



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, August 25, 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. Beautification Business Award
7. Recognition of TN Law Enforcement Accreditation
8. Citizens to be Heard
9. Certificate of Compliance – Doc's Wines, Spirits & More
10. Certificate of Compliance – Cork's Wines & Spirits
11. Ordinance 2014-9 – Increase Salaries of City Judges – Third and Final Reading
12. Civic Support – Germantown Arts Alliance Grant
13. Resolution 14R13 – TML Pool Safety Partners Matching Grant Program
14. Professional Services Agreement – Animal Shelter Expansion – Phase II
15. Warrant – Thornwood Phase 2
16. Warrant – Thornwood Phase 3
17. Ordinance 2014-10 – Western Gateway Rezoning – First Reading
18. Ordinance 2014-11 – Health Care/Medical Facility Office – First Reading
19. Recognition of Revenue – Field Usage
20. **CONSENT**
 - a. Fire Department Purchase of Defibrillators
 - b. Purchase - Bulk Asphalt
 - c. Purchase - Bulk Concrete
 - d. Purchase - Bulk Water Treatment Chemicals
 - e. Annual Ammunition Purchase
 - f. Donation – 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: August 25, 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: August 25, 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 August 11, 2014.

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

To approve the minutes of the Board of Mayor and Aldermen Meeting held August 11, 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



Agenda No. 6

CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: August 25, 2014

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

SUBJECT: BEAUTIFICATION COMMISSION BUSINESS AWARD

INTRODUCTION:

The purpose of this agenda item is to recognize the Forrest Hill Shops as the recipient of the August Beautification Commission Business Award.

BACKGROUND:

The Forrest Hill Shops are located in the retail center at 3133 Forrest Hill Irene Road and owned by Loeb Properties, Inc. Laura Warren is the property manager and provides oversight to the grounds. The retail outlets include the Forrest Hill Animal Hospital, Java Café, Dryve Cleaners and Premier Fabrics.

Recently, this local business property was “refreshed” with new plant and hardscape materials. A well manicured holly hedge serves as a buffer between customer parking and the major roadway. There is a feature landscape bed that is planted with colorful tropical hibiscus and complimented with the lime green sweet potato vines which has added great curb appeal. The overall design clearly incorporated sustainable design principles into the project by choosing native grasses and making use of boulders and Arkansas field stone in the medians to help with erosion control.

DISCUSSION:

Alderman Forrest Owens, Beautification Commission liaison, will present the award to Laura Warren, property manager and Andy Steele, landscaping contractor for the Forrest Hill Shops.

VISION 2020:

In keeping with the Vision 2020 goal of Community Vitality, Goal Number 15 recognizes a Beautiful Community as one whose business development and building design is consistent within Germantown’s design standards and are environmentally sensitive. It recognizes neighborhoods and businesses that are attractive, well maintained and aesthetically pleasing. This recognition program allows the Commission to acknowledge local businesses who’s landscaping and property enhancement efforts have added to the beauty of the Germantown community.

Prepared by: Pam Beasley

Pam Beasley, Director of Parks and Recreation



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: August 25, 2014

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

SUBJECT: Recognition of the Tennessee Law Enforcement Accreditation

INTRODUCTION:

The purpose of this agenda item is to recognize the Tennessee Law Enforcement Accreditation awarded to the Germantown Police Department.

BACKGROUND:

The Germantown Police Department has over the past three (3) years worked on updating and developing policies and procedures in compliance with the State Accreditation program.

DISCUSSION:

The Tennessee Law Enforcement Accreditation Program is a voluntary program that recognizes the excellence and professional achievement in law enforcement agencies across the State of Tennessee. The program began in 2010 through the hard work and efforts of the Tennessee Association of Chiefs of Police. There are over 25 TLEA accredited agencies to date with over 60 agencies involved in the process of receiving accreditation. It takes commitment, dedication and hard work from the agency head and agency personnel to meet the standards prescribed by the program. The time commitment involves up to a three year process. The process requires an in-depth review of every aspect of the department's organization, management, operations and administration.

The Tennessee Association of Chiefs of Police President David Moore and Maggie M. Duncan Executive Director of the Tennessee Association of Chiefs of Police will be present to present the TLEA to the Germantown Police Department and Mayor and Board of Alderman.

VISION 2020:

This Accreditation award supports the Vision 2020 Public Safety Plan Goal 1- Safest City in Southeast and the objectives of people are safe and feel secure and a low crime rate: part 1(persons) and part 2(property) and City Services and Finances Plan Goal 26- Civic Involvement and the objective of citizens awareness of City goals, services and programs.

