

BOARD OF MAYOR AND ALDERMEN
EXECUTIVE SESSION
March 12, 2007

An executive session of the Board of Mayor and Aldermen was held on March 12, 2007, at 6:15 p.m. in the Administrative Conference Room of the Municipal Center.

Mayor Sharon Goldsworthy was present and presiding.

The following Aldermen were present: Ernest Chism, John Drinnon, Carole Hinely, Mike Palazzolo and Frank Uhlhorn. Staff present: Patrick Lawton, Andy Pouncey, Tom Cates, Pam Beasley, Jerry Cook, Bo Mills, Chief Dennis Wolf, Michael Saddler, Butch Eder, Josh Whitehead, Michael Stoll, Melody Pittman, Ralph Gabb, and Randy Lawson.

Pledge of Allegiance

Boy Scout Troop 368 from Farmington Presbyterian Church will lead the Pledge, and were present at the Executive Session.

Approval of Minutes

There were no corrections or additions to the minutes.

Youth Excellence Award

Brendan Parsons, a senior at Germantown High School would be presented with the award.

Teacher of the Month Award

Mr. Lanny Byrd, the Band Director at Germantown High School, is to be the recipient of this award.

Ordinance 1007-2: Forest Hill Heights Rezoning – 8.95 acres from “O-51” Office Campus Zoning District to “C-2” Commercial Zoning District. Third and Final Reading

Jerry Cook stated there were no changes since the public hearing.

Ordinance 2007-3 – Amendment to the Germantown Sign Ordinance – Modification of Political Sign Provisions in Section 14-61 – First Reading/Set Public Hearing Date

Tom Cates stated that during the last election cycle, the ACLU wrote to every city that had its ordinances on the Internet and pinpointed a lot of things they felt were wrong. One of the things they stated was it was not permissible under the current state of the law to have durational limits on political signs. It was Mr. Cates' view that it was indefensible and every court that had considered this issue had ruled that durational limits were not proper and violated the person who had the signs free speech rights. It was his recommendation that we amend the ordinance to take out that particular offensive provision.

PUBLIC HEARING – Ordinance 2007-4 Amendment to Germantown Sign Ordinance – Addition of Medical Office Signs to Section 14-34 – Second Reading

Jerry Cook stated there had been no changes to the proposal since the first reading. This amendment was for the major tenant identification sign and the logo and street address sign for the medical community. Since the last meeting, the Planning staff had sent out 130 letters to various medical facilities letting them know about the public hearing and what the change would be.

The proposal was to establish an identification for the medical community through signage, namely the ground mounted signs for identification and the street address numbering signs

PUBLIC HEARING – Ordinance 2007-5 – Amendment to Germantown Sign Ordinance – Modification of Permanent Project Sign Provisions in Section 14-34 – Second Reading

Mr. Cook explained this proposal pertained to permanent project directory signs for sites of 30 acres or more. This amendment would permit the addition of logos and different colors for the tenant identification. There had been no changes since the first reading.

Mowing and Landscape Contract

Patrick Lawton explained this contract had been broken down into parts A and B because it was anticipated there would be one contract for both services. Through the efforts of Michael Saddler and the Competition Management Study and the staff in Parks and Recreation, the City was able to realize savings by bidding the job separately and internally by realigning positions, work and the jobs that needed to be done. It was found that two positions within the landscaping area could be eliminated.

The cost savings on the landscaping contract over the previous contract is approximately \$30,000.00 per year, or \$90,000.00 over the term of the contract.

The mowing contractor currently has a contract with the City and had an excellent record. The grass cutting service is for a three-year term for a total amount not to exceed \$200,839.00 per year.

A discussion followed on the contracts, how they would be managed and the cost savings.

Subdivision Development Contract No. 356 – McCabe Property – Infrastructure Improvement – Refund

Andy Pouncey described the reason for the refund request. Mr. Steve McCabe, in 1992, had subdivided his property that went between Duntreath and Johnson Road into two lots. Part of this was the dedication of 25 feet of land plus payment in lieu of improvements on Duntreath. This was not on the CIP for a period of time and Mr. McCabe requested to reduce this from the urban section to the rural which existed at that time. In 1992, the Board approved a \$2,273.00 which included the curb and gutter plus interest. Mr. McCabe is now requesting the balance of the money (\$5,438.00) since it is now 15 years later and it is not on the CIP.

Staff was concerned that if the property owner across the street chooses to subdivide her property she would then be asked to do the same thing which would then complete the road onto South Spring Hollow Road and that is when the money would be used to complete the road.

A discussion followed on what or when improvements would be made and whether the money should be refunded.

The Board had previously decided that each request for a refund would be individually discussed and each would be decided on its own merit.

RESOLUTION – PILOT Program – West Fraser, Inc.

Mr. Pouncey stated this group would occupy a 2/3 percentage of the Ezon building. The main difference in this application was that the tenant applied and not the land owner. This IDB is contingent upon the involvement of the landowner. If the landowner does not sign then there was nothing. It was being brought to the Board with a contingency that the 1900 Exeter Road, LLC would be the sponsor and the applicant would be West Fraser.

The City offered an eight-year abatement of both real and personal property taxes and the Shelby County offered nine-years.

RESOLUTION - AT&T Cable Franchise

Mayor Goldsworthy stated this resolution would invite AT&T to come negotiate a franchise with the City. There had always been a standing invitation to anyone who wanted to provide cable.

Mr. Lawton stated one of the big arguments AT&T was making was that it was not competitive, that the City did not want competition or consumer choice. Since 1996, companies have had the opportunity to come in, and at one time Bell South had started the franchise process but did not carry it through. They wanted to come into the City and “cherry pick”, they did not want to be obligated to serve the entire community. The condition of the City’s franchise had always been that the company would give access to everyone and they were not interested in doing that at that time.

CONSENT AGENDA

Subdivision Development Contract 486, St. James Place Subdivision

Fuel Purchase

Medical Supplies – Fire Department

In response to a question from Alderman Palazzolo, Mr. Cook stated the questions that had been asked at the last meeting by a citizen had been answered.

Mr. Lawton brought up the question of the Board having a meeting early on the Friday mornings before the Board meeting. It was the consensus of the Board to not have the early morning meetings and they felt the present notification process was sufficient.

Adjournment

The meeting was adjourned to the Council Chamber for the regular meeting at 7:00 p.m.