



CITY OF GERMANTOWN

TENNESSEE

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

Board of Mayor and Aldermen Meeting

Monday, February 13, 2017 – 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 Education Commission Teacher of the Month, February 2017
 - b. Germantown Education Commission Youth Excellence Award, February 2017
 - c. GPAC Guild
7. Alderman Liaison Reports
8. Citizens to be Heard

BEER BOARD

9. Public Hearing – Beer Permit – On Premise – Malco Theatres, Inc.
10. **CONSENT**
 - Donations – Germantown Community Library
11. Development Agreement - Allelon Subdivision
12. Development Agreement - Farm and Fries
13. Election to Fill Vacancy on the City of Germantown Industrial Development Board



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: February 13, 2017

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

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	MASSEY	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

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: February 13, 2017

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

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 January 23, 2017.

ATTACHMENT

January 23, 2017 Minutes

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

To approve the minutes of the Board of Mayor and Aldermen Meeting held January 23, 2017.

BOARD ACTION: MOTION BY: SECONDED BY: _____

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

BOARD OF MAYOR AND ALDERMEN

January 23, 2017

The regular meeting of the Board of Mayor and Aldermen was held on Monday, January 23, 2017, at 6:00 p.m. in the Council Chambers of the Municipal Center.

Mayor Mike Palazzolo was present and presiding.

The following aldermen were present: John Barzizza, Mary Anne Gibson, Dean Massey and Rocky Janda. Staff present: Pam Beasley, Jeff Beaman, Michele Betty, Tim Bierdz, Rodney Bright, Reynold Douglas, Butch Eder, Tony Fischer, David Harris, Patrick Lawton, Bo Mills, Joe Nunes, Lisa Piefer, Phil Rogers, Cameron Ross, Paul Turner and Steve Wilensky.

Call To Order

The Mayor called the meeting to order.

Invocation

Bo Mills gave the invocation.

Pledge of Allegiance

Alderman Massey led the Pledge of Allegiance.

Approval of Agenda

During the executive session, the Board unanimously agreed to move to the Consent Agenda: #11 – Fiscal Year 2018 Budget Calendar and #14 – Agreement – TDOT Highway Rail Grade Crossing Improvements; and move to Regular Agenda: #9a – Appointment – Industrial Development Board.

Motion by Mr. Barzizza, seconded by Mr. Janda, to approve the agenda as amended.

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-yes, Owens-absent, Janda-yes. Motion approved.

Approval of Minutes

There were no corrections to the minutes.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the minutes of the Board of Mayor and Aldermen meeting held January 9, 2017.

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-yes, Owens-absent, Janda-yes. Motion approved.

Special Recognition

Germantown Education Commission Teacher of the Month, January 2017

Ms. Mary Loyd, fifth grade math teacher at Riverdale, was recognized as the Teacher of the Month.

Germantown Education Commission Youth Excellence Award, January 2017

Ms. Marianne Agee, a senior at Briarcrest Christian School, was recognized as the recipient of the Youth Excellence Award.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

Citizens to be Heard

Mindy Fischer, 8221 Beaufort Cove, 38138, came forward to express her appreciation for the quick response regarding an armed robbery near her home.

Sarah Wilkerson Freeman, 7684 Apahon Lane, 38138, came forward to express her concern about the process of filling a vacancy on the Industrial Development Board.

Guest Speaker

Senator Brian Kelsey shared with the Board that the financial situation of the State is the best in the country. For several years it has had the lowest per capita debt. This year the State has the lowest tax rate per person. The State has a one billion dollar recurring surplus and one billion dollar non-recurring surplus. Senator Kelsey plans to put forth in legislature this year taking one-half cent off the sales tax revenue and shifting it to the State for local governments. Governor Haslam plans to increase the gas tax and speed up the cut of the Hall tax.

CONSENT

Fiscal Year 2018 Budget Calendar

Each year, a budget calendar is developed for the timely completion of the City's annual operating and capital budgets for the forthcoming fiscal year. The calendar identifies the major reviews in preparing the annual budget, the meetings scheduled for the Financial Advisory Commission and the three readings on the budget adoption by the Board.

MOTION: To approve the Fiscal Year 2018 Budget Calendar.

Purchase – Dump Truck

The replacement vehicle purchased under this authorization is used in the day-to-day operations by the Public Works Department. The replacement of this vehicle is based on current mileage, age, condition, utilization and maintenance costs. The additional vehicle being deemed as surplus was identified as an underutilized vehicle during the budget process and is no longer required in the fleet.

