



# CITY OF GERMANTOWN

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## TENNESSEE

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### Board of Mayor and Aldermen Meeting

Monday, August 8, 2016 – 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. Special Recognition
  - a. Germantown Library Summer Reading
  - b. Fire Inspector Clint Starnes
7. Alderman Liaison Reports
8. Citizens to be Heard

#### BEER BOARD

9. Public Hearing – Beer Permit – On Premise – Farm and Fries
10. **CONSENT**
  - a. Approval of Donations
  - b. Approval of Library Donations – Germantown Community Library
  - c. Shelby County Books From Birth Grant
  - d. Germantown Education Foundation – Fill the Fountain
  - e. Donations to Fire Department LAFS Program
  - f. Turnout Clothing Purchase
  - g. Approval of Household Hazardous Waste Inter-Governmental Agreement
  - h. Defibrillator Maintenance Contract
11. Ordinance No. 2016-7 – Amendments to Wireless Transmission Facilities – Third and Final Reading
12. Ordinance No. 2016-8 – Amendments to Zoning Ordinance Regarding Transient Dwelling and Guests – Third and Final Reading
13. Ordinance No. 2016-9 – Forest Hill Heights Smart Code Overlay – Third and Final Reading
14. Construction Contract – Poplar Culverts Replacement Project Phase III
15. Professional Services Agreement – Construction Engineering Inspection (CEI) – Poplar Culverts Replacement Project Phase III
16. Germantown Athletic Club Renovation – Phase II Construction Contract
17. Design Supplement No. 3 – Contract Administration and Construction Inspection – Germantown Athletic Club Phase II

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

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

DATE: August 8, 2016

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

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

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

DATE: August 8, 2016

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

SUBJECT: GERMANTOWN COMMUNITY LIBRARY SUMMER READING PROGRAM

**INTRODUCTION:**

The purpose of this agenda item is to recognize the Germantown Community Library's Summer Reading Program.

**BACKGROUND:**

Each year the library hosts a summer reading program for youth and adults. With over 46,000 patron visits in June and July, the library serves a critical role in meeting educational and leisure needs of the community. The program is recognized as the best in Tennessee.

**DISCUSSION:**

Library Staff will be present for the presentation.

**GERMANTOWN FORWARD 2030:**

This complies with Key Performance Area City Services and Finance Objective 5, "City will provide community services that are responsive to customer needs."

**Prepared by: Lisa Marinos**  
Lisa Marinos, Library Business Manager

**Reviewed by: Daniel Page**  
Daniel Page, Library Director



# CITY OF GERMANTOWN

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

**DATE:** August 8, 2016

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

**SUBJECT:** Recognition – Fire Inspector Clint Starnes receives Kiwanis District Fire Fighter of the Year Award

**INTRODUCTION:**

The purpose of this agenda item is to recognize Fire Department Fire Inspector Clint Starnes as recipient of the District Fire Fighter of the Year Award from Kiwanis.

**BACKGROUND:**

Fire Inspector Clint Starnes received the Fire Fighter of the Year Award from the Germantown Kiwanis in October 2015. He was subsequently nominated by the Germantown Kiwanis for the Kiwanis District Fire Fighter of the Year Award. The Kiwanis District includes West Tennessee, Mississippi, and Louisiana. The District selected Clint for this Award. Clint will receive the Award at the Awards Luncheon at the Kiwanis District Annual Conference in Shreveport on August 6, 2016. Germantown Kiwanis President Tom Tompkins and In-coming President Don Eye will join him at the luncheon, along with Clint's family.

Clint is well deserving of this award. He joined the Germantown Fire Department about 14 years ago, but has had a tremendous affect on level of service that we provide to the community. In addition to being a State certified Fire Fighter and serving as a Fire Lieutenant, Clint is also a Paramedic. He was very helpful with the implementation of our Ambulance Service and continues to provide guidance and training for our personnel. He is also a Trench Rescue and Swiftwater Rescue Technician. Clint has developed our new Fire Pre-Plan Program to provide information for fire fighters on all commercial buildings in the event of a fire or other emergency. He was promoted to the Fire Inspector position in October and has already achieved his State certification as a Fire Inspector and Fire Investigator. Clint was also a member of the Play Like a Champion 2013 Class and served on the City Administrator Advisory Team. Clint is a very highly capable fire fighter and willing to do whatever is needed to improve our service to the community.

**DISCUSSION:**

Tom Tompkins and/or Don Eye may be present for the presentation and may wish to make comments.

**GERMANTOWN FORWARD 2030:**

This meets the objective of proper staffing, training and equipment to control loss.

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





# CITY OF GERMANTOWN

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

**DATE:** August 8, 2016  
**FROM:** Patrick J. Lawton, City Administrator *PJL*  
**SUBJECT:** APPROVAL OF DONATIONS

**INTRODUCTION:**

The purpose of this agenda item is to recognize and accept donations made to the City of Germantown in the amounts of \$5,000.00 and \$20.00 and to approve Budget Adjustment Number 17-3.

**BACKGROUND:**

A donation in the amount of \$5,000.00 was made from the Class of 2016, Leadership Germantown to maintain the fountain at the Pickering Center for 3 years. During the first year, \$2,000.00 of this amount will be spent for operations and maintenance. Also, a donation of \$20.00 was made from a citizen to the City of Germantown Police Department.

