



# 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, November 14, 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 - Education Commission Teacher of the Month
7. Alderman Liaison Reports
8. Citizens to be Heard
9. **CONSENT**
  - a. Germantown Community Theatre Grant
  - b. Annual Water System Maintenance Fee – TDEC
  - c. Resolution 16R30 - TML Property Conservation Matching Grant Program
  - d. Purchase of Radios - Fire Department
  - e. Purchase – Tack Distributor
  - f. Lobbying Services Agreement
10. Germantown City Hall Phase II - Erosion Control & Landscaping
11. Ordinance 2016-10 – Amendment to Beer Ordinance – Second Reading and Public Hearing

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: November 14, 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:** November 14, 2014

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

**SUBJECT: SPECIAL RECOGNITION – GERMANTOWN EDUCATION COMMISSION  
TEACHER OF THE MONTH, NOVEMBER 2016**

It is an honor for the Germantown Education Commission to present the November 2016 Teacher of the Month award to Traci Spain. A master at teaching Algebra II after her 25 years at Houston High School, Ms. Spain is well known for her dedication to students. She goes to great lengths to reach each one and makes herself available both before and after school for those who need tutoring. Ms. Spain is a positive role model and even stays in touch with many of her students after graduation.

Ms. Spain gives freely of her time outside of the classroom as well. She serves as the Student Government Association teacher sponsor and is currently serving as the Tennessee Association of Student Councils Executive Director. Under her direction Houston High has granted numerous wishes for children through Make-a-Wish. Each year the SGA hosts Halloween and Easter parties for children in the community near the Tillman police station in Memphis.

Ms. Spain, please accept our appreciation for your commitment to Germantown students. Your award is sponsored by Principle Toyota.

**PREPARED BY: Stacey Ewell**  
Stacey Ewell, Assistant to the City Administrator



# CITY OF GERMANTOWN

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**REPORT TO:** THE BOARD OF MAYOR AND ALDERMEN  
**DATE:** November 14, 2016  
**FROM:** Patrick J. Lawton, City Administrator *PL*  
**SUBJECT:** GERMANTOWN COMMUNITY THEATRE GRANT

**INTRODUCTION:**

The purpose of this agenda item is to authorize the Mayor to execute an agreement for the FY17 budget year between the City of Germantown and the Germantown Community Theatre in the amount of \$45,000.00.

**BACKGROUND:**

As part of the FY17 Budget, a \$45,000.00 grant was included in the Civic Support budget for the Germantown Community Theatre to provide youth theater programming to the Germantown community. This is the tenth year the Germantown Community Theatre (GCT) has offered programming to Germantown youth through funding from the City of Germantown.

**DISCUSSION:**

The Parks and Recreation Department provides oversight to the annual program plan to insure that goals and objectives are met. Staff of both organizations meets regularly to coordinate planning efforts. GCT has provided documentation and demonstration of their successes and how the City's dollars are being spent on an annual basis.

Staff is pleased to report that all terms of the agreement for FY16 were met and GCT provided all documentation required including the FY16 Audit Report which is on file with the Finance Director. The scope of services outlined in this year's agreement includes the following programs:

- All Children's Theatre – a seasonal children's play series
- Fun in Theatre – educational classes, workshops and camps for children ages 4-18
- REACH – after school programs
- Silver Stars – a theatrical reading program for seniors
- Main season shows – incorporation of "kid-friendly" productions in the main season show line-up
- Staffing support for children's theatrical programs
- Participation and support of existing community cultural arts and theatre programs:
  - Fairy Tale Trails – fall festival event
  - Spring Education Tour – for local schools

The Parks and Recreation Department will continue program oversight and management of the contract. Dr. Michael Miles, Executive Director for GCT, will be present to make a brief report to the Mayor and Board.





# CITY OF GERMANTOWN

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

DATE: November 14, 2016

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

SUBJECT: ANNUAL WATER SYSTEM MAINTENANCE FEE - TDEC

**INTRODUCTION:**

The purpose of this agenda item is to request authorization for payment to the Tennessee Department of Environment and Conservation (Division of Water Supply) in the amount of \$18,353.40 for the State Facility Maintenance Fee as established by the Water Quality Control Board.

**BACKGROUND:**

This fee provides funding for a technical staff which consults with local utility officials on water system issues and is collected from all public water systems in the State of Tennessee. The fee is based upon the type of facility and the number of water service connections and was implemented by the State in 1991 and amended by the Water Quality Control Board on July 22, 1992. (Rule 1200-5-1.32).

