

MINUTES
CITY COUNCIL MEETING
JUNE 7, 2011

The Jackson, Tennessee, City Council met for their regular monthly meeting on Tuesday, June 7, 2011, 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; David Cisco; Willie L. Moore, Jr.; Frank Neudecker; Charles Rahm and Randy Wallace present. Council member Maurice Hays was not present. Also present was Anita Brooks, recorder of the minutes.

Council member Willie Moore gave the invocation and led the audience in the Pledge of Allegiance to the Flag.

The minutes of the April 21, 2011, and May 3, 2011, meetings were approved and signed.

Mayor Gist recognized members of St. Mary's Boy Scout Troop 6 and their Scout Masters, Tom and Sandy Jones. Mayor Gist also recognized Marquist Brown who is an intern with the city's Risk Management Department.

Mayor Gist proclaimed The 2011 Albert A. Stone, Jr. Cup as The Official Golf Championship of Jackson, Madison County, Tennessee, and expressed appreciation to Billy Walker, honoree of the 2011 Stone Cup, for his contributions to the golfing community in Jackson, Madison County, Tennessee.

FIRST READINGS:

On the motion of Council member Rahm, seconded by Council member Neudecker, an Ordinance to rezone property located on the north side of Campbell Street, just north of Ridgecrest Road, from SC-1 (Planned Unit Commercial

Development) District to RG-2/PRD (General Residential/Planned Residential Development) District containing 17.03 acres, more or less, submitted by Campbell Street Development, LLC, was approved 7-1, with Council member Neudecker voting nay.

Council member Neudecker made a motion to approve an Ordinance to amend the text of the Official Code of the City of Jackson, Tennessee, relative to Title 10, Animal Control, Chapter 1, IN GENERAL, by adding definition terms for “Fence,” “Adequate space” and “Humane Treatment” to Section 10-101, Definitions; amending Section 10-102, Running at large prohibited; and adding the following sections:

Section 10-105. Number of animals.

Section 10-106. Restraint & Confinement to Property.

Section 10-107. Enforcement.

The motion was seconded by Council member Wallace. The motion failed 1-7 with Council member Neudecker voting yea and Council members Bray, Brooks, Buchanan, Cisco, Moore, Rahm and Wallace voting nay.

Council member Wallace made a motion to approve an Ordinance to amend the text of the Official Code of the City of Jackson, Tennessee, relative to Title 10, Animal Control, Chapter 3, VICIOUS DOGS. Council member Neudecker seconded the motion. The motion failed 4-4, with Council members Brooks, Moore, Neudecker and Wallace voting yea and Council members Bray, Buchanan, Cisco and Rahm voting nay.

SECOND READINGS:

Alan Laffoon, City Recorder, and Karen Bell, Finance, Audit and Budget Director, detailed the changes made to the 2011-2012 fiscal year operating and capital budget since the June 3rd approval on first reading.

On the motion of Council member Brooks, seconded by Council member Rahm, the amended operating and capital budget ordinance for the 2011-2012 fiscal year was approved 7-0-1, with Council member Neudecker abstaining.

On the motion of Council member Cisco, seconded by Council member Rahm, the tax rate ordinance setting the property tax rate at \$1.97 per one hundred dollars (\$100) of assessed valuation was unanimously approved.

On the motion of Council member Buchanan, seconded by Council member Moore, unanimous approval was given to an Ordinance to close and abandon an unnamed alley running east off Phillips Street, just north of East Chester Street, submitted by the planning staff.

On the motion of Council member Rahm, seconded by Council member Bray, an Ordinance to reapportion the nine council districts of the City of Jackson, Tennessee, was approved 6-0-2, with Council member Brooks and Neudecker abstaining.

Stanley Pilant, City Planning Director, advised that changes had been made to the Ordinance to reapportion the nine council districts of the City of Jackson, Tennessee, since the May 3rd approval on first reading.

On the motion of Council member Rahm, seconded by Council member Cisco, the amended Ordinance to reapportion the nine council districts of the City of Jackson, Tennessee, was approved 6-0-2, with Council member Brooks and Neudecker abstaining.

NEW BUSINESS:

On the motion of Council member Cisco, seconded by Council member Buchanan, unanimous approval was given to a lease agreement with William Nabors, Jr. for the parking lot located on South Royal Street at the corner of East Main Street.

On the motion of Council member Buchanan, seconded by Council member Moore, unanimous approval was given to a demand response sales and services agreement with EnerNOC, Inc.

On the motion of Council member Cisco, seconded by Council member Rahm, a contract with PB Americas, Inc. in the amount of \$187,313.00 for the 2040 Long Range Transportation Plan, best proposal received, was approved 7-0-1, with Council member Neudecker abstaining.

On the motion of Council member Moore, seconded by Council member Buchanan, change order #1 to Ronald Franks Construction Company in the amount of \$21,446.08 for the East Chester Street Project was approved 7-1, with Council member Wallace voting nay.

On the motion of Council member Buchanan, seconded by Council member Moore, change order #2 to Ronald Franks Construction Company in the amount of \$36,596.07 for the East Chester Street Project was approved 6-2, with Council members Neudecker and Wallace voting nay.