PREPARED BY: Michael Berkes

Michael Berkes, Captain

REVIEWED BY: Richard L. Hall

Richard L. Hall, Chief



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: August 25, 2014

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

SUBJECT: RESOLUTION 14R13 – TML POOL SAFETY PARTNERS MATCHING GRANT PROGRAM

INTRODUCTION:

The purpose of this agenda item is to approve **Resolution 14R13 – TML Pool Safety Partners Matching Grant Program**. The grant program, offered by the City's insurer, provides up to 50% of the cost for safety related purchases in fiscal year 2015. Germantown is eligible to receive up to the maximum \$2,000 from the limited grant funds available. The grant application must be submitted with this resolution approved by the Board of Mayor and Aldermen, along with bid or estimate information for the identified safety purchase.

BACKGROUND:

The City's safety committee has recommended continued participation in this grant program. Each year, this group is tasked with making recommendations for equipment, training materials, and specialized training. Grant priority is given for risk exposures faced by our employees in the performance of their duties. The City also maintains a library of DVD's and training materials for use by the Departments. This is also reviewed during this grant process.

DISCUSSION:

The City of Germantown is committed to providing a safe workplace with equipment, training and educational opportunities that ensures the personal safety of our employees. One of the FY15 goals for the Central Safety Committee is to update the City's existing training library with new training materials and DVD's. With the addition of new staff and restructuring of the risk programs, the need to provide an updated library for training City employees was identified as a high priority. Staff created a list of twenty (20) specialized training opportunities and training DVD's that target existing incident/accident areas such as back injuries, leg/knees, needle punctures, and electrical injuries. Onsite training will also be used throughout the FY to target high risk areas. The Committee recommends continued participation in the "Safety Partners" grant program.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: August 25, 2014

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

SUBJECT: Professional Services Agreement - Animal Shelter Expansion - Phase II

INTRODUCTION:

The purpose of this agenda item is to consider approval of a professional services agreement with Barge, Waggoner, Sumner and Cannon, Inc. in the amount of \$42,150.00 for engineering and design services for the Germantown Animal Shelter Expansion Phase II.

BACKGROUND:

The Germantown Animal Shelter was constructed in 1981 and is in need of several structural improvements. On January 24, 2014, Barge, Waggoner, Sumner and Cannon, Inc. was selected by Board action to perform design services for Phase I of the Animal Shelter Expansion which includes a new animal intake area and several structural and cosmetic improvements. Construction should begin on Phase I in September.

Phase II of this renovation was approved during the FY15 Capital Improvement Plan process. Barge, Waggoner, Sumner and Cannon, Inc. has extensive knowledge of the needs associated with Phase II as they performed the design work on Phase I. Because of this familiarity, staff negotiated this contract with them.

DISCUSSION:

The scope of the proposal will include a field survey. The process includes design, site modifications required for the expansion and minor modifications to meet ADA access requirements. The design will include engineering, technical specifications and construction documents for a 176 square foot training room, renovation of the existing dog runs and kennels, new floor, wall and ceiling finishes and roof, gutter and fascia board replacements. Electrical modifications to the panel and power source are included as well as a sanitary sewer design for the outside runs to comply with code. This contract also includes construction administration.

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	Professional	\$49,000.00	\$42,150.00
GG1501		Government	Services		



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: August 25, 2014

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

SUBJECT: Thornwood Planned Unit Development, Phase 2, Located on the northeast corner of Germantown Rd. and Neshoba Rd. – Request Approval of Warrant

INTRODUCTION:

The purpose of this agenda item is to approve two warrants associated with the approval of the phase two site plan for the Thornwood PUD proposed for the northeast corner of Germantown Rd. and Neshoba Rd. The property is within the T-5 Urban Center and T-4 districts. Warrants are deviations from the strict requirements of the Smart Growth districts and must be approved by both the Planning Commission and the Board of Mayor and Aldermen.

BACKGROUND:

The property was rezoned from the “R” Single Family Residential District to the T-4 and T-5 districts as part of the Germantown Smart Growth Plan in 2007. The Planning Commission approved the Thornwood PUD outline plan on April 1, 2014. The Board of Mayor and Aldermen approved the outline plan on May 12, 2014. The Planning Commission approved the warrant in conjunction with the approval of the preliminary and final site plan, on August 5, 2014.

