

MINUTES
CITY COUNCIL MEETING
JULY 7, 2009

The Jackson, Tennessee City Council met for their regular monthly meeting on Tuesday, July 7, 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 Charles “Pepper” Bray gave the invocation and led the audience in the pledge of allegiance to the flag.

The minutes of the June 2, 2009 meeting were approved and signed. Council member Neudecker made inquiry about the minutes of the June 25, 2009 City Council Meeting not indicating some type of action by the City Council on his motion to amend the Resolution to fund the purchase of 33 properties owned by Lambuth University by providing that: (1) the project be completed in no more than 4 years; (2) all of the properties be renovated or sold as single family homes and (3) all of the properties in the area be zoned for historic guidelines. Council member Neudecker also advised that he had requested in writing the day after the June 25, 2009 meeting to rescind two votes he made at that meeting and to change the records to reflect his votes as nay votes on the following business matters:

1. The approval of a Resolution to fund the purchase of the 33 properties owned by Lambuth University contingent upon Jackson Madison County General Hospital District providing a loan in the amount of \$650,000 to

the City of Jackson to use in its support of the Community Redevelopment Agency.

2. The approval of a budget amendment request of \$1,300,000 in capital funds to provide funds to the Community Redevelopment Agency for the purchase of land and other properties from Lambuth University, contingent upon the Jackson Madison County General Hospital District approving a loan in the amount of \$650,000.

Mayor Gist and City Attorney, Lewis Cobb, advised that there were no provisions in the Robert's Rules of Order that would allow a Council member to change the way he voted after the meeting was over and it was the Mayor's opinion, as Chairman, that since there were no provisions to allow this action, there would be no correction to the minutes to reflect a changed vote. Mayor Gist also advised that the video of the last meeting would be reviewed to see if Council member Neudecker's motion to amend the Resolution to fund the purchase of 33 properties owned by Lambuth University was seconded and voted on. With no further objections or corrections, the minutes of the June 25, 2009 meeting were approved contingent upon review of the video from the last meeting to see if action was taken on Council member Neudecker's motion to amend the Resolution to fund the purchase of the 33 properties owned by Lambuth University.

Mayor Gist presented a proclamation for Jackson Firefighters Appreciation Month.

PUBLIC HEARINGS:

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

Official Zoning Ordinance, Article V, Sections 1 through 17, sections 20 through 22, and section 24 relative to redevelopment area design review requirements.

On the motion of Council member Neudecker, seconded by Council member Brooks, unanimous approval was given to an Ordinance to amend the text of the Official Zoning Ordinance, Article V, Section 13. SC-1 (Planned Unit Commercial Development) District C. Uses Permitted relative to Off-Premise Outdoor Advertising Signs (Billboards).

On the motion of Council member Buchanan, seconded by Council member Bray, an Ordinance to amend the text of the Official Zoning Ordinance, Article VI. Section 23. Landscaping Requirements F. Design Specifications relative to interior parking lot landscaping island design was approved 8-0-1, with Council member Neudecker abstaining.

On the motion of Council member Brooks, seconded by Council member Neudecker, unanimous approval was given to an Ordinance to abandon and close Vanden Street running north and south between Talbot Street and West Deaderick Street, submitted by the Zion Church.

On the motion of Council member Neudecker, seconded by Council member Ellis, unanimous approval was given to an Ordinance to abandon an unnamed alley parallel to Oakslea Place running south from an unnamed alley to a dead end, submitted by Vic Wallace on behalf of the adjoining property owners.

On the motion of Council member Neudecker, seconded by Council member Brooks, an Ordinance to rezone properties located at 219 Clay Street, 211 West Deaderick Street, 111 Morgan Street, and 192 Union Avenue from an RG-1/C (General Residential/Conservation) District to an RG-1/H (General

Residential/Historic) District, comprising 1.17 acres, more or less, submitted by Janice Redfearn was approved 8-0-1, with Council member Ellis abstaining.

On the motion of Council member Buchanan, seconded by Council member Rahm, unanimous approval was given to an Ordinance to rezone property located at 154 Carriage House Drive from an RG-1 (General Residential) District and an RG-2 (General Residential) District to an O-C (Office Center) District, comprising 0.56 acres, more or less, submitted by Larry Sturgis.