On the motion of Council member Rahm, seconded by Council member Moore, change order #3 to Ronald Franks Construction Company in the amount of \$151,991.14 for overruns and fuel charge increases for the East Chester Street Project was approved 7-1, with Council member Neudecker voting nay.

On the motion of Council member Buchanan, seconded by Council member Brooks, change order #1 to Gresham Smith in the amount of \$149,306.00 for professional services on the East Chester Street Project was approved 7-0-1, with Council member Neudecker abstaining.

On the motion of Council member Buchanan, seconded by Council member Brooks, an amended and restated stadium license and use agreement with Jackson Baseball Club L.P. for a nine year period was approved 7-1, with Council member Neudecker voting nay. City Recorder Alan Laffoon and City Attorney Lewis Cobb advised the changes to the amended and restated stadium license and use agreement and answered questions from Council members. Tom Hanson, Representative for Jackson Baseball Club L.P., was present and advised why Jackson Baseball Club L.P. wanted to extend the period of their stadium license and use agreement with the city. Council member Cisco thanked Tom Hanson and the ownership of the Jackson Generals baseball team for giving the City of Jackson an opportunity to have economic development for the next nine years.

On the motion of Council member Buchanan, seconded by Council member Brooks, unanimous approval was given to the following General Fund write-offs:

1998 Property Base Tax, Penalty and interest – as required by 10 year Statute of Limitations. Chancery Court did not release this item until after the April 2010 write-offs.

Base Tax:	\$153.44
Penalty:	\$15.34
Interest:	<u>\$15.34</u>
TOTAL	\$184.12

On the motion of Council member Brooks, seconded by Council member Moore, unanimous approval was given to the following General Fund write-offs:

1999 Property Base Tax, Penalty and interest – as required by 10 year Statute of Limitations:

Base Tax:	\$90,038.10
Penalty:	\$9,033.10
Interest:	<u>\$9,033.10</u>
TOTAL	\$108,104.30

On the motion of Council member Buchanan, seconded by Council member Moore, unanimous approval was given to delinquent Public Building Accounts write-offs for the Carl Perkins Civic Center in the amount of \$5,485.53.

On the motion of Council member Brooks, seconded by Council member Bray, unanimous approval was given to 2004-2010 delinquent garbage collection write-offs in the amount of \$16,482.55.

Mark Haygood, Director of Network Development for Windstream Communications, was present and advised that he had not been made aware that the consideration of their request for a Telecommunications Franchise Agreement with the City of Jackson had been pulled from the June 7, 2011, meeting agenda until yesterday. Mark Haygood advised that the delay of considering their request put scheduling delivery services to their customers in jeopardy and he asked that the City Council consider allowing them to meet the insurance and bonding requirements in the agreement so that they could begin putting their equipment in place to start laying fiber optic lines on the city's right-of-ways at their own risk until the terms of the agreement could be finalized and approved by the city. Scott Chandler, City Engineer, advised that the city would be collecting boring permit fees from Windstreams Communications, if the company moved forward with boring holes in the city's right-of-ways.

On the motion of Council member Cisco, seconded by Council member Bray, unanimous approval was given to the re-appointment of Max Hart to the Zoning Appeals Board.

On the motion of Council member Rahm, seconded by Council member Neudecker, unanimous approval was given to the appointment of Mark Carter to the Keep Jackson Beautiful Commission.

On the motion of Council member Cisco, seconded by Council member Moore, unanimous approval was given to the following FY2011 budget amendment requests:

GENERAL FUND		Current	Amendment	Amended
<i>Expenditures:</i>		Budget	Request	Budget
131-43230-900	H & S Capital	\$18,000	\$108,700	126,700
<i>Revenue:</i>				
131-37900	From Fund Balance	861,625.33	108,700	970,325.33

Health and Sanitation required emergency purchase of a Knuckle Boom Loader to complete the pickup of debris cleanup related to the April and May storms. They had budgeted to make this purchase in the FY12 capital budget but need to go ahead and purchase now to complete necessary clean up processes timely. Existing equipment repairs were going to be costly and also time consuming for repairs to be made.

On the motion of Council member Cisco, seconded by Council member Rahm, the following FY2011 budget amendment requests were approved 7-1, with Council member Neudecker voting nay:

GENERAL FUND		Current	Amendment	Amended
<i>Expenditures:</i>		Budget	Request	Budget
110-41900-761	Transfer to Capital Fund	1,579,328.00	\$11,995	1,591,323.00
CAPITAL FUND				
315-44500-900	Pringles Park Capital	20,150.00	11,995	32,145.00
<i>Revenue:</i>				
GENERAL FUND				
110-37900	From Fund Balance	2,270,934.41	11,995	2,282,929.41
CAPITAL FUND				
315-36961	Transfer from General Fund	1,579,328.00	11,995	1,591,323.00

Emergency purchase for air unit in concessions area at Pringles Park. Total cost of unit replacement is \$11,995.00. Funds will be transferred from fund balance to the capital fund for this purchase.

Mayor Gist acknowledged and thanked Council member Moore and Council member Neudecker for their service to the city on behalf of the citizens of Jackson.

On the motion of Council member Bray, seconded by Council member Cisco, 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