

MINUTES OF THE JANUARY 26, 2026
SEWANEE COMMUNITY COUNCIL MEETING

The Community Council meeting was held via Zoom in January due to inclement weather.

Members present on Zoom: Rob Pearigen, Scott Wilson, Ed Hawkins, Michael Payne, Katie Gohn, John Gilmer, Rhea Bowden, Ben Tarhan, Ben Beavers, Laura Willis, Kevin Cummings, Phil White, Robert Benton, Aidan Goulding, and Sallie Green

Absent: Marilyn Phelps, Evelyn Patton, Walker Adams, and Delores Jelks

Minutes taken by: Carey Fulmer

The meeting was called to order at 7:02 p.m.

(1) Approval of the October Minutes

The minutes for the October 2025 Community Council were approved as circulated.

(2) Jackson Law Resolution – Willis (attached)

The following communication was circulated to the Community Council via email prior to the meeting and read by Kiki Beavers at the meeting:

I am contacting you today as a longtime resident of Sewanee. I live off the Domain, in the Jump Off community, along Hwy. 156, in Marion County. As many of you know, Sewanee is in two counties – Franklin and Marion. On Jan. 28, 2022, this council approved an amendment to include all residents in the 37375 zip code. The communities of Deep Woods, Midway, Roark's Cove and Jump Off do not have the same protections, as does the Domain of Sewanee.

I am asking the Community Council to consider a resolution for our county commissions, to confirm support for the Jackson Law. While the Sewanee Community Council cannot adopt the Jackson Law, the Council may pass a resolution to be given to Franklin and Marion County Commissions for their consideration. A resolution by this council will help to make clear to our commissioners that we should have a voice in decisions that affect our health, property values, and quality of life. Unincorporated communities do not have their own legislative body with the power to adopt this specific law. Instead, residents of unincorporated areas must work with their county commissioners to advocate for the county government to adopt the Jackson Law.

The Jackson Law is a state law in Tennessee that allows local governments (counties and incorporated municipalities) to require local approval for the construction of privately owned landfills. The decision to "opt-in" and apply this law rests with the county legislative body for areas within the county's jurisdiction (including unincorporated communities). If a

proposed landfill is in an incorporated area or within one mile of one, the municipality's governing body must also approve it.

The general law codified in Tennessee Code Annotated, Title 68, Chapter 211, Part 7, provides, in part, for local review and approval of the construction of any new landfill for solid waste disposal or for solid waste processing as well as local review and approval before a landfill may begin accepting any waste that would require a change in classification of that landfill.

The powers of the Jackson Law may be exercised by a county or municipality that has approved the Jackson Law by a two-thirds (2/3) majority vote of its appropriate legislative body.

Recently, there has been an increased push from corporate lobbyists to try to overturn the Jackson Law in the 2026 legislative session. If successful, this would strip away one of the ONLY decision-making tools local communities have when it comes to landfill and solid waste facilities. Our county commissions can and should pass Jackson Law protections before out-of-state corporate interests and their legislative allies eliminate this local authority.

The threat is very real that other corporations can come into this area. A proposed sand and gravel quarry has been permitted by TDEC, right in the middle of this rural community. Do you want a landfill close to Sewanee's secondary water source? The land conservancies of Lost Cove, Mitchell Cove and Jump Off Falls? The state forest or the newest state park? Our natural resources with exceptional biodiversity and exceptional Tennessee waters?

We do not have zoning laws or a special powers act to protect our rural communities. Affirmation of support for passing the Jackson Law at the county level is a way to protect our land conservancies, our water, our air, our quality of life.

I have included a draft resolution for this council's review, the CTAS version of the resolution, commissioner contacts for the Sewanee districts in the two counties, and the law as explained by CTAS.

Draft: A RESOLUTION OF THE SEWANEE COMMUNITY COUNCIL FOR THE UNINCORPORATED TOWN OF SEWANEE IN THE COUNTIES OF FRANKLIN AND MARION AFFIRMING SUPPORT FOR THE JACKSON LAW

WHEREAS, the Town of Sewanee is an unincorporated area within Franklin and Marion Counties; and

WHEREAS, part of Sewanee is protected by the Domain of the University of South; and

WHEREAS, unincorporated communities do not have their own legislative body with the power to adopt the Jackson Law; and

WHEREAS, the Jackson Law (Tennessee Code Annotated §§ 68-211-701 through 68-211-707) was enacted by the Tennessee General Assembly in 1989 in response to public concern over the siting of solid waste landfills without adequate local input or oversight; and