DISCUSSION:

Phase 2 of the project **consists of a 5,000 square foot retail jewelry store building**. The building will be 28 feet (2 stories) in height and have 25 parking spaces located to the east and south of the building. The plan complies with the site and design requirements of the T-5 district with the 2 exceptions described below.

WARRANTS:

The following warrants from the standard development regulations are required for Phase 2:

1. The T-5 regulations require parking to be in the third lot layer, but can be allowed by warrant on non-pedestrian streets such as Germantown Rd. (sections 5.1.2.A and 7.1.3. C and D) (23-778.B.1 and 23-794.B). Parking is proposed within the second lot layer (between the front building line and a point 20 feet behind the front line) on both the Germantown Rd. and internal street frontages.

2. The T-5 district requires at least 60% of the sidewalk level story of the Principal Frontage to be in clear glass (section 6.3.4.A and 6.3.4.B) (23-787.D). The proposed building has 40% of the Principal Frontage of the sidewalk-level story in clear glass. The developer explains that the jewelry store needs security for its back-room work stations.

In those instances where reasons are shown that would justify a deviation from the strict requirements of the provisions of the SmartCode, the Planning Commission shall have authority to permit such deviations.

A warrant is an official decision that permits a practice that is not consistent with a specific provision(s) of this Code, but is justified by its "intent" and is consistent with the urban design guidelines and/or development concepts in the "Germantown Smart Growth Plan".

The following is from the SmartCode section of the zoning regulations: "In determining justifiable reasons for granting a warrant, the PC shall take into account, among other relevant factors that may be applicable, the relationship of the property to other properties, whether the deviation would be in accord with the intent of the SmartCode, principles of good land use planning as same may evolve over time, the topography of the property, and peculiar and exceptional practical difficulties or undue hardship upon the owner of the property. In determining whether to grant a warrant, financial hardship shall not alone be considered sufficient to justify a deviation. In all events, the PC shall take into consideration whether the proposed deviation may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the SmartCode provisions."

VISION 2020:

The Thornwood PUD is consistent with the Germantown Vision 2020 goal for redevelopment in the heart of Germantown, including Goal 1, which calls for "mixed use (residential and non-residential) development in the heart of the City". Approval of the PUD is further supported by Goal 8 (Vibrant Quality Retail Economy) and the objective of "Retail businesses generating revenues for the City helping to balance our tax base".

BUDGET AND STAFFING IMPACT:

Approval of the warrant will permit the developer to file construction plans for the actual development of the project. Engineering and Planning staff will spend time and resources reviewing the construction plans, and Construction Inspection staff will spend time inspecting the project during the construction phase. The amount of time required is difficult to estimate, but will likely be substantial, owing to the size and complexity of the development. Those costs will be defrayed by the fees for Plan Review and Construction Inspection, which are set out in the project development contract.

Prepared by: Wade Morgan
Wade Morgan, Chief Planner

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

WARRANT 1 MOTION: To approve warrant number 1, that will allow parking within the second lot layer (between the front building line and a point 20 feet behind the front line).

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

WARRANT 2 MOTION: To approve warrant number 2, that will allow the building to have 40% (30.8 ft.) of the Principal Frontage of the sidewalk-level story in glass.

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. Vicinity Map
2. Phase 2 Site Plan
3. Justification for the Warrant
4. Building Elevations
5. Planning Commission Minutes
6. Ownership Disclosures



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: August 25, 2014

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

SUBJECT: Thornwood Planned Unit Development, Phase 3, Located on the northeast corner of Germantown Rd. and Neshoba Rd. – Request Approval of Warrant

INTRODUCTION: The purpose of this agenda item is to approve two warrants associated with the approval of the phase three site plan for the Thornwood PUD proposed for the northeast corner of Germantown Rd. and Neshoba Rd. The property is within the T-5 Urban Center and T-4 districts. Warrants are deviations from the strict requirements of the Smart Growth districts and must be approved by both the Planning Commission and the Board of Mayor and Aldermen.

BACKGROUND: The property was rezoned from the “R” Single Family Residential District to the T-4 and T-5 districts as part of the Germantown Smart Growth Plan in 2007. The Planning Commission approved the Thornwood PUD outline plan on April 1, 2014. The Board of Mayor and Aldermen approved the outline plan on May 12, 2014. The Planning Commission approved the warrant in conjunction with the approval of the preliminary and final site plan, on August 5, 2014.

DISCUSSION: Phase 3 of the project consists of a 108 room, 4 story hotel. The plan complies with the site and design requirements of the T-5 district with the one exception described below.