**DISCUSSION:**

Leadership Germantown is a program that is designed to develop and engage individuals through orientation and exposure to community issues. It also provides a framework for meeting future leadership opportunities. The Leadership Germantown Class of 2016's class project was to restore the fountain that was previously located at the northeast corner of Poplar and West Farmington (Shops of Saddle Creek) and move it to a new location between the Pickering Center and Tennessee Genealogical Society off Poplar Pike. Newly known as the "Fountain of Youth", the class of 18 members sold bricks and used corporate sponsorships as sources of funds to pay for the cost of repairs, and delivery. The class also gifted money that was donated back to the General Fund to help support the operations and maintenance of the fountain for the next three years. The majority of the funds collected have gone towards the eight public schools in Germantown.

**BUDGET AND STAFFING IMPACT:**

**Source of Funding:**

Fund	Line Item No.	Dept.	Line Item Description	Budget Balance	Expenditures
General Fd.	010-1710-418.26-90	Facility Services	Contract Maintenance	\$168,248.00	\$2,000.00

**GERMANTOWN FORWARD 2030:**

The approval of the collection of these funds is consistent with the goal of providing the City of Germantown residents with an exceptional quality of life.

**ATTACHMENTS**

Budget Adjustment Sheet

**PREPARED BY: Linda Rathje**

Linda A. Rathje, Accounting Manager

**REVIEWED BY: Paul A. Turner**

Paul A. Turner, Finance Director

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

To approve funds collected and donated by the Class of 2016 Leadership Germantown in the amount of \$5,000.00 for repairs and maintenance (3 years) of the Fountain of Youth and a donation from a Germantown citizen in the amount of \$20.00 for the City of Germantown Police Department.

**BOARD ACTION:**

**MOTION BY:**

**SECONDED BY:**

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





# CITY OF GERMANTOWN

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

DATE: August 8, 2016

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

SUBJECT: APPROVAL OF LIBRARY DONATIONS-GERMANTOWN COMMUNITY LIBRARY

**INTRODUCTION:**

The purpose of this agenda item is to recognize and accept donations made to the Germantown Community Library in the amount of \$2,030.00, to the Germantown Regional History and Genealogy Center in the amount of \$120.00 and to approve Budget Adjustment Number 17-1.

**BACKGROUND:**

The following organizations and individuals have contributed these donations to the Germantown Community Library:

Baskin Robbins at 7820 Poplar \$100.00  
Leadership Germantown \$500.00  
Germantown Women's Club \$430.00  
Kiwanis Club of Germantown \$1,000.00

The following organizations and individuals have contributed a donation to the Germantown Regional History and Genealogy Center.

James Patton \$120.00

**DISCUSSION:**

The Germantown Community Library works in partnership with many local organizations to provide top quality services to its patrons. Baskin Robbins wanted to support our Summer Reading Program; however, they have a policy against giving out coupons. Instead, they wrote the library a check for \$100.00 to use for the purchase of incentives for our young readers. Leadership Germantown is also lending support for our Summer Reading Program. They designated their donation of \$500.00 be used to enhance our Summer Reading Program. The Germantown Women's Club has long been a supporter of the library. This time they have earmarked their donation of \$430.00 to go to strengthening Children's programs as did the ever supportive The Kiwanis Club. They give a generous amount of money each year which is designated to enhance Children's programs. The Kiwanis Club is starting off the year strong with a donation of \$1,000.00 for just that purpose. The library has many partners in the community.

The \$120.00 that was donated to the Genealogy Center was designated by James Patton to purchase books for the Genealogy collection.





# CITY OF GERMANTOWN

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

**DATE:** August 8, 2016

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

**SUBJECT:** SHELBY COUNTY BOOKS FROM BIRTH GRANT

**INTRODUCTION:**

The purpose of this agenda item is to authorize the payment of \$12,135 to Shelby County Books from Birth.

**BACKGROUND:**

As part of the FY17 Budget, a \$12,135 grant was included in the Administration budget to support the Shelby County Books from Birth program. A grant in the same amount was awarded to the program during FY16.

**DISCUSSION:**

Shelby County Books from Birth is the local affiliate of Dolly Parton's Imagination Library. The Books from Birth program promotes kindergarten readiness and strengthens family bonds in Shelby County by providing age-appropriate books for all children from birth to age five. The premise is simple – provide families with the early resources they need to put their child on a pathway to success in school and life.

Since 2005, Shelby County Books from Birth has been enrolling children into the Imagination Library at no charge to parents or the community. In Germantown, approximately 90% of households with children under the age of five years are enrolled, up 5% from last year. This means that over 1,579 children in Germantown receive new a book in the mail each month.

Studies have shown that the program helps children to build vocabulary, enhances learning and increases the bond between parent and child. In 2012, The Urban Child Institute studied children entering kindergarten and compared their Kindergarten Readiness (KRI) scores against many factors. A consistent finding in all of the research was that children that participated in the Shelby County Books from Birth program were the highest performers. This outcome was present in homes of all income levels. This past year, these same students were still the highest performing second graders among their peers and least likely to need any serious interventions.