MOTION: To approve the purchase of one new 2017 Ford F450 chassis equipped with a TruckCraft TC300 Service/Dump body at a cost of \$59,787.00 from National Fleet Auto Group. In addition, authorization is requested to declare replaced vehicle as surplus property.

Purchase – CLEAR for Law Enforcement License Renewal

The Police Department utilized outside agencies and the Regional Organized Crime Information Center prior to 2015 as an investigative tool. The research process was time consuming and information available was very limited. In 2015, after an extensive trial of CLEAR, the Police Department entered into a 2-year access agreement for four investigators utilizing a State of Tennessee contract.

MOTION: To authorize a 3-year access agreement to renew licensing and migrate to CLEAR for Law Enforcement in the amount of \$17,358.49 from West Publishing Corporation.

Purchase – Decorative Street Signposts

The City bid the fabrication of the signposts/brackets and the Board approved a contract with Special Lite Products on June 23, 2014. The pricing in that contract is for \$434.00 for the decorative signposts and \$108.00.00 for the decorative sign brackets.

MOTION: To approve the purchase of fifty-six (56) decorative street signs and fifty (50) brackets in the amount of \$29,704.00 under existing contract pricing with Special Lite Products Company and approve Budget Adjustment 17-48.

Purchase – DVD Burner System

The Germantown Police Department has in-car-cameras installed in each uniform patrol vehicle and each vehicle's camera recordings are uploaded to a server in the Police Department. The server stores the recordings for a specific time for review and evidence uses. The in-car-camera systems have been vital in the review of Police traffic stops, citizen encounters and evidence in criminal prosecutions. The system that is utilized to view and burn recordings is over five years old and will no longer be supported by the manufacturer after March 2017.

MOTION: To approve the purchase of Rimage 6000N DVD Burner System from L3 Mobile-Vision Inc. for the amount of \$15,670.50.

Overtime Reimbursement – Fire Department

As a participating member of Tennessee Task Force One (TN-TF1), the Germantown Fire Department is eligible to receive reimbursement for costs associated with the backfill of personnel that have been deployed on a Disaster through the Federal Emergency Management Agency (FEMA). As the sponsoring agency for TN-TF1, the City of Memphis provides the backfill overtime reimbursement to the participating agencies and submits for reimbursement through FEMA. On October 6, 2015, members of the Fire Department were deployed to Hurricane Matthew.

MOTION: To recognize overtime reimbursement from the City of Memphis in the amount of \$6,663.21 and approve Budget Adjustment #17-47.

Contract Extension – Fireworks

Each year, the City contracts with a fireworks company to provide an electronically fired aerial fireworks display for the July Family Fourth event held at Municipal Park. The contract was awarded in FY15 in the amount of \$16,500.00 for the 2015 show, with an option to extend the contract for two (2) additional years at the same price. Staff is recommending exercising the City's option to extend the contract one additional year for the fireworks display. The City has used the contractor with successful results through 2015. The amount of \$16,500.00 is included in the FY17 budget.

MOTION: To authorize the Mayor to exercise the City's option to extend the contract with Pyro Shows, Inc for the July 4, 2017 fireworks display in the amount of \$16,500.00.

Donation – Germantown Education Foundation Fill the Fountain

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. The purpose of this agenda item is to authorize the remittance of money collected from citizens and others in the amount of \$4,247.00 to the Germantown Education Foundation.

MOTION: To approve the transfer of funds collected by the City from residents and others to the Germantown Education Foundation in the amount of \$4,247.00

Agreement – TDOT Highway Rail Grade Crossing Improvements

Large vehicles have a history of becoming stuck on the railroad tracks at this location. The improvements proposed for the Oak Manor Drive grade crossing include installation of five advance railroad warning signs and advanced pavement markings with some refreshing of existing pavement markings. The City agrees that it will perform the railroad crossing approaches work provided for in the Agreement. Germantown Public Works crews will install the signs. The retro-reflective pavement markings will be contracted out. Upon completion of the project, TDOT will reimburse the City for 100% of the construction costs.

MOTION: To authorize the Mayor to enter into an agreement with the Tennessee Department of Transportation (TDOT) for the preparation and installation of improvements to the railroad approach at Oak Manor Drive Grade Crossing, DOT Project No. 732-145H.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to accept the consent agenda as read.