Council member Rahm made a motion to approve an Ordinance to rezone property located at 623 and 635 Oil Well Road from an RS (Single Family Residential) District to an O (Office) District, comprising 2.38 acres, more or less, submitted by Ray Davis and Milton Cravens but later withdrew his motion. Council member Hays made a motion to deny the approval of an Ordinance to rezone property located at 623 and 635 Oil Well Road from an RS (Single Family Residential) District to an O (Office) District, comprising 2.38 acres, more or less. The motion to deny was seconded by Council member Neudecker and passed 8-1, with Council member Bray voting nay. Ray Davis was present and expressed support of the rezoning. Mickie Johnson, Gene Williams, Leann Lamb, Bart Walls and Bill Luther were present and expressed opposition to the rezoning.

Council member Brooks made a statement regarding his sponsorship of an Ordinance prohibiting persons from possessing a handgun within or on a public park, wildlife management area, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place owned or operated by the City of Jackson or instrumentality thereof. Council member Brooks also read a letter from Ron Barry, Assistant Director of Operations at the West Tennessee Healthcare Sportsplex, that expressed opposition to any mandate that would allow guns in the

West Tennessee Healthcare Sportsplex facility other than those carried by law enforcement personnel which is attached hereto and made a part of this record. Council member Neudecker presented numerous letters he received from constituents expressing opposition to the passage of the ordinance which are attached hereto and made a part of this record. Council members Ellis and Wallace expressed verbal opposition to the ordinance. Council member Brooks made a motion to approve the ordinance. Council member Buchanan seconded the motion and the motion to approve the ordinance failed 6-2-1, with Council members Bray, Ellis, Hays, Neudecker, Rahm and Wallace voting nay, Brooks and Buchanan voting yea, and Council member Dodd abstaining. Scott Dahlstrom, board member of the Tennessee Sports Foundation, was present and expressed opposition to the ordinance on behalf of himself and many of the Tennessee Sports Foundation board members and handgun carrier permit holders who could not attend the meeting. Richard Archie, Donnie Rhodes and Gene Williams were also present and expressed opposition to the ordinance. Herb Slack was present and expressed support of the ordinance.

SECOND READINGS:

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

On the motion of Council member Rahm, seconded by Council member Brooks, 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.

NEW BUSINESS:

Council member Ellis thanked City Council members for the privilege and honor of serving as Vice Mayor for the past year and nominated Council member Bray to serve as the new Vice Mayor. There being no objections or further nominations from the City Council, Council member Bray was elected to serve as Vice Mayor by acclamation.

On the motion of Council member Buchanan, seconded by Council member Rahm, a Resolution authorizing the City Mayor to execute loan closing documents for the Lambuth University property acquisitions was approved 7-2, with Council members Ellis and Neudecker voting nay.

On the motion of Council member Rahm, seconded by Council member Dodd, a Resolution authorizing the issuance, sale and payment of capital outlay notes not to exceed \$650,000 pursuant to the informal bid process was approved 7-2, with Council members Ellis and Neudecker voting nay.

On the motion of Council member Ellis, seconded by Council member Neudecker, unanimous approval was given to a Grant Contract between the State of Tennessee West Tennessee River Basin Authority and the City of Jackson for the channel stabilization of an unnamed tributary to Dyer Creek. Council member Buchanan advised that he would like to see this type of action universal within the city.

On the motion of Council member Dodd, seconded by Council member Rahm, a Certificate of Compliance for Patricia Lynn Smith, Carol Jean Key and Bridget

Lynne Turner, d/b/a Big Al's Package Store, 11 Cartmell Avenue, contingent upon approval by the State of Tennessee, was approved 8-0-1, with Council member Ellis abstaining.

On the motion of Council member Wallace, seconded by Council member Bray, unanimous approval was given to a Resolution to establish policy to manage/control the fund balance of the city's General Fund.

Council member Ellis made a motion to amend the proposed Resolution to establish policy to manage/control the investment of surplus funds by excising the following from the resolution:

Policy Considerations

1. *Exemption*

Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidations, such monies shall be invested only as provided by this policy.

The motion was seconded by Council member Neudecker and passed 6-1-1, with Council members Bray, Brooks, Buchanan, Dodd, Ellis and Neudecker voting yea, Council member Hays voting nay and Council member Wallace abstaining. (Council member Rahm exited the room and was not present to vote.)

Council member Neudecker made a motion to amend the proposed Resolution to establish policy to manage/control the investment of surplus funds by changing the words "investment committee" to "finance committee" under Article VI. Safekeeping and Custody, Section 3. *Internal Controls*. The motion was seconded by Council member Ellis and was approved 7-1-1, with Council members Buchanan, Dodd, Ellis, Hays, Neudecker, Rahm and Wallace voting yea, Council member Brooks voting nay and Council member Bray abstaining.

