

MINUTES
CITY COUNCIL MEETING
JUNE 2, 2009

The Jackson, Tennessee City Council met for their regular monthly meeting on Tuesday, June 2, 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 Harvey Buchanan gave the invocation and led the audience in the pledge of allegiance to the flag.

The minutes of the May 5, 2009 and May 20, 2009 meetings were approved and signed.

Mayor Gist presented proclamations for Homeownership Month, Casey Jones Dedication Day, The 2009 Albert A. Stone, Jr. Cup, Danny Green Day, and recognized Girl Scout Troop #128 and Carl Misulis, a graduate of Madison Academic High School who was job shadowing the Mayor.

PUBLIC HEARINGS:

On the motion of Council member Hays, seconded by Council member Rahm, unanimous approval was given to an Ordinance to close and abandon a portion of Wilshire Drive, submitted by West Tennessee Healthcare.

On the motion of Council member Buchanan, seconded by Council member Dodd, an Ordinance adopting the property tax freeze program for elderly low-income homeowners was approved 8-1, with Council member Neudecker voting nay.

SECOND READINGS:

Council member Ellis made a motion to amend his proposed Resolution creating a capital street maintenance account with said account to be supplied with .50 cents from every dollar collected by the city red light cameras and the city speed cameras by striking out the words “the city red light cameras and.” Council member Ellis’s motion also included approving the Resolution in its form with the amendment. Council member Neudecker seconded the motion and the motion failed 6-3, with Council members Bray, Brooks, Buchanan, Dodd, Hays and Rahm voting nay and Council members Ellis, Neudecker and Wallace voting yea. Police Chief Rick Staples advised his preference of having the revenue generated from the city speed cameras to go into the city’s General Fund for traffic enforcement.

On the motion of Council member Hays, seconded by Council member Buchanan, the operating and capital budget ordinance for the 2009-2010 fiscal year, with the following amendments, was approved 8-1, with Council member Neudecker voting nay:

FY2009-2010 BUDGET CHANGES:

ACCOUNT # EXPENSES	DEPARTMENT	ORIGINAL BUDGT	NEW AMT	AMT OF CHANGE	INC/DEC
110-41900-595	Unanticipated Expenses/Grant Matches	\$439,839.51	\$246,826.76	-\$193,012.75	Decrease
110-41200-299	Drivers License Assistance		\$22,000.00	\$22,000.00	Increase
110-41204-211	Drug Court Postage	\$311.00	\$450.00	\$139.00	Increase
110-41204-220	Drug Court Printing	\$250.00	\$4,760.00	\$4,510.00	Increase
110-41204-280	Drug Court Travel & Training	\$13,215.00	\$6,423.00	-\$6,792.00	Decrease
110-41204-320	Drug Court Operating Supplies	\$18,604.00	\$19,747.00	\$1,143.00	Increase
110-41204-900	Drug Court Capital	\$700.00	\$1,700.00	\$1,000.00	Increase

On the motion of Council member Buchanan, seconded by Council member Brooks, the tax rate ordinance setting the property tax rate at \$2.10 per \$100 assessed valuation was unanimously approved.

On the motion of Council member Rahm, seconded by Council member Neudecker, unanimous approval was given to an Ordinance to rezone property

located at 1035 Campbell Street from RG-3 (General Residential) District to O (Office) District, comprising 0.64 acres, more or less, submitted by Brenda K. Foxworth.

On the motion of Council member Buchanan, seconded by Council member Bray, unanimous approval was given to an Ordinance to amend the text of the Official Zoning Ordinance, Article V, Section 18. FH (Special Flood Hazard) District.

On the motion of Council member Brooks, seconded by Council member Neudecker, unanimous approval was given to an Ordinance to amend the Official Code of the City of Jackson relative to Title 2 Boards and Commissions, Etc., Chapter 6 Community Redevelopment Agency, Section 2-602 Composition; terms; vacancies; compensation; removal.

On the motion of Council member Bray, seconded by Council member Dodd, unanimous approval was given to an Ordinance increasing the salary of the City Court Clerk to \$52,000 per year.

NEW BUSINESS:

On the motion of Council member Hays, seconded by Council member Neudecker, unanimous approval was given to amend the proposed Lease Agreement between the City of Jackson and the Children's Museum of West Tennessee Foundation, Inc., doing business as The Discovery Museum of West Tennessee for the use and operation of the Carnegie Center by amending the section that pertained to alterations to allow the Mayor or his designee to approve any alterations to the Carnegie Center.