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-yes, Owens-absent, Janda-yes. Motion approved.

REGULAR

Board of Mayor and Aldermen Minutes

January 23, 2017

Page 4

Resolution 16R32 – Americans with Disabilities Act Transition Plan

Ms. Piefer stated this agenda item is to adopt, by resolution, the creation and implementation of the Americans with Disabilities Act Transition Plan, a significant wide-reaching civil rights law that was passed to prevent discrimination against individuals with disabilities. ADA applies to public and private businesses, state and local government agencies, and organizations offering public services, transportation and utilities.

Motion by Mr. Janda, seconded by Ms. Gibson, to adopt Resolution 16R32 authorizing the creation and implementation of the Americans with Disability Act Transition Plan for the City of Germantown.

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-yes, Owens-absent, Janda-yes. Motion approved.

Appointment – Industrial Development Board

There is currently one vacancy on the Industrial Development Board.

Mr. Harris stated, per the Industrial Development Board Bylaws, the process for appointing members is the Mayor nominates an individual and the election by the Board of Mayor and Aldermen takes place at the next scheduled meeting. The bylaws give only the Mayor the authority to nominate an individual to serve.

There was discussion regarding the nomination and appointment process. Mr. Harris stated the bylaws do not state when the nomination shall take place. The Mayor nominates an individual and the election by the Board of Mayor and Aldermen takes place at the next scheduled meeting. The position may remain unfilled until the Mayor brings forth a nomination.

Mayor Palazzolo nominated Dave Klevan to fill the vacancy.

Mayor Palazzolo stated the bylaws and charter do not state when the mayor has to bring forth a nomination. Many times positions on boards and commissions are not filled immediately. There were appointments made at the last BMA meeting. Mayor stated his reasons for delaying the appointment and why he nominated Mr. Klevan including the applicant's professional background and past service on City boards and commissions; and general process of accepting applications to serve and avoidance of conflict of interest.

Ordinance 2017-5: Amending Chapter 9, Article II (Air Pollution Control Code) of Germantown Code of Ordinances

Mr. Lawton stated the proposed revisions to the City's Air Pollution Control Code are being presented in order to have our Code conform to the changes made by Shelby County. The Shelby County Health Department's Pollution Control Section administers a uniform pollution control program for the County and all municipalities within Shelby County. Shelby County has revised their fee schedule; these changes are to make our fees match the changes made by the County. Shelby County has further amended local open burning regulations to comply with recent state legislation providing for an expedited process to grant waivers from such regulations in the event of an emergency.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve Ordinance 2017-5, amending the City of Germantown Air Pollution Control Code on first reading and to set February 27 as the public hearing date to consider this ordinance amendment.

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-yes, Owens-absent, Janda-yes. Motion approved.

Professional Service Agreement Supplement No. 2 – Lateral G

Mr. Ross stated this agenda item is to consider approval of Supplement 2 in the amount of \$93,750.00 to an existing Professional Services Agreement (PSA) with ETI Corporation related to the Lateral G Drainage

Improvements Project, increasing the contract from \$293,812.00 to \$387,562.00. The cost proposal in the amount of \$93,750.00 includes all items necessary to complete the Lateral G project as well as the proposed Allenby Lakes stream restoration project.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve Supplement No. 2 in the amount of \$93,750.00, increasing the originally approved Professional Services Agreement amount of \$293,812.00 to \$387,562.00 with ETI Corporation for design services related to the Wolf River Lateral G Drainage Improvements Project and to approve Budget Adjustment No. 17-46.

ROLL CALL: Barzizza-yes, Gibson-yes, Massey-yes, Owens-absent, Janda-yes. Motion approved.

Meeting Adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: February 13, 2017

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

SUBJECT: SPECIAL RECOGNITION – GERMANTOWN EDUCATION COMMISSION TEACHER OF THE MONTH, FEBRUARY 2017

It is an honor for the Germantown Education Commission to present the February 2017 Teacher of the Month award to Ms. Doreen Penrod, German teacher and Foreign Language Department Chair at Houston High School.

Ms. Penrod has a reputation as a positive role model for students and other teachers. While teaching six levels of German, she is able to bring out the best in her students, lead them to excellence and shape them to be lifelong learners. New foreign language teachers at Houston High find an advocate and mentor in Ms. Penrod. She is available at school each day long after classes are over.