On the motion of Council member Ellis, seconded by Council member Neudecker, unanimous approval was given to a Resolution to establish policy to manage/control the investment of surplus funds as amended.

Council member Neudecker made a motion to amend a proposed Resolution to establish Capitalization Thresholds for financial reporting purposes as required by Governmental Accounting Standards Board Statement 34 – Basic Financial Statements – and Management’s Discussion and Analysis – for State and Local Governments by taking out the words “the University of Tennessee’s Municipal Technical Advisory Service” from Section 3 of the Resolution. The motion was seconded by Council member Rahm and passed 5-3-1, with Council members Brooks, Dodd, Hays, Neudecker and Rahm voting yea, Council members Buchanan, Ellis and Wallace voting nay and Council member Bray abstaining.

On the motion of Council member Ellis, seconded by Council member Dodd, a Resolution to establish Capitalization Thresholds for financial reporting purposes as required by Governmental Accounting Standards Board Statement 34 – Basic Financial Statements – and Management’s Discussion and Analysis – for State and Local Governments was unanimously approved as amended.

On the motion of Council member Buchanan, seconded by Council member Neudecker, unanimous approval was given to a Resolution to adopt state travel policy rates for mileage and per diem amounts to be used by the City of Jackson for all travel.

On the motion of Council member Wallace, seconded by Council member Buchanan, the following FY09 budget amendment (to be posted back to June, 2009) was approved 8-0-1, with Council member Neudecker abstaining:

CAPITAL		Current	Amendment	Amended
<i>Expenditures:</i>		Budget	Request	Budget
315-43585-900	Transportation Enhancement Grant	795,087.82	15,932.18	811,020
<i>Funding:</i>				
315-33495	Transportation Enhancement Grant	636,070.26	12,745.74	648,816
315-36733	Reimbursement: Old Country Store	159,017.56	3,186.44	162,204.00

The City received a Transportation Enhancement Grant for \$811,020 but originally only planned to use \$795,087.82 from TDOT for work on the railroad museum project at the Brooks Shaw and Son Old Country Store. The Brooks Shaw and Son Old Country Store will be providing the 20% match required. This budget amendment is brought due to the addition of an ADA compliant handicap ramp per State requirements.

On the motion of Council member Brooks, seconded by Council member Rahm, the following FY09 budget amendment (to be posted back to June, 2009) was approved 8-0-1, with Council member Neudecker abstaining:

CAPITAL		Current	Amendment	Amended
<i>Expenditures:</i>		Budget	Request	Budget
315-41311-900	Neighborhood Services Capital		3,483	3,483
315-43190-931	Street Resurfacing – Anderson Creek	2,752,150	(3,483)	2,748,667

The Neighborhood Services Department needs to do some renovations to be able to move into their new location. Funds will be pulled from the Street Resurfacing Capital from money leftover from the Anderson Creek project.

On the motion of Council member Neudecker, seconded by Council member Ellis, unanimous approval was given to the following FY10 budget amendment:

GENERAL FUND		Current	Amendment	Amended
<i>Expenditures:</i>		Budget	Request	Budget
110-43190-931	Street Sealing and Resurfacing		146,625.83	146,625.83
GENERAL FUND				
<i>Funding:</i>				
110-37900	Draw from Fund Balance		146,625.83	146,625.83

The Engineering Department was unable to complete the Main Street repaving prior to June 30, 2009. They have requested to carry over the remainder of the State Street Aid Reserve balance to complete this resurfacing project in the amount of \$146,625.83. The State Street Aid Reserve is currently listed on the balance sheet account number 110-27800.

On the motion of Council member Buchanan, seconded by Council member Rahm, unanimous approval was given to the following FY10 budget changes:

FY10 BUDGET CHANGES:					
ACCOUNT #	DEPARTMENT	ORIGINAL BUDGT	NEW AMT	AMT OF CHANGE	INC/DEC
EXPENSES					
110-41900-595	Unanticipated Expenses/Grant Matches	\$246,826.76	\$252,966.76	\$6,140.00	Decrease
110-44460-111	Carnegie Salaries	\$37,834.75	\$0.00	-\$37,834.75	Decrease
110-44460-112	Carnegie Overtime Salaries	\$1,000.00	\$0.00	-\$1,000.00	Decrease
110-44460-130	Carnegie Employee Benefits	\$12,841.94	\$0.00	-\$12,841.94	Decrease
110-44460-240	Carnegie Utilities	\$13,900.00	\$0.00	-\$13,900.00	Decrease
110-44460-245	Carnegie Telephone	\$300.00	\$0.00	-\$300.00	Decrease
110-44460-260	Carnegie Repair/Maintenance Services	\$1,500.00	\$0.00	-\$1,500.00	Decrease
110-44460-290	Carnegie Contractual Services	\$1,000.00	\$0.00	-\$1,000.00	Decrease
110-44460-292	Carnegie Security	\$250.00	\$0.00	-\$250.00	Decrease
110-44460-310	Carnegie Office Supplies	\$250.00	\$0.00	-\$250.00	Decrease
110-44460-320	Carnegie Operating Supplies	\$2,000.00	\$0.00	-\$2,000.00	Decrease
110-44460-324	Carnegie Janitorial Supplies	\$1,500.00	\$0.00	-\$1,500.00	Decrease
110-44460-326	Carnegie Uniforms	\$100.00	\$0.00	-\$100.00	Decrease
110-44460-330	Carnegie Repair/Maintenance Supplies	\$2,500.00	\$0.00	-\$2,500.00	Decrease
110-44460-331	Motor Vehicle Fuel & Oil	\$500.00	\$0.00	-\$500.00	Decrease
110-44460-339	Motor Vehicle Expense	\$100.00	\$0.00	-\$100.00	Decrease
110-44630-111	Fairgrounds Salaries	\$187,451.26	\$225,286.01	\$37,834.75	Increase
110-44630-112	Fairgrounds Overtime Salaries	\$3,334.95	\$4,334.95	\$1,000.00	Increase
110-44630-130	Fairgrounds Benefits	\$64,824.79	\$77,666.73	\$12,841.94	Increase
110-44630-240	Fairgrounds Utilities	\$97,000.00	\$97,560.00	\$560.00	Increase
110-44630-326	Fairgrounds Uniforms	\$500.00	\$600.00	\$100.00	Increase
110-44630-331	Fairgrounds Motor Vehicle Fuel	\$1,000.00	\$1,600.00	\$600.00	Increase
110-44720-240	Parks Maintenance Utilities	\$135,000.00	\$135,500.00	\$500.00	Increase
				\$53,336.69	
REVENUES					
110-34925	Carnegie Rentals	\$16,000.00	\$0.00	-\$16,000.00	Decrease

On the motion of Council member Brooks, seconded by Council member Bray, unanimous approval was given to the acceptance of streets in Oxford Pointe Section 2, Hamlet Cove, Rugby Cove, and a portion of Radcliff Lane as public streets.

On the motion of Council member Wallace, seconded by Council member Brooks, an Agreement between the City of Jackson and ARCADIS, Inc., for professional services as it relates to Phase II, Final Construction Implementation and oversight administration of the Brownsfield Program Remediation at the former

Citizens Gas and Light Company Facility Site was approved 8-0-1, with Council member Bray abstaining.

On the motion of Council member Ellis, seconded by Council member Buchanan, unanimous approval was given to a contract with A1 Chemical Products for janitorial products.

On the motion of Council member Ellis, seconded by Council member Rahm, unanimous approval was given to a contract with A-Z Office Supplies for office products.

On the motion of Council member Rahm, seconded by Council member Dodd, unanimous approval was given to a contract with Maxxguard for guard services.

On the motion of Council member Ellis, seconded by Council member Neudecker, the reappointment of Shania Garcia to the Vicious Dog Panel was approved 8-0. (Council member Wallace was not present for this vote and the remaining votes at today's meeting).

On the motion of Council member Buchanan, seconded by Council member Brooks, the reappointment of Charles Baldwin and Nathan Carter to the City Tree Board was approved 8-0.

On the motion of Council member Brooks, seconded by Council member Bray, the reappointment of Greg Milam and Robert Huffman to the Jackson Madison County Library Board was approved 7-1, with Council member Neudecker voting nay.

On the motion of Council member Ellis, seconded by Council member Rahm, the reappointment of Bill Sipes to the Community Economic Development Corporation was approved 8-0.

On the motion of Council member Rahm, seconded by Council member Neudecker, the reappointment of David Sikes to the Recreation & Parks Board was approved 8-0.

On the motion of Council member Brooks, seconded by Council member Rahm, the appointment of Bob Maniss to replace Wilburn Lane, who has resigned, to the Airport Authority was approved 7-0-1, with Council member Neudecker abstaining.

On the motion of Council member Bray, seconded by Council member Buchanan, the payment of invoices over \$10,000 was approved 7-1, with Council member Neudecker voting nay.

There being no further business, the meeting was adjourned.

JERRY GIST, MAYOR