts Center when many of the patrons attempt to exit the facility at the same time. This mass exit invariably results in vehicles using both the entrance and exit lanes in an attempt to leave the facility, resulting in an unsafe situation.

DISCUSSION:

This Professional Services Agreement will provide the design and construction documents to modify and realign the entrance drive into the Germantown Performing Arts Center and the Germantown Athletic Club that will eliminate the confusion and unsafe condition that presently exists. In addition, approximately thirty-eight additional and much needed parking spaces will be included in the project.

City staff met recently with the ETI Corporation to discuss the scope of the project and to negotiate a fee. The results of that meeting are described in the attached scope and fee proposal. The scope adequately addresses the needed tasks to complete the Germantown Performing Arts Center Entrance Drive Modification and Parking Lot Expansion project and we believe the fee to be 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:

Fund	Line Item No.	Dept.	Line Item Description	Budget Balance	Recommended Expenditure
CIP GG1503	032-0000-400.25-40	General Gov't	Prof. Services	\$30,000.00	\$21,765.65



Agenda No. 11

CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: July 28, 2014

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

SUBJECT: NOTIFICATION OF INTEREST RATE

On May 12, 2014, the Board of Mayor and Aldermen approved Resolution 14R06 that allowed the City to proceed with an RFP for a Revenue Anticipation Note (RAN) on a competitive bid process in the amount of \$8,600,000.

On June 23, 2014, the Board of Mayor and Aldermen authorized the Mayor to sign the Revenue Anticipation Note, Series 2014 with SunTrust Bank. At that time an interest rate was proposed by SunTrust at .52%. The actual rate of interest would not be set until the signing of the Revenue Anticipation Note, Series 2014. The signing of the RAN could not occur until after July 1, 2014 per state statute. SunTrust Bank set the interest rate on July 3, 2014 at .52% and the Mayor signed the Revenue Anticipation Note, Series 2014. It was understood at the signing that SunTrust Bank would sign the documents and deposit the funds into the City of Germantown Concentration Account on July 10, 2014.

In accordance with the State Comptroller's Office, the governing body (Board of Mayor and Aldermen) are to be informed that the Revenue Anticipation Note was issued and funded on July 10, 2014 and a copy of the "Report on Debt Obligation" which is attached will be filed with the Comptroller's office. In addition, a copy of the Germantown Municipal School Board cash flow and final budget ordinance will accompany the Report on Debt Obligation to the Comptroller's Office.

In recognition of the requirement of the State of Tennessee Comptroller's Office, please enter this into the minutes of the Board of Mayor and Aldermen's meeting for July 28, 2014.

Prepared by: Ralph J. Gabb

Ralph J. Gabb, Finance Director



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: July 28, 2014

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

SUBJECT: INTERGOVERNMENTAL AGREEMENT – GERMANTOWN MUNICIPAL SCHOOL DISTRICT (GMSD)

INTRODUCTION:

The purpose of this agenda item is to authorize the Mayor to enter into an intergovernmental agreement with the Germantown Municipal School District for facility use and the implementation of student and community enrichment programs at school district campus sites which will be administered by the Parks and Recreation Department.

BACKGROUND:

The Parks and Recreation Department has operated the REACH afterschool enrichment programs at three Germantown schools under an agreement with Shelby County schools since 2007. Farmington, Riverdale and Dogwood schools are all adjacent to city parks, so shared use of park and playground sites have been common practice and in place for a long time. Under such agreement, the City provided mowing services to the three school/park locations with the Parks and Recreation Department having access to school gyms and other areas for youth basketball and REACH (Recreation, Education, Art, Community & Health) classes. Over the past few years, the program has experienced much success and has earned widespread citizen support for its vision of challenging students to REACH for something more.

In the past, the full service before and after school programs (every school day) at the elementary schools were provided by the Collierville YMCA. The new GMSD administration wanted to explore the possibility for this service to be provided by the City of Germantown Parks and Recreation Department and to expand the opportunities for partnerships and shared use facilities. Much research and planning resulted in a comprehensive plan for providing a top quality after school program to meet the needs of the GMSD insuring that the program is professionally managed, affordable to all, and supports the GMSD mission. The program proposal developed by the recreation division was accepted by GMSD Board and administration and funding for the program was approved in the FY15 budget.