Ms. Penrod is also the sole sponsor of three active clubs at Houston High – the German Club, International Club and German Folk Dancing Club. Under her guidance, these clubs contribute to outreach and charity programs such as Angel Tree, Houston vs. Hunger and Heifer International. Additionally, she joyfully takes on the task of organizing and leading student trips to Europe.

Ms. Penrod, 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

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: February 13, 2017

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

SUBJECT: SPECIAL RECOGNITION – GERMANTOWN EDUCATION COMMISSION YOUTH EXCELLENCE AWARD, FEBRUARY 2017

The February 2017 Youth Excellence Award is presented to Patrick Gardner, a senior at Houston High School.

Patrick has earned a spot as one of Houston High's most accomplished students. He is currently ranked first in his large class, is a National Merit Commended Scholar, an AP Scholar with Distinction, an AP National Scholar and has attained a perfect ACT score. He will have 13 AP classes under his belt by graduation. He plans to major in computer science or engineering in college.

Patrick has been a member of the Leadership Council for the Houston High Honors Academy for the past three years, helping to organize the St. Jude blanket project and a number of other community service projects benefitting the school and the community. As a senior, he is serving as president of both Mu Alpha Theta National Honors Society and the Houston High ACT 30 and Above Club, volunteering with both clubs as a peer tutor on many afternoons. Patrick was selected to shadow the CFO of a national pharmacy benefit company this year and plans to use the experience as a basis for his Senior Honors Academy Project. Outside of school, Patrick is very involved in his church. He is a three-year member of the varsity tennis team and the kicker for the varsity football team.

In recognition of his commitment to excellence, the Germantown Education Commission is proud to present Patrick Gardner with the Germantown Youth Excellence Award.

PREPARED BY: Stacey Ewell

Stacey Ewell, Assistant to the City Administrator



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: February 13, 2017
FROM: Patrick J. Lawton, City Administrator *PL*
SUBJECT: SPECIAL RECOGNITION – GPAC GUILD

The Germantown Performing Arts Guild is an organization of women who share the common interest of promoting the arts in our community and in West Tennessee. Guild members assist at performances, prepare receptions, oversee the holiday decorations at GPAC, organize performing arts programs, create visual art opportunities and promote performances to the community. Guild members donate their time, talents and dollars to the many varied activities of GPAC. There are currently 38 members of the GPAC Guild.

For over 21 years, the Guild has supported GPAC and several arts organizations in the region. This tireless force of volunteers has been an important part of the success of GPAC. Today, we are publically recognizing the GPAC Guild and extend a sincere appreciation to their efforts and leadership.

Founders:

Rebecca Barton, Betsy Brunson, Ann Cobb, Frances Dye, Lois Elstead, Maxine Pyron	Elizabeth Johnston, 2005-2006 Kathryn Pascover, 2006-2007
--	--

Presidents:

Frances Dye, 1995-1996	Chris Krosnes, 2007-2008 Mary Miesse, 2008-2009
Dorothy Lee, 1996-1998	Pat McCaleb, 2009-2010
Betsy Brunson, 1998-1999	Marilyn Barnes, 2010-2011
Lee Smith, 1999-2000	Pat Scroggs, 2011-2012
Tommie Pardue, 2000-2001	Ann Smith, 2012-2013
Rebecca Barton, 2001-2002	Mikki Duffy, 2013-2014
Patricia Smith, 2002-2003	Donna Cohen, 2014-2015
Ann Cobb Beach, 2003-2004	Margaret Briscoe, 2015-2016
Sondra Sutton, 2004-2005	Joanna Haines, 2016-2017

ATTACHMENTS:

No attachments.

PREPARED BY: Paul Chandler
Paul Chandler, GPAC Executive Director



CITY OF GERMANTOWN, TENNESSEE POLICE DEPARTMENT

1930 South Germantown Road • Germantown, Tennessee 38138
Phone (901)757-7300 Fax (901)751-7656 www.germantown-tn.gov

DATE: February 10, 2017

ATTENTION: Michele Betty
Germantown City Clerk

Ref: Background check for **Larry Etter**

In response to your request for a background check for records pertaining to **Larry Etter** for the last ten (10) years, a check of the computer records of the City of Germantown revealed:

Mr. Etter has no history with the Germantown Police Department and has no outstanding Germantown warrants for his arrest.

For any criminal history records checks outside of the City of Germantown, you will need to contact the Memphis Police Department, Shelby County Sheriff Office, the Tennessee Bureau of Investigation, or any other applicable jurisdiction. Juvenile records are maintained by the Juvenile Court of Memphis and Shelby County.

