

**MINUTES**  
**CITY COUNCIL MEETING**  
**DECEMBER 5, 2006 and DECEMBER 13, 2006**

The Jackson, Tennessee City Council met for their regular monthly meeting on Tuesday, December 5, 2006, at 9:00 a.m. in the George A. Smith Meeting Room at City Hall with Mayor Charles Farmer and Council members John Bannister; Charles “Pepper” Bray; Harvey Buchanan; Maurice Hays; Frank Neudecker and Charles Rahm present. Council members Ernest Brooks, II; David Cisco and Johnny Dodd were not present; Also present was Toni Ross, recorder of the minutes.

Council member Maurice Hays gave the invocation and led the audience in the pledge of allegiance to the flag.

Mayor Farmer advised that the meeting would need to be recessed until Wednesday, December 13, 2006, at 9:00 a.m. because the judge presiding over the case of City of Jackson vs. David Hersh advised him at 5:45 p.m. the evening before, on December 4<sup>th</sup>, that he would not be excused from testifying in the case scheduled at 9:30 a.m. on this date. There being no objections, the meeting would stand in recess until Wednesday, December 13, 2006, at 9:00 a.m.

**DECEMBER 13, 2006 – 9:00 A.M.**

The Jackson City Council reconvened on Wednesday, December 13, 2006, at 9:00 a.m. in the George A. Smith Meeting Room at City Hall with Mayor Charles Farmer and Council members John Bannister; Charles “Pepper” Bray; Ernest Brooks, II; Harvey Buchanan; David Cisco; Johnny Dodd; Maurice Hays; Frank Neudecker; and Charles Rahm present. Also present was Toni Ross, recorder of the minutes.

Council member Cisco gave the invocation and led the audience in the pledge of Allegiance to the flag.

The minutes of the November 7, 2006 meeting were approved and signed.

**FIRST READINGS:**

On the motion of Council member Buchanan, seconded by Council member Bray, unanimous approval was given to an Ordinance to rezone property located at 36 Wiley Parker Road from a RS-1 (Single Family Residential) District to a B-5 (Highway Business) District and comprising 0.48 acres, more or less, submitted by Reggie Smith.

On the motion of Council member Rahm, seconded by Council member Buchanan, the Ordinance to rezone property located on the south side of Old Humboldt Road, just west of Countryside Drive, from an A-O/FH (Agriculture-Open Land/Special Flood Hazard) District to an RG-2/FH (General Residential/Special Flood Hazard) District and containing 17.24 acres, more or less, submitted by Beruk Properties, Inc., was approved 8-1, with Council member Neudecker voting nay.

On the motion of Council member Hays, seconded by Council member Cisco, unanimous approval was given to an Ordinance to rezone property located on the east side of U.S. Highway 45 South, just south of Overton Drive, from a B-5 (Highway Business) District and RS-1 (Single Family Residential) District to an SC-1 (Planned Unit Commercial Development) District and containing 3.72 acres, more or less, submitted by Alan Rose.

An adjoining property owner (name not given) was present and expressed opposition to the Ordinance to close and abandon Banks Alley located on the west side of West Alley, just south of West Sycamore Street, submitted by the City Street Department. The property owner advised that the alley was the only access their business had to property owned by them and felt that the path would not be wide enough for their trucks if the alley was divided between the adjoining property owners. Council member Bannister made a motion to table the matter to allow time to see if an amicable solution could be worked out regarding access to the property. Council member Neudecker seconded the motion to table, and it was approved 7-2, with Council members Buchanan and Cisco voting nay.

**SECOND READINGS:**

On the motion of Council member Cisco, seconded by Council member Brooks, the Ordinance to Annex and two (2) Ordinances to zone an area referred to as "Thomsen Annexation Area," generally located on the north side of Old Humboldt Road and west of Fairway Boulevard, comprising a total of 111.7 acres, more or less, submitted by Lee Godfrey, was approved 8-1, with Council member Neudecker voting nay. The proposed zoning for this annexation area is RS-1 (Single Family Residential) District, RS-1/FH (Single Family Residential/Special Flood Hazard) District, B-5 (Highway Business) District and B-5/FH (Highway Business/Special Flood Hazard) District.

On the motion of Council member Cisco, seconded by Council member Rahm, the Ordinance to rezone property located on the west side of Old Humboldt Road, just south of Springtime Cove from a RS-1 (Single Family Residential) District to RS-1/PRD (Single Family Residential/Planned Residential Development) District, comprising 6.64 acres, submitted by JADE Investments was approved 8-1, with Council member Neudecker voting nay.

Stan Pilant, Director of Planning, advised that research was still being performed on the Ordinance to close and abandon a portion of a street identified as stub end of Barton Street at Hill Street, as petitioned by a city resident, and the item was not ready for consideration.

**NEW BUSINESS:**

Council member Hays made a motion to reject the recommendation to begin contract negotiations with SMG for the management of the Jackson Centre. The motion was seconded by Council member Neudecker and passed 6-3, with Council members Bray, Cisco and Dodd voting nay.

On the motion of Council member Cisco, seconded by Council member Rahm, unanimous approval was given approval of the Brownfield Voluntary Agreement between the Tennessee Department of Environment and Conservation, Jackson Energy Authority and the City of Jackson regarding cleanup and remediation of property located at 91 New Market Street.

Council member Neudecker's original request was that the Tennessee General Assembly issue a Private Act to amend the Charter of the City of Jackson to provide that no elected official including the City Judge, shall serve more than two (2) full consecutive terms of 4 years each or 8 years in total. Council member Neudecker clarified the original request by adding (1) that a full term is defined as one that exceeds 2 years and (2) the ordinance would not go into effect until after the May (2007) election. Council member Neudecker made a motion to approve the request; however, the motion died for lack of a second.

On the motion of Council member Bray, seconded by Council member Buchanan, unanimous approval was given to a request from Lane College to encroach into an easement located along Laconte Street between Orchard Street and Lane Avenue for the purpose of constructing a new cafeteria building.

On the motion of Council member Cisco, seconded by Council member Brooks, unanimous approval was given to a request to approve a contract with National Association of Intercollegiate Athletics (NAIA) for 2008 and 2009.

On the motion of Council member Buchanan, seconded by Council member Cisco, a contract in the amount of \$19,900 with Davey Resource Group for a tree and planting site inventory and management plan was approved 8-0-1, with Council member Neudecker abstaining.

On the motion of Council member Cisco, seconded by Council member Rahm, Change Order No. 3 with H & M Construction Company for additional restrooms at the West Tennessee Healthcare Sportsplex was approved 6-3, with Council members Bannister, Brooks and Neudecker voting nay.

On the motion of Council member Bannister, seconded by Council member Bray, Change Order No. 2 with Tennessee Municipal League for liability and property insurance increases was approved 8-1, with Council member Neudecker voting nay.

On the motion of Council member Dodd, seconded by Council member Buchanan, a contract in the amount of \$10,000 with Askew Hargraves Harcourt & Associates for professional design services for the multi-purpose trail in the Anderson Creek Mitigation Area was approved 8-1, with Council member Neudecker voting nay.

On the motion of Council member Buchanan, seconded by Council member Cisco, unanimous approval was given to a request to hold the City's 22nd surplus auction on January 13, 2007.

On the motion of Council member Rahm, seconded by Council member Brooks, the following board appointment was approved 8-1, with Council member Neudecker voting nay:

- Housing Board of Adjustment and Appeals – Appointment of Herman England to replace John Allen and Kemp Reed to replace John Hogins.

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

There being no further business, the meeting adjourned.

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CHARLES H. FARMER, MAYOR