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 13, 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. Recognition of Water Service Personnel
- 7. Recognition of Contributors to GPAC
- 8. Citizens to be Heard
- 9. CONSENT
 - a. Germantown Education Foundation Fill the Fountain Disbursement
- 10. Resolution 15R12 Mid-South Regional Greenprint Plan.
- 11. Public Hearing Ordinance 2015-8 Amendment to Animal Control Ordinance Second Reading
- 12. FY16 On-call Engineering Services
- 13. Memorandum of Understanding Germantown Board of Education

BEER BOARD

14. PUBLIC HEARING - Beer Permit - Mellow Mushroom

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.



REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE:

July 13, 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	



REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE:

July 13, 2015

FROM:

Patrick J. Lawton, City Administrator

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 22, 2015.

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

To approve the minutes of the Board of Mayor and Aldermen Meeting held June 22, 2015.

BOARD ACTION: MOTION BY:

VOTE/TOTAL	BARZIZZA	GIBSON	KLEVAN	OWENS	JANDA	PALAZZOLO I
YES	Yes	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No	No
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REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE:

July 13, 2015

FROM:

Patrick J. Lawton, City Administrator

SUBJECT:

Recognition of Employees – Germantown Water Plant Production Staff

INTRODUCTION:

The purpose of this agenda item is to recognize the Germantown Water Production Staff for their exemplary work and success with the State of Tennessee Sanitary Survey Inspection Report.

BACKGROUND:

On June 2 - 4, Mr. Gharib Khan, TDEC State Inspector, conducted a Sanitary Survey of both water production facilities. The inspection focused on specific lab reports, water system flushing procedures, chemical injections, backwash filters, well and high service pump inspections and cross connection backflow prevention inspection reports. This survey is designed to review all the areas of water production to insure the Germantown Utility System is in compliance with all State requirements for Safe Drinking Water Supply.

The inspection is a critical part of water production operations. Mr. Khan was very complimentary of our production staff and impressed with the quality of work in both facilities. The last survey inspection was completed in 2013 and produced a score of 99%. Our staff is proud to receive an aggregate score of 98% for this report. The Water Plant Staff consists of **Danny Hutcheson**, Utilities Director, **Mike Sorensen**, Superintendent of Water Services, **Mike O'Neill**, Lead Plant Operator, **Louis Sutton**, **Greg Jones and Michael Ringwald**, Water Plant Operators, and **Malvin Coley**, Water Plant Technician.

VISION 2020:

This agenda item supports the Vision 2020 Goal for top quality facilities, water treatment plants and a utility distribution system that is well designed and maintained and SPIRIT in action with excellent services producing A-Plus results, taking the initiative and responsibility using the innovative procedures and teamwork to achieve maximum results.

ATTACHMENT

State Sanitary Survey Inspection Report

Prepared by: Bruce Tillman

Bruce Tillman, Asst. Director of Public Works

Reviewed by: Bo Mills, PWLF

Bo Mills, Public Works Director

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

To recognize the Germantown Water Production Staff for their exemplary work and success with the State of Tennessee Sanitary Survey Inspection Report.

BOARD ACTION:	MOTION BY:	SECONDED BY:

VOTE/TOTA	L BARZIZZA	GIBSON	KLEVAN	OWENS	JANDA	PALAZZOLO
YES	Yes	Yes	Yes	Yes	Yes	Yes
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REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE:

July 13, 2015

FROM:

Patrick J. Lawton, City Administrator

SUBJECT:

RECOGNITION OF ALL DONORS TO THE GERMANTOWN PERFORMING

ARTS CENTER

INTRODUCTION: The purpose of this agenda item is to recognize gifts to the Germantown Performing Arts Center (GPAC) totaling \$482,342.06 in cash donations and in-kind contributions valued at \$188,103.58, including Annual Fund, GYSO Scholarships, Corporate Sponsorship, Grants, and Special Events, for a total donation value of \$670,445.64 in support of the 2014-2015 GPAC Season. Special recognition is given to members of the GPAC Presenters Circle, who donate at least \$1,000.00 per year with a commitment of 3 years.

BACKGROUND: GPAC serves the community by presenting the highest quality artistic endeavors to engage, enrich and transform. Donors truly recognize the value GPAC brings to the community.

<u>DISCUSSION:</u> We want to recognize and thank the following contributors who have helped support the Germantown Performing Arts Center through donations during the 2014-2015 season.

LISTS ATTACHED

<u>VISION 2020:</u> GPAC – an entertainment venue providing year-round programs, performances, and events for Germantown residents and the region.