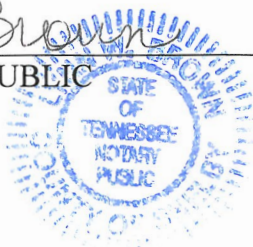
Sincerely,

Officer Janelli
1930 South Germantown Rd.
Germantown, TN 38138
Office (901) 757-7348

**STATE OF TENNESSEE
COUNTY OF SHELBY**

SWORN TO AND SUBSCRIBED before me this 10 day of February, 2017

NOTARY PUBLIC



My Commission Expires

From: **Pounder, Sheila** <spounder@germantown-tn.gov>
Date: Mon, Jan 23, 2017 at 12:47 PM
Subject: Re: Beer Permit Malco Theatre
To: "Betty, Michele" <mbetty@germantown-tn.gov>

The zoning is SC-1, in which the theater is a permitted use. Restaurants are also a permitted use in this district.

Regards,

Sheila Pounder, CNU-A
Planning Division Manager
Dept. Economic and Community Development
(901) 751-5681
spounder@germantown-tn.gov
www.germantown-tn.gov

City of Germantown - Excellence. Every day.

----- Forwarded message -----

From: **Betty, Michele** <mbetty@germantown-tn.gov>
Date: Fri, Jan 20, 2017 at 1:54 PM
Subject: Beer Permit Malco Theatre
To: Cameron Ross <cross@germantown-tn.gov>

CR:

I have received an on premise beer permit application from Malco Theatre, Inc. for Forest Hill Cinema No. 8 located at 3180 Village Shops Drive. Would confirm that zoning is meets code?

Thank you,

Michele Betty
City Clerk/Recorder
[901.757.7251](tel:901.757.7251)
www.germantown-tn.gov
City of Germantown - Excellence. Every Day

This message, including attachments, may contain information that is confidential, proprietary, privileged or otherwise legally exempt from disclosure. If you are not the intended recipient and have received this message in error, please notify the sender immediately by email, refrain from disseminating, printing or copying the message and permanently delete all copies of the message.

APPLICATION FOR A BEER PERMIT

STATE OF TENNESSEE CITY OF GERMANTOWN

Application for (check one):

- ON-PREMISES PERMIT
- OFF-PREMISES PERMIT
- ON-PREMISES AND OFF-PREMISES PERMIT
- MANUFACTURER'S OR DISTRIBUTOR'S PERMIT
- TEMPORARY PERMIT

THE OWNER OF THE HEREIN NAMED BUSINESS ("APPLICANT") HEREBY MAKES APPLICATION FOR A PERMIT TO SELL, STORE, MANUFACTURE FOR SALE, OR DISTRIBUTE BEER AUTHORIZED TO BE SOLD, STORED, MANUFACTURED FOR SALE, OR DISTRIBUTED UNDER THE PROVISIONS OF T.C.A. § 57-5-101 *ET SEQ.* AND GERMANTOWN CODE § 3-71 *ET SEQ.*, AND BASES THE APPLICATION UPON THE ANSWERS TO FOLLOWING QUESTIONS:

1. Full name of applicant (owner): Malco Theatres, Inc
Forest Hill Cinema 8
Individual Firm (Partnership - General or limited) Corporation
Joint-stock Company Syndicate Association Other

2. List the names and addresses of all persons or business entities having at least a five percent (5%) ownership interest in the applicant (attach additional sheet, if needed).

3. If a business entity owns at least a five percent (5%) ownership interest in the applicant, list the names and addresses of all owners having at least a five percent (5%) ownership interest in such business entity (attach additional sheet, if needed)

Instructions for Answering Questions 4, 5, and 6 are as follows:

- (a) If the applicant (owner of the business) is an individual, the questions pertain to such individual.
- (b) If the applicant (owner of the business) is a business entity of any form, the questions, where applicable, pertain to all persons or business entities having at least a five percent (5%) ownership interest in the applicant.
- (c) Attach separate sheet if necessary.
4. What is your full name and present home address?