**DISCUSSION:**

The City of Germantown qualifies as a community water system with the maintenance fee based upon the number of service connections (14,118 units @ \$1.30 each). The last increase was approved by the state in February of 2008.

**GERMANTOWN FORWARD 2030**

City Services and Finance – Strategic Objective # 4 – The City provides high quality services. The City's highest objective is to provide superior customer service on a daily basis in the most timely and cost-effective manner.

**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>
Utilities	040-9010-521.25-40	Water	Professional Services	\$97,314.93	\$18,353.40

**ATTACHMENTS**

Invoice

**Prepared by:** Bruce Tillman  
Bruce Tillman, Asst. Director of Public Works

**Reviewed by:** Bo Mills, PWLF  
Bo Mills, Director of Public Works

**Reviewed by:** Lisa A. Piefer  
Lisa A. Piefer, Director of Procurement

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

To authorize payment to the Tennessee Department of Environment and Conservation (Division of Water Supply) in the amount of \$18,353.40 for the State Facility Maintenance Fee as established by the Water Quality Control Board.

**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: November 14, 2016

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

SUBJECT: 16R30 – TML Pool Property Conservation Matching Grant Program

**INTRODUCTION:**

The TML Risk Management Pool is offering a "Property Conservation" Matching Grant Program to provide 50% of the cost for driver safety training provided to employees who drive City vehicles. Germantown is eligible to receive up to the maximum \$2,500 from the limited grant funds available. The grant applies to training performed and/or equipment purchased in fiscal year 2017 and the application must be submitted with a resolution approved by the Board of Mayor and Aldermen, along with cost estimates (approximately \$5,000) for the qualified property conservation training and/or equipment.

**BACKGROUND:**

The TML Pool announced the launch of its Property Conservation Matching Grant Program for all members who have property coverage with The Pool. This new program allows professional public organizations to control property losses through the use of tools and technologies designed to preserve and protect the physical assets of public agencies.

The Property Conservation Matching Grant Program offers financial assistance help to eligible Pool members to purchase items designed to protect insured property from a variety of covered perils. This is a 50% matching grant with a maximum reimbursement based on your organization's classification matrix rating. Because the property conservation needs of each Pool member are different, various tools and technologies are eligible for this grant; including, but not limited to: lightning attenuation (lightning protection) systems, security fencing, infrared thermography, sprinkler head protective cages, affixed barricade devices (or other protective devices), security cameras or security lighting.

**DISCUSSION:**

The City of Germantown is committed to providing a safe workplace and enhancements for protection of the City's property. This grant is typically offered every other year with the City receiving \$2,500 in FY16 that went towards GPS equipment for City vehicles. TML was able to offer the grant again this year as well.

After review of the information with departments, Information Technology was selected to utilize grant funds to help defray costs of the installation of surveillance cameras and a server for the City's Library facilities. The Germantown Library currently has no cameras to record patrons/employees entering or leaving the facility. The addition of cameras and server to house the video will provide added security for everyone. The total for equipment and installation is \$36,894.06. Participation in the "Property Conservation" grant program is recommended.





# CITY OF GERMANTOWN

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

**DATE:** November 14, 2016  
**FROM:** Patrick J. Lawton, City Administrator *PJL*  
**SUBJECT:** PURCHASE OF RADIOS – FIRE DEPARTMENT

**INTRODUCTION:**

The purpose of this agenda item is to request authorization to purchase five (5) Motorola APX6000XE Portable Radios and one (1) Motorola APX4500 Mobile Radio for the Fire Department from the Tennessee Statewide Contract #418 in the total amount of \$17,102.00.

**BACKGROUND:**

A mobile radio is installed in every fire apparatus and ambulance, and in addition, these vehicles also carry a portable radio for every assigned member to the vehicle. Both the mobile and portable radios are used to keep in direct contact with Dispatch and other fire department resources during emergency incidents and routine situations. The portable radio model being requested has been specifically designed to be used in harsh environments such as fire suppression operations. Both the mobile and portable radios will assigned to the new aerial platform fire truck when it is placed into service.