ATTACHMENTS: GPAC 2014-2015 Contributors and Presenters Circle members

PREPARED BY: Deni Hirsh
Deni Hirsh, GPAC Director of Development

REVIEWED BY: Paul Chandler

Paul Chandler, GPAC Executive Director

PROPOSED MOTION(S), RESOLUTION(S), OTHER ACTION: To acknowledge gifts to the Germantown Performing Arts Center (GPAC) totaling \$482,342.06 in cash donations and in-kind contributions valued at \$188,103.58, including Annual Fund, GYSO Scholarships, Corporate Sponsorship, Grants, and Special Events, for a total donation value of \$670,445.64 in support of the 2014-2015 GPAC Season, with special recognition for the members of the GPAC Presenters Circle.

BOARD ACTION: MOTION BY: SECONDED BY:

VOTE/TOTA	L BARZIZZA	GIBSON	KLEVAN	OWENS	JANDA	PALAZZOLO
YES	Yes	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No	No
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REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE:

July 13, 2015

FROM:

Patrick J. Lawton, City Administrator

SUBJECT:

Germantown Education Foundation - Fill the Fountain

INTRODUCTION:

The purpose of this agenda item is to authorize the payment of money collected from citizens in the amount of \$4,829.71 to the Germantown Education Foundation.

BACKGROUND:

The Germantown Education Foundation was established in 2006 and is an independent, 501(c)3, not-for profit corporation that raises funds to directly support the public education of children in Germantown. The mission of the Germantown Education Foundation is to mobilize community resources to support and benefit schools and educational programs in the City of Germantown.

DISCUSSION:

The Board of Mayor and Aldermen at a retreat in 2014 established as one of their objective to offer citizens of the City of Germantown the opportunity to participate in the ability to donate funds to the Germantown Education Foundation through their monthly water bill. The program established has been designated the name "Fill the Fountain of Knowledge". Currently, there are 74 reoccurring donors and 17 one time donors to the program. In the future a request will be presented to the Board of Mayor and Aldermen on a quarterly basis and remitted to the Germantown Education Foundation. This program has no budgetary impact on the City as the money is collected from citizens through their monthly utility bill. Records are being maintained of the individuals who have authorized the City to add the amounts to their utility bill.

VISION 2020:

The approval of this collection of funds to be transferred to the Germantown Education Foundation brings the City one step closer to achieving its goal of providing a world class education system within our community.

BUDGET AND STAFFING IMPACT:

There is not budget or staffing impact to the distribution of the funds.

Prepared by: Ralph J. Gabb

Ralph J. Gabb, Finance Director

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

To authorize the transfer of funds collected by the City from residents to the Germantown Education Foundation in the amount of \$4,829.71.

BOARD ACTION:

MOTION BY:

VOTE/TOTAL	BARZIZZA	GIBSON	KLEVAN	OWENS	JANDA	PALAZZOLO I
YES	Yes	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No	No
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REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE:

July 13, 2015

FROM:

Patrick J. Lawton, City Administrator (5

SUBJECT:

RESOLUTION 15R12 - MID-SOUTH REGIONAL GREENPRINT PLAN

INTRODUCTION:

Attached is a resolution in support of the City of Germantown officially adopting the Mid-South Regional Greenprint Plan.

BACKGROUND:

Shelby County has been coordinating the completion of a four-year, federally funded planning project that sets forth the vision, goals and recommendations for sustainable practices related to green space design and connectivity; alternate transportation; resource management; and other regional sustainable guidelines for the entire Mid-South Region. A broad-based consortium of representatives in the tri-state area from governmental, non-profit and the private sector provided leadership throughout the planning process which was facilitated by Memphis- Shelby County Office of Sustainability. Over 80 local organizations, thousands of local residents, and over 100 meetings were conducted to ensure the plan was truly reflective of the region's vision.

The City of Germantown was represented by Pam Beasley, Director of Parks and Recreation who served on two consortium working groups: Parks and Greenways and Resource Conservation and Environmental Protection. The Parks and Recreation Commission were provided updates throughout the process. The Commission supports the adoption of the Greenprint Plan, viewing it as a means to establish a coordinated plan of regional green space connectivity – trails, bike paths, and parks which has been the primary focus of Germantown's involvement. Members of the Parks and Greenways Working Group have collaborated to develop an emergency 911 signage plan which is in the process of being implemented in Germantown and throughout the region. The overall Greenprint Plan evolved into additional sustainable standards. They are available for use and consideration, if they make sense for Germantown. The Planning Commission and Environmental Commission also recently reviewed and recommend adoption of the plan.