5. Previous address(es) (within the last 10 years)

6. Date of birth _____ Home telephone number _____
Business telephone number _____
Social Security Number _____
7. Under what name will this business operate? Forest Hill Cinema Grill

8. Location(s) of business by street address or other geographical description and phone number of the business(es): 3180 Village Shops Drive
Germentown, TN 38138
9. Specify the name, title, and address of the person to receive annual privilege tax notices and any other communications from the City: Mr. Robert Harrington
5851 Ridgeway Center Pkwy - C.F.O. Malco Theatres
10. Give name and address of property owner where business is located, if other than applicant: Malco Theatres, Inc.
5851 Ridgeway Center Pkwy
Memphis, TN 38120
11. Will the permit be used to operate two (2) or more restaurants or other businesses within the same building pursuant to the same permit, as permitted by Germantown Code § 3-81(c)(4)?
Yes _____ No X

If so, specify number: _____ . List the names of the restaurants or other businesses and describe their exact location (use additional sheet if necessary).

12. A. Has any person having at least a five percent (5%) ownership interest in the applicant, or any owner of at least a five percent (5%) ownership interest in any business entity owning at least a five percent (5%) ownership interest in the applicant, or any person to be employed by the applicant in the distribution, sale, or manufacture for sale of beer at the location(s) shown in paragraphs 8 and/or 11 above, been convicted, within the past ten (10) years of any crime, whether felony or misdemeanor, involving misuse or abuse of alcohol or the illegal use of drugs, including, but not limited to, driving under the influence, public intoxication, as defined in T.C.A. § 39-17-310, disorderly conduct when it involves use of alcohol or the illegal use of drugs, and/or any violation of the laws against possession, sale, manufacture for sale, or transportation of beer or other alcoholic beverages, or the manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell any controlled substance that is listed in Schedules I through V in title 39, chapter 17, part 4, of the Tennessee Code, and/or any crime involving moral turpitude?

INSTRUCTIONS for Answering Question 12.A: If no person or business entity owns at least a five percent (5%) ownership interest in the applicant, this question should be answered relative to the person(s) who will be the manager(s) of the applicant's business at the location. NOTE: Pursuant to the City's beer ordinances, an applicant must, at all times, assure that any persons employed in the distribution, sale, or manufacture of beer has not been convicted within the past ten (10) years of any crime involving misuse or abuse of alcohol, or the illegal use of drugs, and/or any crime involving moral turpitude. The City does not presently require background checks beyond those required by this application, but it reserves the right to do so; and the applicant must understand that if it employs, at any time, a person who will distribute, sell, or manufacture beer and that person is found by the City to have been convicted of such a crime within the specified time period, such could be found by the beer board to be a violation by the applicant of the City's beer ordinances and handled accordingly.

Yes _____ No ~~_____~~.

If so, identify the person(s) and give the particulars of each charge, court, and date of conviction.

B. Identify the name, residence addresses for the last ten (10) years, and Social Security number of any person(s) identified in the response to paragraph 12.A.

13. Has the applicant ever had a beer permit revoked, suspended, or denied in any jurisdiction, including the City? Yes _____ No X. If so, provide specific details relating thereto, including where, when, and why such revocation, suspension, or denial occurred.

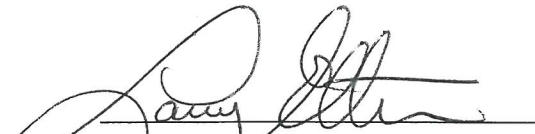
14. Has the applicant been a citizen or lawful resident of the United States for not less than one (1) year prior to the date of this application? A person who willfully makes a false, fictitious or fraudulent statement or representation of United States citizenship may be prosecuted under 18 U.S.C. § 911 and/or the False Claims Act, T.C.A. §§4-18-101, *et seq.*

Yes _____ No _____

N/A

I (the applicant or, if a business entity, a duly authorized representative of the applicant) am knowledgeable of the laws, both state and local, prohibiting the sale of beer to minors, and represent that no sales in contravention of said laws shall be made by applicant. I am also aware that a beer permit shall not be issued or may be revoked if the applicant's business and/or its location causes traffic congestion or interferes with schools, churches, or other places of public gathering, or otherwise interferes with public health, safety, and morals, the City Beer Board having the right to forbid the sale, storage, distribution, or manufacture for sale of beer on the foregoing grounds. It is understood and agreed that applicant must amend or supplement the information provided herein if any change in circumstances affects the responses provided. It is also understood and agreed that, in the event applicant makes a false statement in this application, applicant's permit shall be forfeited, and the applicant shall not be eligible to receive a beer permit from the City for a period of ten (10) years.