**DISCUSSION:**

The Tennessee Statewide Contract #418 utilizes Motorola Solutions for the purchase of portable radios that are compliant with City's public safety communications system shared by both the Fire and Police Departments. This also includes the accessories, installation, and programming needed to have the radios ready for immediate use. The cost for each portable radio is \$2,755.16 and the cost for the mobile radio is \$2,976.20. The cost for installation and programming is \$350.00. A total of five (5) portable radios and one (1) mobile radio will be purchased. The total cost for the radios along with installation and programming will be \$17,102.00.

**BUDGET AND STAFFING IMPACT:**

**Source of Funding:**

Fund	Line Item No.	Dept.	Line Item Description	Budget Balance	Recommended Expenditure
CIP GG 1705	010-2510-422.94-01	Fire	Aerial Platform Purchase	\$37,480.00	\$17,102.00





# CITY OF GERMANTOWN

## REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: November 14, 2016

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

SUBJECT: PURCHASE – TACK DISTRIBUTOR

### INTRODUCTION:

The purpose of this agenda item is to request the Board's authorization to purchase a new LeeBoy Tack Distributor Model 150T equipped with an overnight heater from Power Equipment Company in the amount of \$12,501.25.

### BACKGROUND:

The new tack distributor is capable of maintaining 150 gallons of heated tack coat that can be applied on a surface in preparation for paving or street repairs. Tack coat is a thin bituminous liquid asphalt used to provide bonding between an existing pavement surface and hot-mix overlay. Tack coat is an essential process required to bond the two layers which prevent cracking and chipping due to an inadequate bond and extend the life of the overlay or repair.

### DISCUSSION:

The City is utilizing a cooperative purchasing agreement through National Joint Powers Alliance (NJPA) Contract #113012-VTL to procure pricing from Power Equipment Company. National cooperative contracts provide considerable time and resource savings for participating member agencies and streamline the contracting processes and maximize efficiencies.

### BUDGET AND STAFFING IMPACT:

#### Source of Funding:

Fund	Line Item No.	Dept.	Line Item Description	*Budget Balance	Recommended Expenditures
General	010-3010-430-94.20	Public Works IR1717	Tack Tank	\$15,000	\$12,501.25

### GERMANTOWN FORWARD 2030:

This purchase supports key performance area City Services and Finance Strategic Objective 2: Asset renewal is fully funded and takes place as scheduled

### ATTACHMENTS

- NJPA Contract Information
- Quote

**Prepared by:** Eddie Johnson  
Eddie Johnson, Fleet Services Manager

**Reviewed by:** Reynold D. Douglas  
Reynold Douglas, General Services Director

**Reviewed by:** Bo Mills PWLF  
Bo Mills, Public Works Director

**Reviewed by:** Lisa A. Piefer  
Lisa A. Piefer, Procurement Director

**Reviewed by:** Adrienne Royals  
Adrienne Royals, Budget & Performance Sr. Analyst

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

To approve the purchase of a new LeeBoy Tack Distributor Model 150T equipped with an overnight heater from Power Equipment Company in the amount of \$12,501.25.

**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:** November 14, 2016  
**FROM:** Patrick J. Lawton, City Administrator *PL*  
**SUBJECT:** LOBBYING CONTRACT

**INTRODUCTION:**

The purpose of this agenda item is to authorize the mayor to execute a lobbying services agreement with Farris Bobango Branan, PLC Attorneys at Law, for lobbying services on behalf of the City of Germantown beginning November 1, 2016 and ending October 30, 2017 in the amount of \$42,000.00.

**BACKGROUND:**

The City of Germantown has engaged the services of this firm for the past eight years. Administration has worked closely with senior partner in the firm, John Farris, and his staff in advancing the City's legislative agenda as well as monitoring legislation that could impact the City of Germantown.

**DISCUSSION:**

This year the firm has approached Administration regarding their lobbying services for the City. Administration has been extremely pleased with the efforts of the firm in representing Germantown's interests as well as monitoring specific bills and legislative proposals. The City receives weekly updates from the firm on various bills that have been introduced throughout the legislative session. A representative from the City will meet in Nashville with members of the Shelby County delegation and other state senators and representatives on a weekly basis during the session.

Upon approval of this lobbying contract, Administration will meet with Mr. Farris to develop the legislative agenda for 2017. During the legislative session the Administration and Mr. Farris will confer on those legislative issues where the City needs to focus its time and attention in order to fully understand the impact these bills could have on the City. This will allow Administration to direct its efforts on specific legislation and to inform the Board on those issues where the City should work aggressively to defeat or encourage passage. Procurement and the City Attorney have reviewed and approved the proposed contract.

