



# CITY OF GERMANTOWN

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## TENNESSEE

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

### **Board of Mayor and Aldermen Meeting**

Monday, March 9, 2015 – 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 – March for Meals Month
7. Citizens to be Heard
8. Resolution 15R04 – Appointment of City Historian
9. Ordinance 2015-04 – Amendment to Zoning Ordinance – Swimming Pool & Utility Easements – Third and Final Reading
10. **CONSENT**
  - a. Recognition of Donation – Germantown Police Department
  - b. Recognition of Donation – Parks & Recreation Department
  - c. Recognition of Donation – Historic Commission
  - d. Recognition of Donation – Fire Department
  - e. Appointments to Tree Board

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:** March 9, 2015

**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	BARZIZZA	GIBSON	KLEVAN	OWENS	JANDA	PALAZZOLO
YES	Yes	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No	No
ABSTAIN	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain





## City of Germantown PROCLAMATION

WHEREAS, on March 22, 1972, President Nixon signed into law a measure that amended the Older American Act of 1965 and established a national nutrition program for seniors 60 years and older, and

WHEREAS, the Meals on Wheels Association of America established the National March for Meals Campaign in March 2002 to recognize the historic month and the importance of Older American Act Senior Nutrition Programs, and to raise awareness about senior hunger in America, and

WHEREAS, the 2015 observance of the March For Meals campaign provides an opportunity to support senior nutrition programs that deliver vital and critical services by donating, volunteering, and raising awareness about senior hunger, and

WHEREAS, Senior Nutrition Programs in Tennessee have served our communities admirably for 43 years, and

WHEREAS, volunteer drivers for Meals on Wheels programs in Tennessee are the backbone of the program, and they not only deliver nutritious meals to homebound seniors and individuals with disabilities, but also demonstrate caring concern and attention to their welfare, and

WHEREAS, senior nutrition programs in Tennessee provide nutritious meals to seniors throughout the state and help them to avoid premature or unnecessary institutionalization, and

WHEREAS, senior nutrition programs in Tennessee provide a powerful socialization opportunity for thousands of seniors to help combat loneliness and isolation, and

WHEREAS, senior nutrition programs in Tennessee deserve recognition for the contributions they have made and will continue to make to local communities, our state and our nation.

NOW, THEREFORE, I, Mike Palazzolo, Mayor of the City of Germantown, do hereby proclaim March 2015 as

### March for Meals Month

and urge every citizen to take time this month to honor our senior nutrition programs, the seniors they serve, and the volunteers who care for them.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Germantown to be affixed this 2nd day of March, 2015.

Mike Palazzolo, Mayor



Agenda No. 9

## CITY OF GERMANTOWN

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### REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: March 9, 2015

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

SUBJECT: Ordinance 2015-04 – Amendment to the Regulations on Swimming Pool Locations: Third Reading

#### INTRODUCTION:

The purpose of this agenda item is to approve on third and final reading an amendment to the zoning regulations on the separation of swimming pools from easements and lot lines.

#### BACKGROUND:

Swimming pools in any of the residential districts are required to be located behind the front line of the building, a minimum of five feet from **all property lines and recorded easements**. (Sec. 23-237) Homeowners must obtain approval of a variance from the Board of Zoning Appeals (BZA) in order to construct a swimming pool within five feet of an easement. Most residential lots have five foot wide utility easements along all lot lines, so the effect of that setback requirement is to place the pool ten feet from the side and rear lot lines.

#### DISCUSSION:

The BZA's practice has been to approve variances to that setback requirement, provided the homeowner enters into a "hold harmless agreement". That agreement states that the homeowner understands that their swimming pool is within five feet of an easement, and that any damage that occurs to the pool as a result of work done within the easement is not the responsibility of the city or utility company.

ECD staff proposes the following amendment to the Zoning Code that was approved by the Germantown Planning Commission on November 4, 2014. The amendments would apply to private swimming pools in all residential zoning districts where they are permitted.

Proposed deletions are ~~struck through~~ and proposed additions are **bold and underlined**.