DISCUSSION:

It is important to note that the adoption of the resolution proposed makes only the following commitment: (1) support the plan as the regional green space and sustainability plan; (2) consider the recommendations of the plan as appropriate for Germantown and each jurisdiction using the guidelines set forth in the plan; (3) use concept map as a foundation for connecting communities in the region; and (4) work with neighboring jurisdictions to connect green space.

RESOLUTION 15R12 - MID-SOUTH REGIONAL GREENPRINT PLAN

July 13, 2015

Page 2

Adoption of this plan does not carry a financial or regulatory obligation. It is intended to primarily be a regional show of support. The City of Germantown is not bound to any of the provisions of this plan, but will choose such elements of the plan that are appropriate for Germantown.

John Zeanah, Administrator for the Memphis-Shelby County Office of Sustainability and program manager of the Greenprint planning initiative will be present to make brief comments and answer questions.

VISION 2020:

The resolution before the Board this evening supports the Board's desire to implement a comprehensive approach to environmental sustainability, provide top quality parks and greenways and preserve open space and natural areas which add all value to the lives of Germantown residents.

ATTACHMENTS:

Resolution 15R12 - Mid-South Regional Greenprint Plan

Prepared by:	Pam Beasley		
Pam Beasley, Pa	irks and Recreati	ion Director	******
Reviewed by:			
Bo Mills, Public V	Vorks Director		
Paviouad by	Wada Mannan		
Reviewed by:	wade worgan		
Wade Morgan, Cl	hief Planner		

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

To adopt Resolution 15R12 thereby adopting the Mid-South Regional Greenprint Plan as a local and regional sustainability planning guide.

BOARD ACTION:	MOTION BY:	SECONDED BY:	
VOTE/TOTAL BARZIZ	ZZA GIBSON K	LEVAN OWENS	JANDA

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



REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE:

July 13, 2015

FROM:

Patrick J. Lawton, City Administrator

SUBJECT:

Public Hearing - Ordinance No. 2015-08 Amendments to Animal Control Ordinance - Second

Reading

INTRODUCTION:

The purpose of this agenda item is to propose two additions and to hold a public hearing on changes to the animal ordinances, Section 5-1 Definitions and Section 5-4 Impoundment, notice of violation and emergency care.

BACKGROUND:

In Section 5.1, there are listed 25 definitions related to animals and animal care. The City's Animal Shelter staff recommends addition of another definition to define a proper shelter. This definition addition will allow Public Works Animal Shelter staff to address situations where outdoor pets are kept without proper shelter to protect them from the elements.

The second addition to the animal ordinance is in Section 5.4 Impoundment, notice of violation and emergency care. Staff often deals with repeat offenders where pets escape their impoundment structures. This addition will allow staff, after notification to animal's owner, to spay or neuter unaltered animals at the owners' expense that are running loose and are impounded two times within any twelve month period or a total of five times over any time period. Experience and proven research confirms that spay or neutered animals are less likely to roam.

DISCUSSION:

Germantown Animal Shelter staff was aware of these needed additions for some time. This spring a resident on Birch Park Lane brought concerns about her neighbor's three outside animals not having adequate shelter. Staff worked with this resident to address this particular concern but used this case as a catalyst to suggest an addition to the ordinance. Since staff was recommending this addition, they wanted to seek an additional change related to loose animals and the need to address the reason for them escaping their enclosures.

After receiving input at the first reading of this proposed ordinance change, staff has added the phrase, "after notification to animal's owner" to the Section 5-4 requested change.

VISION 2020:

Approval of these two ordinance additions supports the Vision 2020 Quality of Life goal with residents taking responsibility for making Germantown a better community.

BUDGET AND STAFFING IMPACT:

No significant impacts are expected by inserting these two changes to the animal ordinances.

Public Hearing - Ordinance No. 2015-08 Amendments to Animal Control Ordinance – Second Reading Board of Mayor and Aldermen Page 2

ATTACHMENTS:

The proposed additions to the Code of Ordinances, City of Germantown, Tennessee Sections 5-1 and 5-4.

Prepared by: Bruce Tillman

Bruce Tillman, Asst. Director of Public Works

Reviewed by: Bo Mills, PWLF

Bo Mills, Public Works Director

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

To approve Ordinance No. 2015-08 Amendments to Animal Control Ordinance on Second Reading.