WARRANTS:

The following warrant from the standard development regulations are required for Phase 3:

1. The T-5 district requires at least 60% of the sidewalk level story of the Principal Frontage to be in clear glass (section 6.3.4.A and 6.3.4.B) (23-787.D). The proposed building has 60% of the Principal Frontage of the sidewalk-level story in dark tinted glass. The developer explains that the hotel rooms facing Germantown Rd. are best served by privacy and quiet .

In those instances where reasons are shown that would justify a deviation from the strict requirements of the provisions of the SmartCode, the Planning Commission shall have authority to permit such deviations. A warrant is an official decision that permits a practice that is not consistent with a specific provision(s) of this Code, but is justified by its "intent" and is consistent with the urban design guidelines and/or development concepts in the "Germantown Smart Growth Plan".

The following is from the SmartCode section of the zoning regulations: “In determining justifiable reasons for granting a warrant, the PC shall take into account, among other relevant factors that may be applicable, the relationship of the property to other properties, whether the deviation would be in accord with the intent of the SmartCode, principles of good land use planning as same may evolve over time, the topography of the property, and peculiar and exceptional practical difficulties or undue hardship upon the owner of the property. In determining whether to grant a warrant, financial hardship shall not alone be considered sufficient to justify a deviation. In all events, the PC shall take into consideration whether the proposed deviation may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the SmartCode provisions.”

VISION 2020: The Thornwood PUD is consistent with the Germantown Vision 2020 goal for redevelopment in the heart of Germantown, including Goal 1, which calls for “mixed use (residential and non-residential) development in the heart of the City”. Approval of the PUD is further supported by Goal 8 (Vibrant Quality Retail Economy) and the objective of “Retail businesses generating revenues for the City helping to balance our tax base”.

BUDGET AND STAFFING IMPACT: Approval of the warrant will permit the developer to file construction plans for the actual development of the project. Engineering and Planning staff will spend time and resources reviewing the construction plans, and Construction Inspection staff will spend time inspecting the project during the construction phase. The amount of time required is difficult to estimate, but will likely be substantial, owing to the size and complexity of the development. Those costs will be defrayed by the fees for Plan Review and Construction Inspection, which are set out in the project development contract.

Prepared by: Wade Morgan
Wade Morgan, Chief Planner

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

WARRANT MOTION: To approve a warrant that will allow the building to have 60% of the Principal Frontage of the sidewalk-level story in dark tinted glass.

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. Vicinity Map
2. Phase 3 Site Plan
3. Justification for the Warrant
4. Building Elevations
5. Planning Commission Minutes
6. Ownership Disclosures



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN**DATE:** August 25, 2014**FROM:** Patrick J. Lawton, City Administrator *PL***SUBJECT: ORDINANCE 2014-10 - WESTERN GATEWAY SMALL AREA PLAN:
REZONING – FIRST READING**

INTRODUCTION: The purpose of this agenda item is to approve on first reading the rezoning of the area within the Western Gateway Small Area Plan. That plan encompasses all the properties located between Poplar and Poplar Pike between the eastern boundary of 6755 Poplar (Ray Gill property, formerly the Kirby Farm property) and the western boundary of the City of Germantown. The public hearing will be set for September 22, 2014.

BACKGROUND: On August 13, 2007, the BMA approved Ordinance 2007-13, whereby the “Germantown Smart Growth Plan” was developed to fulfill the Guiding Principles of the “Germantown Vision 2020” Strategic Plan (adopted 2005). The specific objective is to achieve Goal 7 of the Economic Sustainability Plan: Redevelopment of the Central Business District. The guiding principles set the framework for the strategy and goals for economic development to support its vision, mission and core values. On September 24, 2012, the Board of Mayor and Aldermen (BMA) approved the Economic Development Strategic Plan which identified business nodes, and promoted the development of small area plans for the five (5) non-residential areas in the City. The original “Smart Growth Area” is now the Central Business District. The second non-residential node is the Western Gateway. With the adoption of the Western Gateway Small Area Plan, continuity and cohesiveness is developed that will contribute to the financial, environment and economic sustainability of the City.

The Western Gateway Smart Code zoning application was initially approved by Planning Commission on December 3, 2013 and sent to the Board of Mayor and Aldermen (BMA). At its meeting on April 14, 2014, the BMA deferred action on the rezoning, and referred the plan back to the Planning Commission (PC) for further review and modification concerning the Kirby Farms property which adjoins the Nottoway PUD. No action was taken on the third reading of the ordinance (2014-04). The PC discussed the rezoning plan at its July 1, 2014 meeting, at which time it deferred the matter to the August agenda to allow the owner of the Kirby Farm property and the Nottoway HOA to discuss acceptable buffering and building height covenants. In addition, the Fountain Square condominiums are included within the proposed T-5 and T-6 districts. The PC on August 5, 2014, voted to recommend approval of the rezoning plan as revised by staff, and shown on attachment 3.