#### Swimming pools.

- (a) Swimming pools in the XXXXX district shall be located behind the front line of the building, a minimum of five feet from all property lines ~~and recorded easements~~. **Swimming pools that are located five feet or less from a recorded easement may be permitted provided the property owner, prior to the issuance of any permit, enters into a hold harmless agreement that releases the City and any easement users from responsibility if the swimming pool is**

**damaged as a result of work being performed within the easement. The hold harmless agreement shall be recorded and shall run with the land.**

- (b) On double frontage lots, in-ground swimming pools may extend 20 feet into the required front yard that is located on the rear side of the principal building. This shall apply only to lots having frontages on two nonintersecting streets. Corner lots and triple-frontage lots, abutting two streets at their intersection, shall be excluded.
- (c) ~~Swimming pools must be located a minimum of five feet from all property lines and recorded easements.~~

(Code 1986, § 25-96; Ord. No. 1999-16, 12-27-99)

**VISION 2020:** Approval of the revisions to the swimming pool regulations is consistent with Goal 12: Enhanced Residential Neighborhoods, and its goal of "well-maintained homes and landscaping".

**BUDGET AND STAFFING IMPACT:** Approval of the amendment will reduce the number of variance applications that Planning staff have to process and review. The Planning staff, Administrative Assistants and City Attorney will spend time preparing the Hold Harmless Agreements, but that time will be less than what is spent on the variance application. A fee for processing the agreement will be proposed for next year's budget.

**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 2015-04, Amendments to the Regulations on Residential Swimming Pool Locations.

**BOARD ACTION: MOTION BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

VOTE/TOTAL	BARZIZZA	GIBSON	KLEVAN	OWENS	JANDA	PALAZZOLO
YES	Yes	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No	No
ABSTAIN	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain

**ATTACHMENTS:**

- 1. Proposed Amendment
- 2. Planning Commission minutes – November 4, 2014





# CITY OF GERMANTOWN

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## REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: March 9, 2015

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

SUBJECT: RECOGNITION OF DONATION – PARKS AND RECREATION

### INTRODUCTION:

The purpose of this agenda item is to recognize a donation from the Germantown Woman's Club to the Parks and Recreation Department for community events totaling \$2,000.00 and to approve Budget Adjustment No. 15-58.

### BACKGROUND:

The Parks and Recreation Department received a recent donation from the Germantown Woman's Club to sponsor the following community events:

Summer Farm Park Farmer's Market	\$1,000.00
Special Recreation Spring Formal Event	\$1,000.00

In keeping with the City's goals of sustainability, this service organization continues to make annual contributions to the Parks and Recreation Department for various programs, projects and initiatives. Their long-term partnership with the department demonstrates their commitment to education, recreation and the Germantown community.

### DISCUSSION:

The funds will be used to enhance both programs. The additional financial support for these two popular community events allows the department to provide exceptional quality services that the participants and visitors have come to expect in Germantown. This money will be directly used to support the marketing efforts for this summer's Farmer's Market and also fund additional supplies needed for the special recreation Spring Formal event that will take place at the Great Hall in April. The Farm Park budget anticipated community donations, so the attached budget adjustment is just for increasing the budget expense to the special recreation program.

### VISION 2020:

Acceptance of this donation and recognition of the City's partnership with Germantown Woman's Club supports the Vision 2020 Plan in creating "Pride in Germantown – community organizations contributing and sharing resources; and strong community events bringing people together as a community".

### BUDGET AND STAFFING IMPACT: SOURCE OF FUNDING:

This donation has no staffing impact.



**ATTACHMENTS:**

Budget Adjustment No. 15-58

**PREPARED BY: Natalie Ruffin**

Natalie Ruffin, Superintendent of Recreation

**REVIEWED BY: Pam Beasley**

Pam Beasley, Director of Parks and Recreation

**REVIEWED BY: Ralph J. Gabb**

Ralph J. Gabb, Finance Director

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

To recognize a donation from the Germantown Woman's Club to the Parks and Recreation Department for community events totaling \$2,000.00 and to approve Budget Adjustment No. 15-58.