The new expanded REACH After School Program will operate under the umbrella of the Germantown Parks and Recreation Department and has been developed in an effort to offer Germantown area families and children a unique and exciting after school experience that is balanced, student-driven, and conceptually sound.

INTERGOVERNMENTAL AGREEMENT – GMSD

July 28, 2014

DISCUSSION

With a new school system in place and the expansion of the REACH program, it is necessary to execute a new intergovernmental agreement. The legal counsels for both entities have worked with the Director of Parks and Recreation to create a written agreement that outlines the obligations and intentions of both the City and the GMSD under such an arrangement. The GMSD Board authorized the execution of the intergovernmental agreement upon recommendation of their legal counsel at their July 21, 2014 Board meeting. The following is a brief summary of the agreement:

Germantown Municipal School District shall:

- Not use any City equipment stored on GMSD property except through permission and be responsible for damages.
- Support the City in the marketing efforts of the program delivery including but not limited to announcements to parents, faculty and students; notices to the PTA's and school support groups; and allow the City to participate in school-sponsored promotional activities as deemed appropriate by GMSD.
- Provide routine cleaning, repair and maintenance of the GMSD facilities.
- Not charge or expect any compensation from the City for said use of GMSD facilities.
- At the termination of the agreement by expiration or otherwise, permit the City to remove from GMSD facilities any City equipment.

City of Germantown shall:

- Cooperate in the scheduling of City activities in GMSD facilities.
- Have a qualified City representative in attendance for supervision and security whenever any portion of any of the GMSD facilities is used to conduct City activities.
- Conduct background investigations of all City employees, volunteers or others who will interact with GMSD students.
- Maintain and repair any equipment stored or used in the GMSD facilities.
- Restore areas used to its previous condition and secure the building upon departure.
- Not use any GMSD equipment except through permission and be responsible for damages.
- Provide seasonal mowing services for GMSD grounds excluding sports fields at the following sites: Riverdale, Dogwood, Farmington, Houston Middle and Houston High Schools. The scope of the mowing services will duplicate mowing services performed at other City property.
- Be solely responsible for the management of City sponsored program services including public information, registration, collection of fees and all operational functions associated with program delivery.
- Comply with applicable federal, state and local laws relating to its use of GMSD facilities.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: July 28, 2014

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

SUBJECT: APPROVAL OF DONATIONS – GERMANTOWN COMMUNITY LIBRARY

INTRODUCTION: The purpose of this agenda item is to recognize donations to Germantown Community Library totaling \$2,388.00 and donations to Germantown Regional History and Genealogy Center totaling \$838.00 and to approve Budget Adjustment No. 15-01.

BACKGROUND: The organizations and individuals listed below have historically supported the library with financial gifts that provide money for library programs and materials. Their ongoing support has made many extras possible for library patrons.

DISCUSSION: These organizations and individuals have contributed the following donations to the Germantown Community Library:

Germantown Community Library

Scott May	\$ 100.00
Germantown Garden Club	\$ 25.00
BBB Book Group	\$ 150.00
Merck Foundation	\$ 75.00
Germantown Civitan Club	\$ 750.00
Germantown Women’s Club	\$ 525.00
Friends of the GCL	\$ 763.00

Germantown Regional Genealogy and History Center

Susan Davis	\$ 12.00
TN Genealogical Society	\$ 599.00
Anonymous	\$ 227.00

The Germantown Community Library and the Germantown History and Genealogy Center are embraced and supported by the Germantown Community. Patrons, community members and groups partner with the library to make improvements and enhancements to facilities and programs. Scott May, the Germantown Garden Club, the BBB Book Group and the Merck Foundation have all donated funds to purchase materials for the library’s collection –either in honor or memory of someone or to update the collection in a certain area of interest. The Germantown Civitan Club has donated money designated to support and enhance the Flippin’ Pages Book Club which serves special needs patrons. The Germantown Women’s Club has designated their donation be used to support Children’s Programming. The donation from the Friends of the Library was given to offset the maintenance costs of JSTOR, a research database that we recently purchased for our patrons.

The Germantown Regional History and Genealogy Center also enjoys strong support from the community. The money donated to the Genealogy Center is all designated for the purchase of materials to add to the collection of historical and genealogical resources. This will greatly benefit its patrons.