Because of her influence, Dolly Parton and her Dollywood Foundation keeps the costs of the books very low and the program can be delivered locally for about \$34 per child a year. The Governor's Books from Birth Foundation contributes a set amount per child and local funders – foundations, companies, individuals, and even parents - contribute to pay for the rest.





# CITY OF GERMANTOWN

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

**DATE:** August 8, 2016

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

**SUBJECT:** GERMANTOWN EDUCATION FOUNDATION – FILL THE FOUNTAIN

**INTRODUCTION:**

The purpose of this agenda item is to authorize the remittance of money collected from citizens and others in the amount of \$4,513.00 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 named "Fill the Fountain of Knowledge." Currently, there are 198 reoccurring donors and 103 one time donors for the past quarter to the program. This is the third presentation and request to the Board of Mayor and Aldermen to remit funds collected on behalf of the Germantown Education Foundation through the Fill the Fountain Campaign. 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.

**BUDGET AND STAFFING IMPACT:**

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

**GERMANTOWN FORWARD 2030:**

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.

**ATTACHMENTS**

No Attachments





# CITY OF GERMANTOWN

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

**DATE:** August 8, 2016  
**FROM:** Patrick J. Lawton, City Administrator *PJL*  
**SUBJECT:** Donations to Fire Department LAFS Program

**INTRODUCTION:**

The purpose of this agenda item is to accept donations to the Fire Department for use in the Learning About Fire Safety (LAFS) educational program totaling \$175.00 and to approved Budget Adjustment No. 17-4.

**BACKGROUND:**

The Learning About Fire Safety program, or LAFS, has been in existence since 2000. Several fire fighters conceived and created the program to teach safety behaviors to children through clowning. The fire fighters developed unique clown personalities that the children readily identify with, which enables these "clowns from the Fire Department" to deliver a message that the children will remember. The fire fighters contribute a lot of time, talent, and their own money to the program initially. As the program progressed, we have used a combination of general fund revenues and grants to fund equipment and supplies to expand and improve the program.

**DISCUSSION:**

The Fire Department has received donations from the following:

William & Patricia Melvin*	\$25.00
Susan Kingston*	\$50.00
Germantown Woman's Club	\$100.00

\* Members of Germantown Woman's Club

These funds will be used to provide equipment and supplies for the LAFS Program in preparation for Fire Prevention Month.

**VISION 2020:**

The LAFS program meets a Vision 2020 goal of being the safest city in the southeast, taking a proactive approach to community safety, and ensuring an effective emergency warning system for that area, as well as delivering services in the most cost-effective manner.

**ATTACHMENTS:**

Budget Adjustment No. 17-4

**Prepared by:** Jody Dwyer  
Jody Dwyer, Fire Marshal

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

**Reviewed by:** Paul A. Turner  
Paul A. Turner, Finance Director

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

To accept donations in the total amount of \$175.00 to support the Fire Department LAFS program and to approved Budget Adjustment No. 17-4.

**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: August 8, 2016  
FROM: Patrick J. Lawton, City Administrator *PSL*  
SUBJECT: TURNOUT CLOTHING PURCHASE

### INTRODUCTION:

The purpose of this agenda item is to request authorization to purchase Fire Department turnout clothing from North American Fire Equipment Company (NAFECO) through an HGAC Buy cooperative contract EE08-15 not to exceed \$40,000 through May 1, 2017.

### BACKGROUND:

Turnout gear is the personal protective clothing that fire fighters wear while fighting fires. This equipment is made from a special fabric that does not burn, and the construction of the garments provides protection from heat and steam. A set of turnout coat and pants has a life expectancy of approximately 6-7 years. The Fire Department is currently replacing turnout coats and pants purchased in 2010 and before.

### DISCUSSION:

This request is to purchase turnout coats, pants and gloves. New gear will be issued to full-time and reserve fire fighters. In an effort to save time, money and to provide use of a proven product, the city has looked into purchasing items through Cooperate buying agreements when possible. The Houston Galveston Area Council Buy (HGACBuy) organization is a Government to Government procurement service available nationwide that the City has used to purchase. NAFECO, a local vendor, participates in the cooperative and provides contract pricing to buy the turnout clothing. Procurement Staff has reviewed contract number EE08-15 to ensure that the pricing, terms and contract dates are acceptable and recommends the purchase of these items. Funds for this purchase are in the FY17 operating budget.

### GERMANTOWN FORWARD 2030

This meets the GermantownForward 2030 goals of hiring and retaining quality employees, ensuring all personnel are fully qualified and trained, and improved health and wellness of City employees.





# CITY OF GERMANTOWN

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

**DATE:** August 8, 2016

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

**SUBJECT:** APPROVAL OF HOUSEHOLD HAZARDOUS WASTE INTER-GOVERNMENTAL AGREEMENT

**INTRODUCTION:**

The purpose of this agenda item is to authorize the Mayor to enter into an agreement with Shelby County Government (Shelby County) for the operation and participation in funding the Shelby County Household Hazardous Waste (HHW) facility. The agreement is for a period of one year commencing July 1, 2016 with the option for three renewal years through June 30, 2021. This item also authorizes the FY17 payment to Shelby County in the amount of \$15,000.00.

**BACKGROUND:**

Shelby County has been operating the Household Hazardous Waste Facility since 2007 and over those years the City has entered into agreements to support the facility. It is partially funded with a grant from the Tennessee Department of Environment and Conservation (TDEC). All municipalities in Shelby County participate in the funding of this operation. The Board of Mayor and Aldermen approved Resolution 2006-01 on February 13, 2006 authorizing the Mayor to execute an agreement with Shelby County confirming the City of Germantown's participation in the annual funding of the HHW facility.

This facility collects known household hazardous waste materials (paints, chemicals, etc.) from all residents in Shelby County. Germantown residents are among the most frequent users of the facility.

**DISCUSSION:**

This agreement covers the current fiscal year and will end on June 30, 2017. There is an option for three one year extensions that will address the operation of the facility through June 30, 2021. The payment for FY 17 is \$15,000.00 and money is in the Sanitation budget. Shelby County has managed to keep this payment at the same level annually since the opening of the HHW facility.





# CITY OF GERMANTOWN

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## REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: August 8, 2016  
FROM: Patrick J. Lawton, City Administrator *PSL*  
SUBJECT: DEFIBRILLATOR MAINTENANCE CONTRACT

### INTRODUCTION:

The purpose of this agenda item is to authorize the Mayor to enter into an Extended Warranty and Preventative Maintenance contract with Zoll Medical Corporation in the amount of \$ 12,213.50

### BACKGROUND:

The Zoll Medical Corporation has been the primary provider of cardiac monitors and defibrillators for the fire department for the past several years. These monitors assist medical personnel in the evaluation, monitoring and treatment of patients.

### DISCUSSION:

Zoll Medical Corporation is the provider of the Cardiac Monitors and defibrillators for all response vehicles for the fire department. These monitors have been purchased over the last 3 years and some are nearing the end of their warranty period. The monitors are used on a daily basis by personnel for evaluation and treatment of patients and this equipment must be maintained in a constant state of readiness. This contract will extend the warranty of the defibrillators and continue the preventative maintenance program that assures all monitors will continue to operate with minimal down time.

### GERMANTOWN FORWARD 2030:

This contract supports the goals of the Fire Department providing exceptional emergency medical services to meet the needs of the community and invest in life-saving technology to increase cardiac survival rates.





# CITY OF GERMANTOWN

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

**DATE:** August 8, 2016

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

**SUBJECT:** ORDINANCE NO. 2016-07 – AMENDMENTS TO WIRELESS TRANSMISSION FACILITIES – THIRD READING

### **INTRODUCTION:**

Germantown's current regulations limit the height of Wireless Transmission Facilities to 100 feet and require a "fall zone" of 10 feet higher than the antennae. Working with Germantown residents and stakeholders as part of the Forward 2030 Strategic Plan process and discussions with Germantown Police and Fire it became apparent that there are many areas of the City that are underserved in coverage and capacity by wireless transmission facilities. Planning Commission approved these changes to the ordinance at their meeting on June 7, 2016.

### **BACKGROUND:**

Staff researched other community's regulations on wireless transmission facilities for comparison purposes and found that there are a variety of height requirements and engineering analyses to manage this use. Germantown IT staff looked at the operations of both Police and Fire/EMS and their needs as well as those of the Municipal School District at school facilities around the City as it relates to this use in the City. The City based on this research and other analysis relative to height is proposing for the height of Wireless transmission facilities to be raised to 140 feet from the existing 100 feet [23-86 (h)(3)a] and for flexibility within fall zone requirements [23-86 (h)(1)]. The flexibility for these requirements would be predicated on the applicant demonstrating that the engineering and construction technology of a proposed wireless transmission facility is built in such a way that if it were to fall it could be contained within smaller area than is required by the current Code.

### **DISCUSSION:**

In an effort to increase the coverage and capacity of wireless networks, the City of Germantown proposes to modify the existing regulations on wireless transmission facilities as it relates to the fall zone and tower height. The proposed amendments are to add additional language to 23-86(h)(1)(2) of the City Code as follows:

- (1) Frontage and setbacks. Towers within all agricultural and residential districts shall be located on a single lot with a minimum of 200 feet of frontage to a public street. The minimum distance from the base of the tower to any right-of-way and adjoining

property line shall be equivalent to or greater than the height of the tower plus ten feet, **unless such distance is demonstrated unnecessary by the applicant's engineer and still meets the "National standards"**. No buildings or structures, except for associated appurtenances, shall be located within the setback area, thereby providing a clear fall zone for the tower to any right-of-way and adjoining property line. The setbacks for all associated appurtenances, including buildings, cabinets, structures and facilities, shall correspond with the minimum setbacks established by this division (see subsection (i)(1) of this section) and of the zoning district in which the use is proposed.

- (2) National standards. The applicant's engineer shall provide documentation **satisfactory to the City** that the proposed wireless transmission facility meets or exceeds the standards of the American National Standards Institute (ANSI) for professionally acceptable radio frequency emissions standards.

And the following revision would also be made to 23-86(h)(3)a. of the City Code as follows:

- (3) Tower height.
  - a. Maximum tower height shall be ~~400 feet~~ **140 Feet**.

#### **GERMANTOWN FORWARD 2030:**

These amendments to the Wireless Transmission Facilities regulations are in alignment with the strategic object of City-wide technological infrastructure supporting and sustaining individual, educational, government and business demands.

#### **ATTACHMENTS**

1. Proposed Germantown Code Amendments for Wireless Transmission Facilities
2. Draft Minutes of the June 7, 2016 Planning Commission Meeting
3. Ordinance 2016-07

**Prepared by: Cameron Ross**

Cameron Ross, AICP, Director, Economic & Community Development

**Reviewed by: Shelia Pounder**

Shelia Pounder, Senior Planner, Economic & Community Development







# CITY OF GERMANTOWN

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

DATE: August 8, 2016

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

SUBJECT: ORDINANCE NO. 2016-08 – AMENDMENTS TO ZONING ORDINANCE REGARDING TRANSIENT DWELLING AND GUESTS – THIRD READING

**INTRODUCTION:**

Germantown's current regulations do not address concerns that have been raised regarding short term transient housing in the neighborhoods of Germantown. The following amendment to the Germantown Zoning Ordinance is proposed to preserve the existing character of Germantown's neighborhoods and manage any transient dwellings that may be operating within the City's neighborhoods. Planning Commission approved these changes to the ordinance at their meeting on June 7, 2016.

**BACKGROUND:**

Staff researched other community's regulations on transient dwelling, short term rental and short term residential operations for comparison purposes and found that there are a variety of ways to manage this use. Staff looked at the operations of the Economic and Community Development Neighborhood Services Division, which manages Code Compliance, and determined that the following was the most appropriate way to facilitate this use in the City.

**DISCUSSION:**

The City of Germantown proposes to add to all Residential zoning districts (R Districts, 23-152, 23-177, 23-202, 23-227, 23-252, 23-277, 23-302, 23-327, 23-347 *et seq.*) and Old Germantown zoning districts (O-G, O-G1, 23-517, 23-542, *et seq.*) the follow provision:

No Transient Dwelling or portion thereof may be occupied by any Transient Guest(s) for a period of less than thirty (30) continuous days.

The following definition would also be added to 23-2 of the City Code:

**Transient Dwelling:** Homes, condominiums, apartments, rooms and/or other residential accommodations that are occupied for dwelling, lodging, or sleeping purposes by Transient Guest(s) for any consideration.





# CITY OF GERMANTOWN

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

**DATE:** August 8, 2016

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

**SUBJECT:** ORDINANCE NO. 2016-09 – FOREST HILL HEIGHTS SMART CODE OVERLAY –  
THIRD READING

**INTRODUCTION:**

The purpose of this agenda item is to approve the Smart Code overlay for the Forest Hill Heights Small Area Plan encompassing all the properties located between Forest Hill and the east City limits south of Winchester Drive and the area between the western boundary of 9540 Winchester and the eastern boundary of the City of Germantown north of Winchester to Poplar. Forest Hill Heights, constituting 310.7 acres near the southern City limits and 385, is strategically positioned to play a significant role in the future of Germantown's economic growth and vitality. Planning Commission approved these changes to the ordinance at their meeting on June 7, 2016.

**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); and specifically to achieve the objectives of 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 developed nodes, and with an approved small area plan - districts, for the five (5) targeted mixed-use areas in the City. The original "Smart Growth Area" is now referred to as the Central Business District. The second mixed-use node, the Western Gateway, was approved by the BMA on November 11, 2013.

On April 11, 2016 the Board of Mayor and Alderman unanimously approved the Forest Hill Heights Small Area Plan. With the adoption of the plan, a holistic and cohesive vision has been put into motion for future development in this area that will contribute to the financial, environmental and economic sustainability of the City. The application of the Smart Code will facilitate future mixed use development as the enabling legislation to implement the vision of the Forest Hill Heights Small Area plan.

**DISCUSSION:**

Forest Hill Heights encompasses five properties; all zoned differently, from O-51(Office-51 feet) to R-T (Residential Townhomes) to C-1 (Neighborhood Commercial) to C-2 (General Commercial) and finally the O

(Office) and Residential (R) Districts. The recommended application for the Smart Code is to apply T-3 Sub-Urban and T-4 General Urban to the

properties north of Winchester (approximately 32.7 acres) and apply T-5 Urban Center to the properties south of Winchester and east of Forest Hill Irene (approximately 284 acres) as per attached proposed overlay map.

**GERMANTOWN FORWARD 2030:**

These amendments to the Germantown Zoning Ordinance further the strategic objectives of Economic Development by creating policies that encourage investment in key commercial areas.

**ATTACHMENTS**

1. Proposed Germantown Smart Code Overlay for Forest Hill Heights
2. Minutes of the June 7, 2016 Planning Commission Meeting
3. Ordinance 2016-09

**Prepared by:** Cameron Ross  
Cameron Ross, AICP, Director, Economic & Community Development

**Reviewed by:** Shelia Pounder  
Shelia Pounder, Senior Planner, Economic & Community Development

**PROPOSED MOTION:**

To approve on third reading Ordinance 2016-09, the rezoning of the properties within the Forest Hill Heights Small Area Plan.

**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:** August 8, 2016

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

**SUBJECT:** CONSTRUCTION CONTRACT- POPLAR CULVERTS REPLACEMENT PROJECT PHASE III

**INTRODUCTION:**

The purpose of this agenda item is to consider approval of a Construction Contract with Ferrell Paving, Inc. in the amount of \$457,631.55 for Phase III of the Poplar Culverts Replacement Project. Board of Mayor and Aldermen approval of the construction contract is contingent upon TN Department of Transportation (TDOT) concurrence to award the contracts.

**BACKGROUND:**

There are forty-eight (48) storm drain culverts of various sizes and shapes crossing under Poplar Avenue within the City limits. A significant portion of the culverts have reached the end of their design life and are showing signs of failure. In August 2009, the City initiated Phase I of this project which consisted of a complete interior inspection and structural evaluation of the culverts by physically walking through the man-entry size crossings and by the use of remote video camera for the smaller crossings. Based on the field observations, an Engineering Report was generated detailing the existing condition of each culvert along with recommendations and cost estimates to extend the life of the crossings. Phase I was completed in May of 2010 and results revealed that seventeen (17) culverts were in need of immediate replacement.

Phase II of the project consisted of design services, construction and CEI related to the six (6) most critical culvert locations. Design was completed in early calendar year 2013. Construction began in fall of 2013 and was completed in mid calendar year 2014.

Phase III of the project consists of design services, construction and CEI of the next ten (10) most critical culvert locations. Design was completed in mid calendar year 2015. However, right-of-way and Norfolk Southern Railroad issues postponed advertising the project for construction until June 2016.

This project is federal/state funded through Surface Transportation Program (STP). The City has been reimbursed 100% of all project expenditures, approximately \$880,000.00 to date.

**DISCUSSION:**

The project was publically advertised for construction on June 9, 2016. One (1) qualified bid was received on the due date of June 30, 2016. Ferrell Paving, Inc. provided the lowest acceptable bid in the amount of \$457,631.55. Ferrell Paving has served as prime contractor on many City of Germantown and TDOT projects, including Phase II of the Poplar Culverts Replacement Project with excellent results. We are confident Ferrell Paving has the man power, experience and knowledge to complete this project with as minimal disruption as possible. This project is budgeted in the City's FY17 CIP. TDOT concurrence was requested on July 14. TDOT concurrence is pending, therefore, staff's recommendation to award is contingent upon receiving TDOT concurrence.

**FORWARD 2030:**

Strategic Objective 2 within City Services and Finance – The City of Germantown is responsible for significant physical assets. The City believes that stewardship of City assets is essential to deliver high quality services to its customers consistently, as well as effectively.

**BUDGET AND STAFFING IMPACT:**

Tim Bierdz, City Stormwater Manager and Scott Pittenger, City Construction Inspector will serve as Project Managers during the construction phase.

**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	030-0000-400.9301 MR1704	Development	Other Improvs.	\$477,000.00	\$457,631.55*

\*As invoices are received, the City pays the invoices, then requests 100% reimbursement from TDOT with proper backup information.

**ATTACHMENTS:**

Request for Concurrence from TDOT (pages 4-7)

**PREPARED BY: Tim Gwaltney, P.E.**

Tim Gwaltney, PE, City Engineer

**REVIEWED BY: Butch Eder**

Butch Eder, CIP Manager

**REVIEWED BY: Cameron Ross**

Cameron Ross, AICP, Economic and Community Development Director

**REVIEWED BY: Adrienne Royals**

Adrienne Royals, Budget and Performance Sr. Analyst

**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 construction contract with Ferrell Paving, Inc. in the amount of \$457,631.55 for Phase III of Poplar Culverts Replacement Project pending TDOT concurrence.

**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: August 8, 2016

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

SUBJECT: PROFESSIONAL SERVICES AGREEMENT – CONSTRUCTION ENGINEERING INSPECTION (CEI) - POPLAR CULVERTS REPLACEMENT PROJECT PHASE III

### INTRODUCTION:

The purpose of this agenda item is to consider approval of a Professional Services Agreement with Askew Hargraves and Harcourt (A2H) in the amount of \$72,350.00 for Construction Engineering and Inspection services related to Phase III of the Poplar Culverts Replacement Project.

### BACKGROUND:

There are forty-eight (48) storm drain culverts of various sizes and shapes crossing under Poplar Avenue within the City limits. A significant portion of the culverts have reached the end of their design life and are showing signs of failure. In August 2009, the City initiated Phase I of this project which consisted of a complete interior inspection and structural evaluation of the culverts by physically walking through the man-entry size crossings and by the use of remote video camera for the smaller crossings. Based on the field observations, an Engineering Report was generated detailing the existing condition of each culvert along with recommendations and cost estimates to extend the life of the crossings. Phase I was completed in May of 2010 and results revealed that seventeen (17) culverts were in need of immediate replacement.

Phase II of the project consisted of design services, construction and CEI related to the six (6) most critical culvert locations. Design was completed in early calendar year 2013. Construction began in fall of 2013 and was completed in mid calendar year 2014.

Phase III of the project consists of design services, construction and CEI of the next ten (10) most critical culvert locations. Design was completed in mid calendar year 2015. However, right-of-way and Norfolk Southern Railroad issues postponed advertising the project for construction until June 2016.

This project is federal/state funded through Surface Transportation Program (STP). The City has been reimbursed 100% of all project expenditures, approximately \$880,000.00 to date.

### DISCUSSION:

In August of 2014, A2H was selected to provide design and CEI services for Phase III. The City entered into a PSA with A2H for design services in October 2014. The project has now progressed to the point at which CEI services are needed. A2H's scope/fee proposal is attached for your review. Staff's opinion is that the scope adequately addresses the City's needs and believes the fee to be reasonable. We therefore, respectfully recommend it for approval. This project is budgeted in the City's FY17 CIP.

**FORWARD 2030:**

Strategic Objective 2 within City Services and Finance – The City of Germantown is responsible for significant physical assets. The City believes that stewardship of City assets is essential to deliver high quality services to its customers consistently, as well as effectively..

**BUDGET AND STAFFING IMPACT:**

Tim Bierdz, City Stormwater Manager and Scott Pittenger, City Construction Inspector will serve as Project Managers during the construction phase.

**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	030-0000-400.2540 MR1704	Development	Prof. Serv.	\$173,000.00	\$72,350.00*

\*As invoices are submitted, the City pays those invoices then requests 100% reimbursement from TDOT with proper backup documentation.

**ATTACHMENTS:**

A2H scope/fee proposal (pages 4-10)

**PREPARED BY:** Tim Gwaltney, P.E.

Tim Gwaltney, PE, City Engineer

**REVIEWED BY:** Butch Eder

Butch Eder, CIP Manager

**REVIEWED BY:** Cameron Ross

Cameron Ross, AICP, Economic and Community Development Director

**REVIEWED BY:** Adrienne Royals

Adrienne Royals, Budget and Performance Sr. Analyst

**REVIEWED BY:** Lisa A. Piefer

Lisa A. Piefer, Procurement Director





# CITY OF GERMANTOWN

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## REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

**DATE:** August 8, 2016

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

**SUBJECT:** GERMANTOWN ATHLETIC CLUB RENOVATION - PHASE II CONSTRUCTION CONTRACT

### INTRODUCTION:

The purpose of this agenda item is to consider approval of a construction contract with A & B Construction Company, Inc. in the amount of \$2,320,809.00 for the construction of Phase II of the Germantown Athletic Club's Renovation Project.

### BACKGROUND:

Built in 1990 the Germantown Athletic Club is a major focal point of the Germantown community with over 12,000 resident and non- resident members. In 2009, the locker rooms and front entrance areas were renovated. These renovations enhanced the Club, however, space utilization and social needs areas within the Club remained deficient. In February 2012, a Conceptual Master Plan was developed by Fabiano Designs that outlined improvements to the Club that would address the space and social needs deficiencies.

The Plan's recommended entry level improvements including customer service area enhancement, new administrative offices, new pro shop, new lounge and sales office. In addition, the Plan recommended relocating the running track and infilling the floor over a portion of the Gymnasium to allow for new cardio, pilates, group exercise and spinning rooms. Lower level recommended improvements include the expansion of the men's and women's locker rooms, new yoga, group exercise, spa/massage and party rooms.

On January 27, 2014 the City entered into a Professional Services Agreement with Fleming Architects/Fabiano Designs in the amount of \$256,500.00 for the design of renovations to the Germantown Athletic Club. The project was designed to be constructed in phases to coincide with available funding.

Phase I was advertised for bids on July 24, 2015. Two contractors submitted bids with A and B Construction submitting the lowest base bid of \$1,383,247.00 and \$74,482.00 for Alternate 2, renovation of the aquatic office in the for a total project cost of \$1,457,729.00.

Phase I consisted of improvements to both the upper & lower levels north of the check-in and east of the gym, including the staff office area, children's area, spin class room, meeting rooms and new aquatic office. In addition, significant Improvements to HVAC, plumbing, fire protection and electrical systems were accomplished during this phase.

There were two Change Orders necessitated during construction of Phase I; the first one in the amount of \$25,255.23 was approved by the BMA on October 26, 2015 for an additional 60 days of construction time and additional supervisory cost for constructing the upper and lower levels separately and Change Order No. 2 in the amount of \$59,680.90 approved by the BMA on April 11, 2016 for mold remediation, revised lighting, fan and TV installation and an additional hand washing sink required by the Health Department. Total Project cost including the Change Order was \$1,542,665.13.

**DISCUSSION:**

Phase II consists of demolition and renovation modifications to the upper and lower level of the gymnasium and ancillary adjacent spaces at the Germantown Athletic Club, including covering the track level over the first basketball court for additional cardio use, the area below will be used for group fitness that can be configured into larger or smaller rooms based upon need and the renovation of the hall wall between the basketball court and hallway.

Phase II was advertised on the City's website on June 27, 2016, sent to the Plan Houses and an e-notification was sent to 1,015 vendors. Fifteen Contractors and Subcontractors attended the Pre-Bid Meeting on July 6, 2016. Four Contractors picked up bid documents. Two Contractors submitted bids A & B Construction Company, Inc. and Viktorhall Construction. However, after a thorough review of the bid submissions, only A and B Construction Company, Inc. met all of the requirements as stipulated by the City's bid documents.