**BOARD ACTION:**            **MOTION BY:**                            **SECONDED BY:** \_\_\_\_\_

VOTE/TOTAL	BARZIZZA	GIBSON	KLEVAN	OWENS	JANDA	PALAZZOLO
YES	Yes	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No	No
ABSTAIN	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain



# CITY OF GERMANTOWN

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## REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: March 9, 2015

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

SUBJECT: RECOGNITION OF DONATION – HISTORIC COMMISSION

### INTRODUCTION:

The purpose of this agenda item is to recognize donations made to the Germantown Historic Commission totaling \$1,100.00 and to approve Budget Adjustment No. 15-57.

### BACKGROUND:

The Historic Commission received two donations this quarter from the following organizations:

- \$100 - Sons of the Confederate Veterans, General Robert E Lee Camp  
For a Civil War marker for the 4th Tennessee Regiment to be installed at Depot Park later this year
- \$1,000 - Heritage Women's Club –  
To support the restoration of the Depot building

### DISCUSSION:

The funds will be used to enhance the on-going efforts of the Historic Commission to preserve historical buildings and sites in Germantown. The additional financial support for these two projects allows the Commission to fulfill their mission.

### VISION 2020:

Acceptance of this donation supports the Vision 2020 Plan in creating "Pride in Germantown – community organizations contributing and sharing resources; and strong community events bringing people together as a community".

### BUDGET AND STAFFING IMPACT: SOURCE OF FUNDING:

This donation has no staffing impact.

**ATTACHMENTS:**

Budget Adjustment No. 15-57

**PREPARED BY: Natalie Ruffin**

Natalie Ruffin, Superintendent of Recreation

**REVIEWED BY: Pam Beasley**

Pam Beasley, Director of Parks and Recreation

**REVIEWED BY: Ralph J. Gabb**

Ralph J. Gabb, Finance Director

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

To recognize donations made to the Germantown Historic Commission totaling \$1,100.00 and to approve Budget Adjustment No. 15-57.

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

VOTE/TOTAL	BARZIZZA	GIBSON	KLEVAN	OWENS	JANDA	PALAZZOLO
YES	Yes	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No	No
ABSTAIN	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain



# CITY OF GERMANTOWN

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**REPORT TO: THE BOARD OF MAYOR AND ALDERMEN**

**DATE:** March 9, 2015

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

**SUBJECT:** Donation to Fire Department

**INTRODUCTION:**

The purpose of this agenda item is to accept donation to the Fire Department totaling \$300.00 and to approve Budget Adjustment No. 15-59.

**BACKGROUND:**

Firestone opened a new business at 9461 Poplar. During their ribbon cutting, they presented a check for \$250.00 to the Fire Department to show their support for the community. Additionally, Phillip and Nancy Ford donated \$50.00 to the Fire Department in memory of a former Germantown resident, Fred Holland.

**DISCUSSION:**

The Fire Department has received donations from the following:

Firestone, 9461 Poplar	\$250.00
Phillip and Nancy Ford	\$ 50.00

These funds will be used for medical supplies. The Budget Adjustment will also transfer some additional funds within the Ambulance Budget to cover anticipated oxygen expenses.

**VISION 2020:**

This meets the Vision 2020 goals of providing effective emergency response with the right equipment and resources available to handle the emergency response, taking a proactive approach to community safety, and delivering services in the most cost-effective manner.

**ATTACHMENTS:**

Budget Adjustment No. 15-59.

**Prepared by:** John Selberg  
John Selberg, Fire Chief

**Reviewed by:** Ralph J. Gabb  
Ralph J. Gabb, Finance Director

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

To accept donations to the Fire Department in the total amount of \$300.00 and to approved Budget Adjustment No. 15-59.

**BOARD ACTION:** \_\_\_\_\_ **MOTION BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

VOTE/TOTAL	BARZIZZA	GIBSON	KLEVAN	OWENS	JANDA	PALAZZOLO
YES	Yes	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No	No
ABSTAIN	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain

