

BOARD OF MAYOR AND ALDERMEN
March 21, 2024

A special called meeting of the Board of Mayor and Aldermen was held on Thursday, March 21, 2024, at 5 p.m., in the Klein Conference Room in the Economic and Community Development Building.

Vice Mayor Gibson was present and presiding.

The following aldermen were present: Scott Sanders, Mary Anne Gibson, Sherrie Hicks, Brian Ueleke and Jon McCreery. Staff present: Jason Huisman, Autumn Jones, Mac McCarroll, Cameron Ross and Andy Sanders.

Set Agenda

The Board is asked to set the agenda for the meeting. Any changes are to be made at this time.

Motion by Mr. Ueleke, seconded by Ms. Hicks, to approve the February 26, 2024 agenda.

ROLL CALL: Sanders-yes, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Citizens to be Heard

No citizens came forward.

Resolution 24R02 – Notice of Appeal Approval

The purpose of this agenda item is for the Board of Mayor and Aldermen to consider Resolution 24R02, approving the filing of a Notice of Appeal in the case of Trezevant Enterprises, Inc. v. The City of Germantown, pending in the Chancery Court of Shelby County, Tennessee, bearing docket number CH-05-1614-III.

Many years ago, Trezevant Enterprises, Inc. (“Trezevant”) sued the City of Germantown (“The City”) asking the court for a Declaratory Judgement allowing Trezevant to construct commercial office buildings on three tracts of land on Poplar Avenue, which the City had re-zoned from commercial to residential in 1957. The City opposed this lawsuit.

Trezevant argued in its Motion for Summary Judgment that allowing the property’s use as commercial office space would constitute a continuation as a non-conforming use, and should be allowed by the Court. The City argued in its own Motion for Summary Judgment that allowing the property to be used as commercial office space would constitute a change in zoning without forcing Trezevant to go through the proper planning and BMA approvals required by the City. The Court ruled in Trezevant’s favor.

The consideration before the Board is whether it should vote in favor of allowing its counsel to file a Notice of Appeal which would commence an Appeal with The Tennessee Court of Appeals, asking that the City be allowed relief from what the Board considers to be an erroneous ruling by the Chancery Court.

Motion by Mr. Ueleke, seconded by Ms. Hicks, to approve Resolution 24R02, authorizing the City’s Counsel to file a Notice of Appeal in the case of Trezevant Enterprise, Inc v. The City of Germantown.

ROLL CALL: Sanders-no, Gibson-yes, Hicks-yes, Ueleke-yes, McCreery-yes. Motion approved.

Mary Anne Gibson, Vice Mayor

Autumn Jones, Deputy City Clerk