DISCUSSION: The Western Gateway area constitutes 58 acres and is strategically positioned to play a significant role in the future of Germantown’s economic growth and vitality. This study was funded by a public/private partnership between the City and a consortium of private property owners, and is based on Smart Growth principles that encourage urban, mixed-use, walkable districts, similar to those in the City’s Central Business District. The Lawrence Group, which led in the development of the original “Germantown Smart Growth Plan”, brought the public and the City together for a 4-day public design charette which then moved to a public presentation of the preliminary plan and later the final plan. The public, stakeholders, public officials and other representatives guided the design team in its work and were primary determinants of the plan’s outcomes. The plan supports the creation of a distinctive district, with strong public spaces, where people want to live, work, shop and play.

WESTERN GATEWAY SMALL AREA PLAN REZONING

August 25, 2014

Page 2

The plan identifies three (3) development strategies for the 58 acre area, a fiscal analysis illustrating the financial benefit for the citizens and the costs to the City, recommendations for the mobility options on the public streets, the Regulating Plan (or recommended zoning plan - T-5 and T-6 – see page 75). The Western Gateway area encompasses five properties, all zoned differently: Old Germantown (OG-1), Multi-family Residential (R-T), Shopping Center (SC-1), General Commercial (C-2) and Office (O) Districts. The proposed zoning will designate the properties as General Urban (T-5), General Urban, Restricted (T-4R) and Urban Core (T-6) per the Smart Code and are shown on Attachment 3.

All three districts encourage dense, mixed use urban development and support the implementation of the build-out scenarios of the Western Gateway Plan. The plan recommends that the majority of the Kirby Farms property and all property adjacent to Poplar Pike be rezoned to the T-5 District. To allow higher building heights, as appropriate along Poplar Ave., the plan recommends the rezoning of most of the Westminster Townhomes property, the Bank of Bartlett property, the Medical office condos, most of the Carrefour shopping center and the Poplar Woods outparcel (Walker property) to the T-6 District.

As redevelopment of the properties occurs, it is critical to provide for appropriate transitions, particularly between higher density, multi-story developments and lower density, single family residential neighborhoods to ensure that new commercial and/or mixed use buildings are good neighbors. Within the study area, an important transition is the space between the Kirby Farm site and the existing Nottoway neighborhood. The plan recommends, and the proposed zoning district implements, a 50 foot setback from the property line adjacent to the neighborhood on the Kirby Farm site, with a planted vegetation buffer to shield any light from parking lots or structures and higher density development. Additionally, the plan recommends a 3-story, or approximately 35 foot, maximum building height within 150 feet of the property line so new development does not cast shadows over nearby homes. Attachment 5 illustrates the transition provided by the T-4R district.

VISION 2020:

The recommended rezoning are supported by the following goals of the Vision 2020 document:

Goal 6 of the Economic Sustainability Plan: Business Development

Goal 8 of the Economic Sustainability Plan: Vibrant Quality Retail Economy.

ATTACHMENTS:

1. Western Gateway Study Area
2. Current Zoning
3. Proposed Zoning Districts
4. T-5 and T-6 District Standards
5. T-4R District Cross-section
6. August 5, 2014 Planning Commission minutes

PREPARED BY: Wade Morgan

Wade Morgan, Chief Planner

REVIEWED BY: Cameron Ross

Cameron Ross, Director, Economic and
Community Development

WESTERN GATEWAY SMALL AREA PLAN REZONING

August 25, 2014

Page 2

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

To approve on first reading Ordinance 2014-10, the rezoning of the properties within the Western Gateway Small Area Plan encompassing the properties located between Poplar and Poplar Pike between the eastern boundary of 6755 Poplar (Ray Gill property) and the western boundary of the City of Germantown, and set September 22, 2014, as the date of public hearing.