Therefore, staff is recommending the approval of the second bid submitted by A and B Construction Company in the amount of \$2,320,809.00. A and B Construction Company has been in business since 1996 and is accredited with the Better Business Bureau and has an A+ rating with on complaints filed against the company.

Funding for this project is included in the FY17 CIP Budget and the bid analysis sheet is attached.

**FORWARD 2030:**

Strategic Objective 1 within City Services and Finance – All funds are self-sustaining.

**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 Expenditures</u>
CIP	042-4620-462.92-10 GC1701	GC	Building Improvement	\$2,500,000.00	\$2,320,809.00

**ATTACHMENTS**

Bid Analysis Sheet





# CITY OF GERMANTOWN

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## REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

**DATE:** August 8, 2016  
**FROM:** Patrick J. Lawton, City Administrator *PJL*  
**SUBJECT:** DESIGN SUPPLEMENT NO. 3 – CONTRACT ADMINISTRATION & CONSTRUCTION INSPECTION – GERMANTOWN ATHLETIC CLUB PHASE II

### INTRODUCTION:

The purpose of this agenda item is to consider approval of Supplement No. 3 in the amount of \$30,000.00 to the Professional Services Agreement with Fleming Architects for contract administration & construction inspections that are essential for Phase II improvements to the Germantown Athletic Club increasing the contract amount from \$282,500.00 to \$312,500.00.

### BACKGROUND:

On January 27, 2014 the City entered into a Professional Services Agreement with Fleming Architects in the amount of \$256,500.00 for the design of renovations to the Germantown Athletic Club.

On May 11, 2015 the Board of Mayor and Aldermen approved Design Supplement No.1 to Fleming Architects' Design Contract in the amount of \$2,000.00 for additional fire system monitoring that was required by the Fire Marshall's Office increasing the total contract amount to \$258,500.00.

On September 14, 2015, the Board of Mayor and Aldermen approved a construction contract with A & B Construction in the amount of \$1,457,729.00 for the construction of Phase I of the Germantown Athletic Club Renovation Project.

On September 14, 2015, the Board of Mayor and Aldermen approved Supplement No. 2 in the amount of \$24,000.00 to the Professional Services Agreement with Fleming Architects for contract administration & construction inspections that are essential for Phase II improvements to the Germantown Athletic Club increasing the contract amount from \$258,500.00 to \$282,500.00.

### DISCUSSION:

This Professional Services Supplement No. 3 will provide contract administration and construction inspection to support the City's staff during the construction of Phase II of the Germantown Athletic Club Renovation Project. These activities include review of contractor's submittals and shop drawings; response to contractor's request for information; regular site visits to ensure the project is being built according to plans & specifications; biweekly progress meetings with Owner, Architect and Contractor to review progress; review of pay applications, review of contractor's as-built drawings and coordination with the City's staff during project closeout.

Although the project was designed to be constructed in phases to coincide with available funding, the design including the preparation of all bid documents were completed on the front end for all three proposed phases with an estimated construction cost \$5,000,000.00.

DESIGN SUPPLEMENT NO. 3 – CONTRACT ADMINISTRATION & CONSTRUCTION INSPECTION  
GERMANTOWN ATHLETIC CLUB PHASE II CONSTRUCTION

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The \$30,000.00 fee for proposed Supplement No. 3 brings the total cost of the Professional Services Contract for the project to \$312,500.00, which is 6.2% of the estimated total construction cost. A similar fee for contract administration and construction inspection for the last phase would increase the total professional services cost to \$342,500.00, which is 6.8% of the \$5,000,00.00 estimated construction cost and is well within the customary fee for this size project. The funding for Supplement No. 3 is included in the FY17 CIP Budget and staff recommends approval of Supplement No. 3 in the amount of \$30,000.00.

**FORWARD 2030:**

Strategic Objective 1 within City Services and Finance – All funds are self-sustaining.

**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 Expenditures</u>
CIP	042-4620-462.92-10 GC1701	GC	Building Improvement	\$179,191.00	\$30,000.00

**ATTACHMENTS**

Design Supplement Proposal

**Prepared by:** Butch Eder

Butch Eder, CIP Manager

**Reviewed by:** Reynold D. Douglas

Reynold Douglas, General Services Director

**Reviewed by:** Phil Rogers

Phil Rogers, Athletic Club Director

**Reviewed by:** Lisa A. Piefer

Lisa A. Piefer, Procurement Director

**Reviewed by:** Adrienne Royals

Adrienne Royals, Budget & Performance Sr. Analyst



DESIGN SUPPLEMENT NO. 3 – CONTRACT ADMINISTRATION & CONSTRUCTION INSPECTION  
GERMANTOWN ATHLETIC CLUB PHASE II CONSTRUCTION

August 8, 2016

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

To approve Supplement No. 3 in the amount of \$30,000.00 to the Professional Services Agreement with Fleming Architects for contract administration & construction inspections that are essential for Phase II improvements to the Germantown Athletic Club increasing the contract amount from \$282,500.00 to \$312,500.00.

**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