BOARD ACTION:

MOTION BY:

VOTE/TOTAL	. BARZIZZA	GIBSON	KLEVAN	OWENS	JANDA	PALAZZOLO
YES	Yes	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No	No
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REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE:

July 13, 2015

FROM:

Patrick J. Lawton, City Administrator Q

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 "asneeded" basis with Kimley-Horn & Associates, Inc. (KHA) in an amount not to exceed \$40,000.00 for FY16.

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. Due to many large, proposed mixed-use developments requiring multiple traffic impact analyses' reviews in FY15 caused the On-call contract amount to increase to \$40,000.00. The increased development trend is expected to continue through the foreseeable future.

DISCUSSION:

The City does not have an in-house Traffic Engineer. 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 FY16 for an amount not to exceed \$40,000.00. the same amount as FY15. Economic and Community Development's FY16 operating budget includes \$40,000.00 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:

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.

SOURCE OF FUNDING:

Fund	Line Item No.	Dept.	Line Item Description	Budget	Recommended
<u>r urru</u>		Dept.	Description	Balance	Expenditure
General	010-1610-438.2540	Development	Prof. Serv.	\$405,690.00	\$40,000.00

ATTACHMENTS:

KHA's FY16 Proposal

PREPARED 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 A. Piefer
Lisa A. Piefer, Procurement Director

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

To authorize the Mayor to enter into a Professional Services Agreement for On-call Engineering Services with Kimley-Horn & Associates, Inc. in an amount not to exceed \$40,000.00 for FY16.

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



REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE:

July 13, 2015

FROM:

Patrick J. Lawton, City Administrator

SUBJECT:

Memorandum of Understanding - Germantown Board of Education

INTRODUCTION:

The Board of Mayor and Aldermen is asked this evening to consider authorization for the mayor to execute a Memorandum of Understanding (MOU) between the City of Germantown and the Germantown Board of Education regarding the lease of Apple computers.

BACKGROUND:

At the Board of Mayor and Aldermen meeting on June 8, 2015, the Board approved the execution of a lease with Apple, Inc. for 350 Apple computers for use by students and teachers in the Germantown Municipal School District. The City of Germantown executed the lease on behalf of the Board of Education because the district is unable to enter into long term lease agreements and must rely upon the City of Germantown to execute this type of agreement. During the discussion regarding the lease of this equipment, the Administration stated that the school district will actually be making the lease payments to Apple, Inc. under a Memorandum of Understanding between the City and the Germantown Board of Education.

DISCUSSION:

Attached to this agenda sheet is a copy of the MOU between the City of Germantown and the Germantown Board of Education outlining the obligations of the school district in making these annual lease payments to Apple, Inc. The MOU describes the City as the guarantor of the annual lease payments however the Board of Education agrees to make all payments to Apple lease under the terms of the lease agreement approved by the Board of Mayor and Aldermen on June 8, 2015.

The MOU is very specific in this regard and also requires the Board of Education to provide and annual report confirming that the school district has efficient funds within its operating budget during the terms of this lease arrangement to make the annual payments. In addition, the MOU specifically states that in no way shall the lease increase the amount of the City's local funding to the Board of Education for the school district's operating expense nor shall it affect the City's Maintenance of Effort obligation to the district.

ATTACHMENTS:

Memorandum of Understanding

Board of Mayor and Aldermen Memorandum of Understanding – Germantown Board of Education July 13, 2015 Page 2

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

MOTION BY:

BOARD ACTION:

To authorize the mayor to enter into a Memorandum of Understanding between the City of Germantown and the City of Germantown Board of Education regarding the lease of Apple computers by the City.

VOTE/TOTAL	BARZIZZA	GIBSON	KLEVAN	OWENS	JANDA	PALAZZOLO
YES	Yes	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No	No
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Agenda No. ______



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE:

July 13, 2015

FROM:

Patrick J. Lawton, City Administrator

SUBJECT:

PUBLIC HEARING - BEER PERMIT APPLICATION - Mellow Mushroom - 3075 Village

Shops Dr. #26.

INTRODUCTION:

The Board will be sitting as the Beer Board.

The City has received a request from BCG Brothers LLC, for a permit to sell beer for on-premise consumption at Mellow Mushroom, located at 3075 Village Shops Dr. #26.

BACKGROUND:

A copy of the permit application is attached along with a copy of the police department's record check of Stephen Meek, part owner of the restaurant. According to the police report, nothing has been found to discredit the applicant. Stephen Meek and Julie Meek are the new owners of the restaurant.

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

To approve (deny) the request from BCG Brothers LLC, for a permit to sell beer for on-premise consumption at Mellow Mushroom, located at 3075 Village Shops Dr., #26.

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