

MINUTES
CITY COUNCIL MEETING
DECEMBER 1, 2009

The Jackson, Tennessee, City Council met for their regular monthly meeting on Tuesday, December 1, 2009, at 9:00 a.m. in the George A. Smith Meeting Room at City Hall with Mayor Jerry Gist and Council members Charles “Pepper” Bray; Ernest Brooks, II; Harvey Buchanan; Johnny Dodd; Danny Ellis; Maurice Hays; Frank Neudecker; Charles Rahm; and Randy Wallace present. Also present was Anita Brooks, recorder of the minutes.

Council member Johnny Dodd gave the invocation and led the audience in the Pledge of Allegiance to the Flag.

The minutes of the November 3, 2009, meeting were approved and signed.

Mayor Gist recognized a Leadership Jackson group in the audience.

PUBLIC HEARINGS:

On the motion of Council member Rahm, seconded by Council member Brooks, unanimous approval was given to an Ordinance to adopt a municipal code of ordinances for the City of Jackson, Tennessee.

On the motion of Council member Brooks, seconded by Council member Rahm, unanimous approval was given to an Ordinance to rezone property located at 2879 U.S. Highway 45 Bypass from O-C (Office-Center) District to SC-1 (Planned Unit Commercial Development) District, containing 1.5 acres, more or less, submitted by Chris Carothers on behalf of HRG Associates.

SECOND READINGS:

On the motion of Council member Dodd, seconded by Council member Bray, unanimous approval was given to an Ordinance Establishing Redevelopment Trust Fund pursuant to Section 21 of the Community Redevelopment Act of 1998.

NEW BUSINESS:

The following items were deleted from the agenda under New Business:

- Consideration of a request by C & C Wine & Spirits, dba Old Hickory Package Store to relocate from the present location at 2030 North Highland Avenue to 3189 North Highland Avenue, Suite B & C, subject relocation being within the same Liquor Zone and being in compliance with Section 8-115, Location of Liquor Stores in Liquor and Zoning Districts.
- Consideration of a Resolution to approve the project for the Exit 85 TIF (Tax Increment Financing) District (ref. Resolution #2008-23 "*A Resolution of the City of Jackson Approving an Economic Impact Plan for the Jackson Economic Development District*" passed in December 2008).

The Parking Garage Committee's motion to purchase a multi-level parking garage for the City of Jackson died for lack of a second. The Parking Garage Committee's motion to approve a Resolution for the purchase of property located on the corner of North Highland Avenue and East Lafayette Street from John Allen for an amount equal to \$700,121.36, plus \$58,494.00 to complete fill-in and compact the property, plus \$56,009.71, for the owner's return on investment, for a total buy-back cost of \$814,625.07, plus six percent interest until the day of closing was seconded by Council member Dodd. Council member Neudecker made a motion to amend the Parking Garage Committee's motion by changing all the language in the proposed resolution that pertained to the purchase price of the land to reflect an offer of

\$350,000.00 for the total purchase price of the land, removing the six percent interest until the day of closing. Council member Brooks seconded the motion and the motion failed 3-6, with Council members Brooks, Neudecker and Wallace voting yea and Council members Bray, Buchanan, Dodd, Ellis, Hays and Rahm voting nay. Council member Wallace made a motion to amend the Parking Garage Committee's motion by approving a Resolution to purchase the property back from John Allen for the amount verified by the city's auditing firm of \$700,121.36, plus Mr. Allen's eight percent return on investment, plus the cost to fill-in and compact the property, giving a maximum of thirty (30) days to complete the compact and fill-in of the property to decrease the amount of interest that would accrue until the day of closing. Council member Maurice Hays seconded the motion. The amended motion passed 5-4, with Council members Buchanan, Dodd, Ellis, Hays and Wallace voting yea and Council members Bray, Brooks, Neudecker and Rahm voting nay. John Allen was present and answered questions relative to the proposed downtown parking garage and questions relative to the time he and his staff put into working on the proposed downtown parking garage project. John Allen also explained how the city came from participating in the proposed downtown parking garage project to owning the proposed downtown parking garage project and why the Letter of Intent for the proposed downtown parking garage was voided. To simplify the transaction of closing the sale on the property, Lewis Cobb, City Attorney, suggested that Council members consider giving the Mayor the authority to enter into a contract with John Allen to acquire the property back for \$814,625.07, plus the six percent interest that would accrue at the date of closing. On the city attorney's suggestion, Council members Wallace and Hays withdrew their motions. The original

motion from the Parking Garage Committee to approve a Resolution for the purchase of property located on the corner of North Highland Avenue and Lafayette Street from John Allen for a total buy-back amount of \$814,625.07, plus six percent interest until the day of closing, was seconded by Council member Dodd and passed 5-4, with Council members Buchanan, Dodd, Ellis, Hays and Wallace voting yea and Council members Bray, Brooks, Neudecker and Rahm voting nay. In that there were several citizens present who wanted to express public comments on the matter, Council member Neudecker made a motion to rescind the last action taken by the City Council to allow the citizens an opportunity to express their comments. Council member Wallace seconded the motion and the motion passed 8-0-1, with Council member Buchanan abstaining. Present to express public comments on the proposed Resolution were Jeff Rice, Maurice Muhammed, Maria Mitchell, Jenci Spradlin and Joyce Owen. On the motion of Council member Dodd, seconded by Council member Hays, the Resolution in its original form, was approved 5-4, with Council members Buchanan, Dodd, Ellis, Hays and Wallace voting yea and Council members Bray, Brooks, Neudecker and Rahm voting nay.

On the motion of Council member Dodd, seconded by Council member Rahm, unanimous approval was given to a Resolution giving the Mayor authority to enter into an agreement with certain businesses to provide compensation for additional police presence.

On the motion of Council member Ellis, seconded by Council member Bray, unanimous approval was given to an interagency agreement for sales of real property purchased jointly by the City of Jackson and Madison County, Tennessee.

On the motion of Council member Buchanan, seconded by Council member Brooks, unanimous approval was given to a contract with KO Pest Control for pest control services for city owned buildings, lowest and best bid at \$16.22 per building per month, \$8,567.32 per year.

On the motion of Council member Ellis, seconded by Council member Buchanan, unanimous approval was given to a contract with Desota Electric for on-call detector loop repair, lowest and best bid based upon unit pricing.

On the motion of Council member Ellis, seconded by Council member Rahm, unanimous approval was given to the following FY10 budget amendments requests:

GENERAL FUND		Current	Amendment	Amended
<i>Expenditures:</i>		Budget	Request	Budget
110-41900-595	Unanticipated Expenses	212,966.76	(33,000)	179,966.76
110-41900-761	Transfer to Capital Fund		33,000	73,000
CAPITAL FUND:				
<i>Expenditures:</i>				
315-42155-900	Support Services	238,953	33,000	271,953
<i>Funding:</i>				
315-36961	Transfer from General Fund		33,000	73,000

Police Department is requesting to move \$33,000 from general fund unanticipated expenses for purchase of prisoner transport van to replace one that burned up.

On the motion of Council member Dodd, seconded by Council member Rahm, unanimous approval was given to the following board appointments:

- Equalization Board – Re-appointment of Virginia Williamson.
- Southern Legends of Music Museum Board – Appointments of Steve Little, Steve Bowers, Jimmy Duke, Tom Mapes, Harvey Buchanan and Nell Huntspon.

On the motion of Council member Bray, seconded by Council member Dodd, the payment of invoices over \$10,000 was approved 8-1, with Council member Neudecker voting nay.

There being no further business, the meeting was adjourned.

JERRY GIST, MAYOR