WHEREAS, the Jackson Law grants counties and municipalities that have adopted its provisions the authority to approve or deny the location of new landfills and major expansions of existing solid waste disposal facilities, thereby ensuring that local governments — and the residents they represent — have a voice in decisions that affect their health, property values, and quality of life; and

WHEREAS, the powers of the Jackson Law may be exercised by a county or municipality that has approved the Jackson Law by a two-thirds (2/3) majority vote of its appropriate legislative body; and,

WHEREAS, since its adoption, the Jackson Law has provided a vital layer of accountability and transparency in the permitting process, ensuring that local residents and elected officials have the opportunity to review proposed sites, hold public hearings, and make informed determinations about suitability based on local conditions; and

WHEREAS, recent efforts by large landfill operators, special interests and associated lobbyists seek to amend the Jackson Law in ways that would reduce or remove local authority, limiting public input and consolidating decision-making power at the state level; and

WHEREAS, such proposed amendments would undermine local control, threaten environmental justice in both urban and rural communities, and expose Tennessee residents to increased risk from poorly sited or expanded solid waste facilities; and

WHEREAS, preserving the intent and integrity of the Jackson Law is essential to maintaining local accountability, environmental protection, and responsible growth throughout Tennessee; and

WHEREAS, the decision to "opt-in" and apply this law rests with the county legislative body for areas within the county's jurisdiction (including unincorporated communities); and

WHEREAS, the people of Sewanee desire that the legislative bodies of Franklin and Marion County approve and adopt the Jackson Law;

NOW, THEREFORE, BE IT RESOLVED BY THE SEWANEE COMMUNITY COUNCIL:

SECTION 1. The Sewanee Community Council affirms its commitment to the principles and protections of the Jackson Law.

SECTION 2. The Sewanee Community Council requests the Franklin County Commission, and the Marion County Commission consider adopting the Jackson Law resolution.

SECTION 3. This Resolution shall take effect from and after its adoption, the welfare of the public requiring it.

From CTAS: RESOLUTION FOR COUNTY GOVERNMENT

Adopt the Jackson Law

WHEREAS, the general law codified in *Tennessee Code Annotated*, Title 68, Chapter 211, Part 7, known as the Jackson Law, provides for local approval of the construction of privately owned landfills; and, **WHEREAS**, the procedures of the Jackson Law cannot be used by a county unless the county legislative body approves of its use by a two-thirds (2/3) majority vote; and, **WHEREAS**, the people of County desire that the county legislative body approve of the construction of privately owned landfills for solid waste disposal before such landfills are constructed in the county, including those constructed within the boundaries of municipalities in County;

NOW THEREFORE, BE IT RESOLVED by two-thirds (2/3) majority vote of the county legislative body of [County], Tennessee, meeting in session on this day of , 20 in , Tennessee,

that the provisions of *Tennessee Code Annotated*, Title 68, Chapter 211, Part 7, particularly sections 68-211-701 through 68-211-705 and 68-211-707, regarding county legislative body approval of new privately owned landfills for solid waste disposal are approved and are applicable in County Tennessee from the date of approval of this resolution. Adopted this _____ day of _____, 20____

APPROVED:

County Executive ATTEST:
County Clerk

Franklin County Commissioners
[Bruce McMillan](#)
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P.O. Box 834
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[Augustine "Spike" Hosch](#)
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Marion County Commissioners, District 1
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CTAS - Landfill Approval by County - "Jackson Law"