On the motion of Council member Hays, seconded by Council member Neudecker, unanimous approval was given to a Resolution authorizing the Children's Museum of West Tennessee Foundation, Inc., doing business as The Discovery

Museum of West Tennessee to relocate its operation into the city-owned Carnegie Center.

On the motion of Council member Buchanan, seconded by Council member Rahm, unanimous approval was given to a Lease Agreement between the City of Jackson and the Children's Museum of West Tennessee Foundation, Inc., doing business as The Discovery Museum of West Tennessee for the use and operation of the Carnegie Center as amended.

On the motion of Council member Rahm, seconded by Council member Buchanan, unanimous approval was given to a request from Clear Talk Wireless to purchase a 50' x 50' parcel (approximately 1/10 acre) on Conalco Drive for a communications tower location at a price of \$25,000.

On the motion of Council member Ellis, seconded by Council member Buchanan, unanimous approval was given to the transfer of \$64,122 in property tax revenue to the Industrial Development Board in accordance with Resolution #2008-23 concerning the establishment of a TIF District at Exit 85. The amount to be transferred is calculated by the Madison County Assessor's Office.

On the motion of Council member Dodd, seconded by Council member Buchanan, a proposed change in accounting policy concerning fiscal year-end revenue accruals from the current 30-day period to a 60-day period, as recommended by Alexander Thompson Arnold, was approved 8-1, with Council member Ellis voting nay.

On the motion of Council member Buchanan, seconded by Council member Dodd, a new Interlocal Cooperation Agreement Relative to Participation in the Tennessee Municipal League Risk Management Pool was approved 8-1, with Council member Neudecker voting nay.

On the motion of Council member Hays, seconded by Council member Buchanan, unanimous approval was given to a Right of Way Encroachment Agreement between the City of Jackson and Jackson Madison County General Hospital District for a skywalk/pedestrian bridge across West Forest Avenue.

Council member Dodd made a motion to approve a contract with TEC Labs for testing fees at the old Madison County Landfill. The motion to approve the contract with TEC Labs was seconded by Council member Ellis and failed 5-4, with Council members Ellis, Hays, Neudecker, Rahm and Wallace voting nay and Council members Bray, Brooks, Buchanan and Dodd voting yea. Council member Wallace made a motion to postpone the bid award until city officials could talk to other companies about testing fees for the old Madison County Landfill. The motion was seconded by Council member Neudecker and passed 8-0-1, with Council member Dodd abstaining.

On the motion of Council member Neudecker, seconded by Council member Hays, unanimous approval was given to a contract with West Tennessee Coffee for coffee services.

On the motion of Council member Rahm, seconded by Council member Neudecker, unanimous approval was given to a contract with Mann's Lawn Service for mowing Riverside Cemetery.

Council member Ellis made a motion to table the consideration of his proposed Resolution that the City of Jackson shall stream the video of the intersections on its website to allow unfettered access by the public at large to allow time to consult with American Traffic Solutions (ATS) about the costs involved in setting up a system to stream live video of the intersections on the city's website. Council member Wallace seconded the motion and the motion failed 6-3, with

Council members Bray, Brooks, Buchanan, Dodd, Hays and Rahm voting nay and Council members Ellis, Neudecker and Wallace voting yea. Council member Neudecker made a motion to approve the Resolution and his motion died for lack of a second. Police Chief Rick Staples went on record to say that the Police Department was not opposed to having live video of the intersections on the city's website but since the city's current system with ATS would have to be updated to a system that would allow live video at an additional cost to the city, his recommendation was to pursue some other type of technology that would allow live video to be streamed on the city's website at little or no cost to the city.

On the motion of Council member Neudecker, seconded by Council member Wallace, a Resolution proposed by Council member Ellis to request that Tennessee State Representative Jimmy Eldridge, Tennessee State Representative Johnny Shaw and Tennessee State Senator Lowe Finney request a Tennessee Attorney General's opinion about the Tennessee constitutionality of the speed cameras was approved 5-4, with Council members Bray, Ellis, Neudecker, Rahm and Wallace voting yea and Council members Brooks, Buchanan, Dodd and Hays voting nay.

On the motion of Council member Buchanan, seconded by Council member Dodd, the reappointment of Bob Campbell to the Jackson Energy Board was approved 8-1, with Council member Neudecker voting nay.

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