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:** August 25, 2014**FROM:** Patrick J. Lawton, City Administrator *PJL***SUBJECT:** Ordinance 2014-11 – Amendments to the Regulations on Amendment to the City of Germantown’s Zoning Code: Add the category of “Health Care Facility” to the Definitions Section and add Health Care Facility to the list of Permitted Uses; and add the categories of “Medical Services/Offices” to the Definition Section and add “Medical Services/Offices” to the list of Permitted Uses– **First Reading and Set Public Hearing**

INTRODUCTION: The purpose of this agenda item is to approve on first reading an amendment to the zoning regulations to 1) update and revise the definitions of “hospital” and similar land uses, and 2) revise the districts within which those uses are allowed. The specific action requested is the approval of the proposed ordinance on first reading. The public hearing will be held in conjunction with the second reading on September 22, 2014.

ECD staff proposes that the definition of “hospital” be modified to better reflect the current trends in the provision of medical facilities that provide out-patient and in-patient treatment for medical and behavioral health conditions. The proposed definition changes to the City of Germantown’s Zoning Code, Section 23-2 “Definitions” will affect uses in the following zoning districts:

C-2 “General Commercial District”; SC-1 “Shopping Center District”; O “Office District”; O-51 “Office District”; O-C “Office Campus”; O-T “Office-Technology District”;

Currently a “hospital” is only allowed in C-2. Staff’s recommendation is that the proposed “Health Care Facility” be applied as a use in C-2, O-51, and O-T.

Medical Offices/Services will be allowed by right in all of the districts outlined above.

EXISTING DEFINITIONS:

Section 23-2: Hospital means an institution which is primarily engaged in providing to short-term inpatients, for relatively temporary periods of acute physical illness, injury or disability, by or under the supervision of physicians, diagnostic and therapeutic services for medical or surgical diagnosis, treatment and care of physically injured, disabled or sick persons, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, emergency room services and training facilities for health professions personnel. The term "hospital" does not include institutions engaged in providing for the diagnosis and treatment of tuberculosis, leprosy, mental illness, mental retardation, abnormal mental conditions, or alcohol or drug abuse. The term "hospital" does not include institutions primarily furnishing relatively permanent, long-term or domiciliary care such as nursing homes, recuperation or convalescent centers, homes for the aged, extended care facilities, facilities for long-term care, skilled nursing facilities or intermediate care facilities.

Section 23-2: Medical services means those establishments which provide aid or merchandise relating to or concerned with the practice of medicine; excluding sanitariums, convalescent and rest home services. (See Code 651 in the Standard Land Use Coding Manual, reprinted March, 1977.)

PROPOSED DEFINITIONS:

Section 23-2: Health Care Facility: (formerly Hospital) means a hospital or other similar institution which is primarily engaged in providing medical, emergency, surgical, obstetric, nursing, physical rehabilitation, hospice or behavioral (including chemical dependency) health care to persons suffering from illness, injury, disease, or other physical or mental conditions. This classification includes facilities for inpatient or outpatient treatment, and can include emergency rooms, operating rooms, laboratories, diagnostic facilities, medical and administrative offices, teaching facilities, meeting areas, cafeterias, maintenance and structured parking facilities.

Section 23-2: Medical Office/Services: (formerly Medical Services) means an office or clinic for health care professionals, including but not limited to medical doctors, dentists, eye care specialists, chiropractors, nurses, physical therapists, and acupuncturists. The majority of patient encounters involve examination, diagnosis, treatment, or surgical procedures on an outpatient basis. Also included in this definition are establishments which provide services, supplies, equipment or merchandise related to the health care field.

VISION 2020: Approval of the amendment will work toward achieving the goal of having “Premier Regional Medical Facilities” and the objective of full-service medical and healthcare providers serving the mid-south region.

BUDGET AND STAFFING IMPACT: Planning staff will spend time and resources reviewing the applications and plans for new medical facilities that come about as a result of the changes to the regulations. The amount of time required is difficult to estimate, as it will depend on the number of proposals for new or updated facilities. Those costs will be defrayed by the application fees for plan review.

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 first reading ordinance 2014-11, which will amend the regulations in Section 23-2 of the City Code on definitions and use regulations, and set September 22, 2014 as the public hearing date.

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 – August 5, 2014



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN**DATE:** August 25, 2014**FROM:** Patrick J. Lawton, City Administrator *PJL***SUBJECT:** PURCHASE OF DEFIBRILLATORS**INTRODUCTION:**

The purpose of this agenda item is to request authorization to purchase two (2) monitor/defibrillators from Zoll Medical in the total amount of \$61,982.16.

BACKGROUND:

The Fire Department uses cardiac monitor/defibrillators to diagnose and treat patients suffering from cardiac emergencies, including heart attacks and cardiac dysrhythmias. Over the past two years, the City has purchased eight (8) new defibrillators to replace old defibrillators. The new cardiac monitors have enhanced features to improve patient care, including new technologies for defibrillation, the capability to transmit the EKG rhythms to the hospital ER, 12-lead heart monitoring, and built-in monitoring of pulse oximetry and carbon monoxide levels in the blood.