The so-called "Jackson Law" is an optional general law that may be adopted by a county or municipal legislative body by a two-thirds (2/3) majority vote. If adopted, it provides that no new construction will be initiated for a landfill without the approval of the county legislative body unless the landfill only accepts waste generated by its owner and all such waste is generated in the same county as the landfill. Additionally, if such proposed construction is in an incorporated area or within one mile of an incorporated area, the governing body of the municipality must also approve before construction can be initiated. T.C.A. § 68-211-701. Public notice and public hearings are required before the vote of the legislative body. T.C.A. § 68-211-703. This law states criteria that must be considered by the legislative body in determining whether or not to approve the construction. Judicial review of the legislative body's determination may be had before the chancery court for the county in which the landfill is to be located. T.C.A. § 68-211-704. The Tennessee Court of Appeals upheld a decision by the Davidson County Chancery Court that exclusion of county and municipal landfills from application of the Jackson Law as provided in T.C.A. § 68-211-706(b) is unconstitutional as a violation of the equal protection clause since there is no rational basis for this discrimination against private landfills. However, the Court applied the doctrine of elision (removal of offending provision, exemption of public landfills) and upheld the remainder of the act. *Profill Development, Inc. v. Dills*, 960 S.W.2d 17 (Tenn. App. 1977). In 2013, the Jackson Law was amended to increase the scope of the law to include a change in classification of a landfill to a classification with higher standards. However, this amendment provides that it only applies if independently approved by a two-thirds vote of the county legislative body if the county adopted the Jackson Law prior to May 13, 2013. In a statute separate from the "Jackson Law," municipalities must obtain the approval of the county legislative body at two consecutive regularly scheduled meetings before the municipality may exercise the power of eminent domain to obtain property to be used as a landfill for solid waste disposal outside of the corporate limits of the municipality. T.C.A. § 68-211-122.

Source URL: <https://www.ctas.tennessee.edu/eli/landfill-approval-county-jackson-law>

The entire Jackson Law

<https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/tennessee-chapter/Jackson%20Law%20text.pdf>

Tennessee Environmental Council

<https://www.tectn.org/2025forumatmtsu.html>

SOCM

https://www.socm.org/files/ugd/edbcef_d716734141bd486bbbb405031c776c0d.pdf

SOCM has launched the LOCAL campaign. The LOCAL campaign is organized by local community groups, river conservancies, neighborhood organizations, solid waste managers, and elected officials working to preserve local control over landfill siting decisions.

Coordinating organizations include Rutherford Forward, SOCM, Sierra Club Tennessee.

Questions posed on this information from the Council

- Are there any reasons that Marion, Grundy, or Franklin counties have not already implemented the Jackson Law?
- Do we know if the County Commissioners are already engaged in this project?

Lucy Keeble, Adam Hughes, and Shari Lydy spoke to the Council to answer questions and elaborate on this law.

- Some lag on approving this law due to the lack of knowledge from county administrators
- Difficulty in getting local mayors and commissioners interested in learning and taking the time to read the law.
- More and more local governments are stepping up to enact the Jackson law (20 cities and 50 counties in Tennessee have passed the Jackson law).
- Landfills are needed, but input for placement can be provided by counties who enact this law.

Kiki Beavers asked the Community Council to move to sign the resolution to endorse support from the University of the South with a show of support from the Council.

The Community Council unanimously passed this resolution to move forward to sign and forward the resolution in support of the Jackson Law.

(3) Dog Control Policy – Wilson

Scott Wilson updated the Council of the updated [Dog Policy](#) and confirmed the updated policy has been posted on the University's website. This policy can be reviewed at leases.sewanee.edu under "Policies and Forms."

The updated policy includes:

- Stronger verbiage of "will enforce" rather than "may enforce."
- Removes language for victims to contact the dog's owner
- Notates financial and criminal penalties for violation of the TN state law and provides links to laws.

(4) Sewanee Village Ventures Apartments Update from David Shipps – Wilson

David Shipps, VP for Economic Development & Community Relations, updated the Council on the progression of the Sewanee Village Ventures apartment project. He confirmed that the project of clearing, logging, and site planning is underway and April will be the official groundbreaking date. The anticipated completion date for the apartment project will be late summer/early fall of 2027. He invited the community to visit the SVV apartment project website for updates and the full scope of this project. The website link is <https://new.sewanee.edu/offices/university-offices/economic-development/sewanee-village-ventures/apartments-project/>

(5) Election of Agenda Committee Member to Replace Laura Willis (3-Year Term Ending December 2028) – Wilson

Scott Wilson outlined that Laura Willis' term for the agenda committee expired in December and outlined the five members eligible to serve in this capacity as Kevin Cummings, Ed Hawkins, Katie Gohn, Evelyn Patton, and Phil White. Scott asked for a volunteer or nomination and Evelyn Patton was nominated and elected to serve for the next 3-year term.

(6) Announcements and/or Questions

Michael Payne thanked the University administration and Sewanee Police Department for recent communications through the inclement weather. Rob Pearigen also thanked Robert Benton and Scott Wilson, Sewanee Police Department, and Sewanee Fire Department for all their hard work and communications during the winter storm over the past week.

Meeting adjourned at 7:29 pm.

Respectfully submitted,

Carey Fulmer