I hereby certify that the City provided to me a copy of the City of Germantown Beer Ordinance, which I have read and am familiar with, and that the information provided herein is correct and accurate to the best of my knowledge, information, and belief.

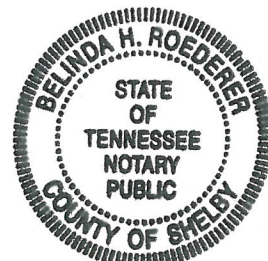

Signature of Applicant/Owner
(or Authorized Representative)

Larry Etter
Printed Name of Signatory

Sworn to and subscribed before me this the 18th day of January, 2017.

Belinda H. Roederer
Notary Public

My Commission Expires:
August 11, 2018



MY COMMISSION EXPIRES:
8/11/2018

MALCO THEATRES, INC.
5851 RIDGEWAY CENTER PARKWAY
P.O. BOX 171809
MEMPHIS, TN 38187

LIST OF CORPORATE STOCKHOLDERS/ LLC MEMBERS WITH 5% OWNERSHIP

NAME	ADDRESS	TITLE	SHARES	% OWNED
STEPHEN P LIGHTMAN	6180 CHAPELLE CIRCLE MEMPHIS, TN 38120	MEMBER	308.5	5.641
ALAN PAIGE LIGHTMAN	47 DEVENS ST. CONCORD, MA 01742	MEMBER	406.001	7.424
JOHN RICHARD LIGHTMAN	1209 FALLS SPRING RD COLLIERVILLE, TN 38017	MEMBER	406	7.424
DAVID ABBOTT LIGHTMAN	201 MEADOW RUN DR WINFIELD, PA 17889	MEMBER	286	5.23
DIANE L LEVY	442 SWEETBRIAR MEMPHIS, TN 38120	MEMBER	808	14.776
ROBERT T LEVY	391 RIVER OAKS RD MEMPHIS, TN 38120	MEMBER	837.166	15.309

**AUTHORIZATION FOR RELEASE OF INFORMATION
REQUEST FOR RECORD CHECK¹**

I hereby authorize you to release to the Police Department of the City of Germantown, State of Tennessee, all information related to any criminal and/or traffic records of the undersigned, without any prejudice or liability on your part.

WITNESS:

[Handwritten Signature]

[Handwritten Signature]
Signature

Date: 1-18-2017

Full Name: Larry Etter
(please print)

Current Address: _____

Social Security No.: _____

Previous Address(es) in last 10 years
(If out of Shelby County)

Drivers License State and Number: _____

SAME

Date of Birth: 1 / 1

Race: W Sex: M

Employed by: Malco Theatres, Inc

Address: 5851 Ridgewood Center Pkwy
Memphis, TN 38120

Phone: 901-761-3480

¹ This form shall be completed by any person having at least a five percent (5%) ownership interest in the applicant, any owner of at least a five percent (5%) ownership interest in any business entity owning at least a five percent (5%) ownership interest in the applicant, or the manager to be employed by the applicant in the distribution, sale, or manufacture for sale of beer if no person or entity owns at least a five percent (5%) ownership interest in the applicant.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: February 13, 2017

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

SUBJECT: RECOGNITION 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 \$1405.00 and to the Germantown Regional History and Genealogy Center in the amount of \$50.00 and to approve Budget Adjustment Number 17-44.

BACKGROUND:

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

Great Lengths Salon \$50.00
Pop Solutions \$100.00
Shelby County Republican Women \$100.00
Smoothie King \$100.00
Cheryl Tomkins \$55.00
Heritage Womans Club \$1,000.00

The following organization has contributed a donation to the Germantown Regional History and Genealogy Center:

Chief Piomingo DAR \$50.00

DISCUSSION:

The Germantown Community Library works in partnership with many local organizations to provide top quality services to its patrons. This year the library is hosting Battle of the Books – a reading program for students across the state. Donations totaling \$350.00 were recently given in support of the Battle of the Books program. The donor organizations are Great Lengths Salon, Pop Solutions, Shelby County Republican Women and Smoothie King. Cheryl Tomkins donated \$55.00 towards the purchase of new materials for the library and our long time supporters at the Heritage Womans Club have given \$1,000.00 to be spent according to the needs of the Children’s Department.

The \$50.00 that was donated to the Genealogy Center was designated by Chief Piomingo DAR to purchase books for the Genealogy collection.