The Fire Department has been able to attain a cardiac arrest survivability (return of spontaneous circulation) rate of about 38% for all cardiac arrest patients. This compares to a national average of 6%. Through the use of these newer technologies and other efforts being taken, the Fire Department hopes to see the cardiac arrest survival rate further increase.

DISCUSSION:

The purchase of the Zoll defibrillators is a sole source item due to the need to remain consistent with the defibrillators used by the Fire Department. An updated quote from Zoll for the purchase of the two (2) Series X defibrillators, along with trade-in of 1 old defibrillator, reflects the additional discount that we now receive by being an existing customer. These prices are better than the prices received through bid in FY13. The new defibrillators will complete the replacement of the Fire Department's old defibrillators.

DEFIBRILLATOR PURCHASE

August 25, 2014

Page 2

VISION 2020:

This purchase meets a Vision 2020 goal of providing effective emergency response with the right equipment and resources available to handle the emergency response.

BUDGET AND STAFFING IMPACT:

Source of Funding:

<u>Fund</u>	<u>Line Item Number</u>	<u>Dept.</u>	<u>Line Item Description</u>	<u>Budget Balance</u>	<u>Recommended Expenditure</u>
General	017-2510-424.9490	Ambulance	Other Assets	\$ 62,000.00	\$61,982.16

ATTACHMENTS:

Sole Source Letter from Zoll
Quote from Zoll

PREPARED BY: John Selberg

John Selberg, Fire Chief

REVIEWED BY: Lisa A. Piefer

Lisa A. Piefer, Procurement Director

REVIEWED BY: Ralph J. Gabb

Ralph J. Gabb, Finance Director

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

To authorize the purchase of two (2) monitor/defibrillators from Zoll Medical in the total amount of \$61,982.16.

BOARD ACTION: MOTION BY: SECONDED BY:

<u>VOTE/TOTAL</u>	<u>MARCOM</u>	<u>DRINNON</u>	<u>PALAZZOLO</u>	<u>OWENS</u>	<u>JANDA</u>	<u>GOLDSWORTHY</u>
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: August 25, 2014

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

SUBJECT: Purchase – Bulk Asphalt

INTRODUCTION:

The purpose of this agenda item is to request the Board’s authorization to purchase 1,000 tons of 411D hot asphalt mix in the amount of \$60,500.00 from Standard Construction Company, Inc. and 1,500 tons of 411D hot asphalt mix from Lehman Roberts in the amount of \$85,500, for a total of \$146,000.00.

BACKGROUND:

Hot asphalt mix is used primarily for street maintenance repairs, temporary pothole repairs, utility cuts, parks and grounds trail repairs and storm water maintenance projects. Public Works crews pick up the amount required for the job each day as needed at the vendor’s closest distribution plant location from the construction site. This procedure allows for immediate application while the product is still hot and pliable. This purchase will allow for two available suppliers during the year in the event that one of the asphalt plants is shut down for holidays or for seasonal maintenance. Standard Construction has two plants on the City’s north and east borders allowing for less fuel costs, vehicle mileage and travel time from the job site. Lehman Roberts Plant is about twenty miles further (round trip) but offers a quality product at \$3.50 per ton less than Standard Construction Company and can supply product as a primary or secondary source throughout the year.

DISCUSSION:

Bid packages were sent to three vendors. The bids were advertised on the City website and e-notifications were sent to 800 vendors. Three bids were received: Standard Construction Company, Inc. - \$60.50 / ton, Lehman-Roberts - \$ 57.00 / ton and APAC, TN - \$61.00 / ton. Staff would like to recommend the two lowest acceptable bids from Lehman Roberts Company and Standard Construction Company, Inc. (Please see attachment.)

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>
State Street Aid	011-3210-436.26-80	Public Works	City Street Maintenance	\$340,459.38	\$146,000.00

Bobby Carter, Superintendent of Streets, will schedule the daily pick up of hot asphalt materials and distribution by street crews as required.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: August 25, 2014

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

SUBJECT: Purchase – Bulk Concrete

INTRODUCTION:

The purpose of this agenda item is to request the Board's authorization to purchase 500 cubic yards of concrete mix in the amount of \$44,500.00 from Memphis Ready Mix.