**BUDGET AND STAFFING IMPACT:**

The FY17 budget includes funding for lobbying services for the City. The proposal from the firm is for \$42,000.00. Administration will closely oversee this contract and provide the Board of Mayor and Aldermen with information throughout the legislative session on our lobbying activities.

<u>Fund</u>	<u>Line Item No.</u>	<u>Dept.</u>	<u>Line Item Description</u>	<u>Budget Balance</u>	<u>Recommended Expenditure</u>
General	010-1010-411.25-40	Aldermen	Consulting	\$50,000.00	\$42,000.00







# CITY OF GERMANTOWN

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## REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: November 14, 2016

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

SUBJECT: GERMANTOWN CITY HALL PHASE II – EROSION CONTROL & LANDSCAPING

### INTRODUCTION:

The purpose of this agenda item is to consider approval of a construction contract with Sprinkler Systems, LLC in the amount of \$71,700.00 for the construction of the Germantown City Hall Phase II – Erosion Control and Landscaping Project.

### BACKGROUND:

This project was originally included as an alternate in the FY15 CIP Germantown City Hall Phase I – Signage and Landscaping Project; however, there was not sufficient funding available within the project's budget to incorporate it into the construction contract. Consequently, the project was submitted as a standalone project during the FY17 CIP Application Process and was approved for inclusion into the FY17 CIP Budget. The project will provide erosion control to avert additional erosion within the roadside gullies along Farmington Boulevard adjacent to City Hall and landscaping for an aesthetically pleasing entrance into City Hall.

On July 25, 2016, the City entered into a Professional Services Agreement with Dalhoff Thomas Design, LLC in the amount of \$5,400.00 to update the design plans and prepare the construction documents for bid.

### DISCUSSION:

The project was advertised on the City's Website and e-mail notification was sent to 1033 vendors on September 7, 2016. Seven contractors attended the pre-bid meeting on September, 14, 2016 and five contractors picked up construction specifications and drawings. Three contractors submitted bids with Sprinkler Systems, LLC submitting the lowest base bid of \$66,200.00. In addition, staff is recommending the acceptance of Alternate No.3 that consists of additional irrigation for a total project cost of \$71,700.00. Funding for this project is included in the FY17 CIP Budget and staff recommends approval. The bid analysis sheet is attached.

### FORWARD 2030:

Strategic Objective 3 within Natural Resources – Enhanced protection and conservation of our water resources are priorities. Stormwater discharge clarity is critical to maintaining clean lakes and rivers. The unpolluted discharge into drain laterals and further into adjacent rivers and lakes is an inherent and legislative necessity.





# CITY OF GERMANTOWN

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

**DATE:** November 14, 2016

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

**SUBJECT:** ORDINANCE NO. 2016-10 – AMENDMENT TO BEER ORDINANCE – SECOND READING AND PUBLIC HEARING

### INTRODUCTION:

This ordinance amendment will certain definitions and requirements under the City's alcoholic beverage ordinance.

### BACKGROUND:

Recent state legislative changes to the regulation of alcoholic beverages, including intoxicating liquors and beer, have an impact on the City's existing ordinance dealing with these substances. The ordinance change before you brings the City into compliance with these changes and also adds a new permit requirement for both on-premise and off-premise consumption.

### DISCUSSION:

Currently, the City will consider applications granting a beer permit for on- or off-premise consumption only. The ordinance amendment before you allows for an establishment to receive a permit for both on-premise and off-premise consumption. Specifically, under Article III Section 3-79 and 3-80, the ordinance amendment allows the dual permit with the condition that the on-premise must be in the form of a tasting (a sample) from a growler as defined by Section 3-7. The individual sample cannot exceed one ounce per sample nor shall an individual be offered or consume more than five (5) one-ounce samples per business day.

During the first reading on this ordinance change, the BMA directed the city attorney to expand the use and definition of on- and off-premise consumption permits to include breweries and manufacturing. Section 3-80(f) and (g) addresses this concern.

The other significant change to the ordinance and currently enforced by the City is that the applicant for the beer permit or those with 5% ownership interest must be lawful residents of the United States for not less than one year prior to completing the application. The amendments to the ordinance include several other changes to make the ordinance consistent with state law.

### ATTACHMENTS:

Amended Alcohol Beverages Ordinance – red line version