CITY OF GERMANTOWN
REQUEST FOR BUDGET TRANSFER OR APPROPRIATION

No. 17-44

- REQUEST FOR TRANSFER W/IN ONE ALLOCATION
- REQUEST FOR TRANSFER ACROSS FUNDS/PROJECTS
- REQUEST FOR ADDITIONAL FUNDS

DATE: 01/5/2017

DEPT: Library

ACCOUNT NUMBER	PROJ. #	ACCOUNT DESCRIPTION	CURRENT BUDGET	PROPOSED ADJUSTMT	PROPOSED BUDGET
010 - 4310 - 448 - 32 50	n/a	Supplies	\$ 5,062	\$ 1,405	6,467
010 - 4311 - 444 - 89 90	n/a	Other Expense	\$ 6,601	\$ 50	6,651
010 - 0000 - 367 - 10 00	n/a	Library Donations	\$ (10,000)	\$ (1,455)	(11,455)

JUSTIFICATION: To recognized donations from Great Lengths Salon (\$50), Pop Solutions (\$100), Shelby County Rep. Women (\$100), Cherly Tompkins (\$55), Heritage Womans Club (\$1000), Smoothie King (\$100), and Chief Piomingo DAR (\$50)

REQUESTED BY: Daniel Page

COMMENTS: _____

REVIEWED BY: _____
 Division Director

REVIEWED BY: _____
 City Administrator

APPROVED FOR SUBMISSION: De'Kisha Fondon
 Budget & Performance

REQUEST FOR TRANSFER WITHIN ONE DEPARTMENT APPROVED: _____
 Mayor

REQUEST FOR ADDITIONAL FUNDS REVIEWED BY: _____
 Mayor

REQUEST FOR TRANSFER ACROSS FUNDS/PROJECTS
 APPROVED BY BOARD OF MAYOR & ALDERMEN: CERTIFIED BY: _____
 City Clerk

DATE: _____

City of Germantown, TN Boards & Commissions

Application Form

Profile

Prefix First Name Middle Initial Last Name

MALE Gender

4-16-47 Birth Date

ARLEEN Name of Spouse

KLevanCbellsooTh.net Email Address

33 Resident of Germantown how many years?

2965 Poplar Grove Lane Home Address

Suite or Apt

Germantown City

TN State

38159 Postal Code

901-766-1950 Primary Phone

901-355-3030 Alternate Phone

CBMG Employer

Owner / President Job Title

Insurance Occupation

Limited Travel required?

Education

Marshall University 1969 B.A. School, Year and Degree

Interests & Experiences

Professional Organizations/Associations (Names of group or activity, years of participation, leadership positions)

Top Employee Benefit Broken in Memphis for past 20 years

Community Organizations/Associations (Names of group or activity, years of participation, leadership positions)

Germantown Chamber - Board + All Positions

Are you a member or past member of Leadership Germantown?

Yes No

1997

If yes, what year?

Which Boards would you like to apply for?

IDB

Special Qualifications:

20+ Year Community Volunteer

Previous City Appointments/Assignments:

MOST Boards + Commissions + BMA

Why are you interested in serving on a board or commission?

To insure our City

develops according to vision 2030 Plan

I hereby attest that the information I have entered on this application is true and correct and that I am a full-time resident of the City of Germantown permanently residing at the home address listed above.

Yes No

DAVID L. KLEVAN
Name

12-28-16
Date

Dave Klevan's Qualifications

- Citizen servant in excess of 25 years
- Economic Development experience through many years of leadership with the Germantown Area Chamber of Commerce
- Part of the leadership team to charter and begin the Suburban Chamber Alliance
- In Chamber role, has worked with EDGE and site locators with recruiting corporate business to Germantown and the greater region
- Was instrumental with the Germantown Chamber in grant applications with EDGE to fund economic development tools in Germantown
- Served on the City Economic Development Commission as Chamber of Commerce liaison
- Served as the "interim" President/CEO of the Germantown Chamber during a transitional period with the executive director
- Active with the NFIB and owns a benefit consulting company
- Is NOT engaged with land development, planning, engineering, construction or any affiliated professions which could lead to a natural conflict of interest
- Qualified experience working in a voting committee structure
- Germantown Planning Commission Chairman, understands zoning, land-use, transportation studies, sewer studies and complex financial tools like PILOTs and TIFs
- Was a key member and contributor during the 2012 Key Economic Development Strategic Plan
- Has served with distinction at every civic assignment