BACKGROUND:

Concrete mix is used primarily for street maintenance repairs, utility cuts, curb, gutter and water table repairs and storm water maintenance projects. Public Works will make the request to the vendor to be delivered to the job site as needed for immediate application. This purchase will meet the department's needs for approximately one year.

DISCUSSION:

Bid packages were sent to four vendors. The bids were advertised on the City website and e-notifications were sent to 800 vendors. Two bids were received, as follows: Memphis Ready Mix - \$89.00 per yard and Metro Materials - \$109.00 per yard. Staff would like to recommend the lowest acceptable bid from Memphis Ready Mix. (Please see attachment.)

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>
State Street Aid	011-3210-436.26-80	Public Works	City Street Maintenance	\$340,459.38	\$44,500.00

Bobby Carter, Superintendent of Streets, will schedule the daily request for materials and distribution by street crews as required.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: August 25, 2014

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

SUBJECT: Purchase – Bulk Water Treatment Chemicals

INTRODUCTION:

The purpose of this agenda item is to request the Board's authorization to purchase water treatment chemicals in a total combined amount not to exceed \$75,000.00 per the selected unit prices from Brenntag Mid South and Ideal Chemical.

BACKGROUND:

Water treatment chemicals are purchased as needed from local vendors for the purpose of providing quality potable water to the City of Germantown customers per State of Tennessee requirements. These chemicals include Chlorine Gas, Sodium Hypochlorite, Hydrofluosilicic Acid, Sodium Hexametaphosphate and Sodium Silica fluoride. Due to limited storage options, the chemicals required by each plant must be delivered in timely manner upon notification within 48 hours of the request for product. These products are to be the highest quality available, comply with specifications and include MSDS (Material Safety Data Sheets). This purchase will meet the department's needs for approximately one year.

DISCUSSION:

In order to create efficiencies and standardize the bulk purchasing process for the City, the Procurement Department has implemented the practice of establishing unit prices and utilizing the City's Standard Services and/or Products Contract with multiple suppliers. This practice allows the selection of multiple suppliers in order to receive the best unit pricing for the City.

Bid packages were sent to eleven vendors. The bids were advertised on the City website and e-notifications sent to 800 vendors. Five bids were received and two vendors were selected that could supply the products specified. Brenntag Mid South was low bid on items #1 and #5 and Ideal Chemical was low bid on items #2, 3 and 4. Staff recommends approval of these selected acceptable unit prices from Brenntag Mid-South and Ideal Chemical for a combined total amount not to exceed \$75,000.00. The term of the contract is for one (1) year with an option for two additional twelve (12) month extensions. (Please see bid analysis attachment.)



Agenda No. 202

CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: August 25, 2014

FROM: Patrick J. Lawton, City Administrator *(P) L*

SUBJECT: Ammunition for Police Department

INTRODUCTION:

The purpose of this agenda item is to request authorization for the purchase of ammunition from the Tennessee Statewide Contract # 331 for the State required firearms qualifications, duty ammunition and training ammunition.

BACKGROUND:

Members of the Police Department are required by the POST Commission to qualify with their duty weapon, off duty weapon, shotgun and patrol rifles each year. Currently the Police Department qualifies three times each year with their duty weapon and patrol rifle and once a year with the shotgun and off duty weapon. This ammunition will allow each officer the availability to be proficient with their weapon.

DISCUSSION:

The Statewide Contract Utilizes three (3) vendors: Craig's Firearm Supplies, Gulf States Distributors, Inc. and Precision Delta. The following ammunition requests outline the needs of the Police Department:

<u>Vendor</u>	<u>Description</u>	<u>Unit Price per 1000</u>	<u>QTY</u>	<u>Total</u>
Gulf States	.40 Caliber 180 grain Full Metal Jacket	\$ 209.00	90,000	\$ 18,810.00
	.40 Caliber 180 grain Jacketed Hollow Point	\$ 317.00	8,000	\$ 2,536.00
	12 gauge OO buckshot reduced recoil	\$ 436.00	2,500	\$ 1,090.00
	.45 Caliber 230 grain Full Metal Jacket	\$ 249.00	2,000	\$ 498.00
			Total	\$ 22,934.00
Craig's Firearm	12 gauge 2 3/4 1 ounce slug reduced recoil	\$ 416.64	1,500	\$ 624.96
	.38 caliber (+p) 125 grain SJH point	\$ 231.24	1,000	\$ 231.24
	223 55 grain Full Metal Jacket	\$ 291.65	50,000	\$ 14,582.50
			Total	\$ 15,438.70
			Grand Total	\$ 38,372.70

