

**MINUTES**  
**CITY COUNCIL MEETING**  
**NOVEMBER 8, 2011**

The Jackson, Tennessee, City Council met for their regular monthly meeting on Tuesday, November 8, 2011, at 9:00 a.m. in the George A. Smith Meeting Room at City Hall with Mayor Jerry Gist and Councilmembers Charles “Pepper” Bray; Ernest Brooks II; Harvey Buchanan; David Cisco; Scott Conger; Vicky Foote; and Charles Rahm present. Councilmembers Johnny Dodd and Randy Wallace were absent. Also present was Anita Brooks, recorder of the minutes.

Councilmember Charles “Pepper” Bray gave the invocation and led the audience in the Pledge of Allegiance to the Flag.

Mayor Gist acknowledged the presence of Tennessee State Representative Jimmy Eldridge and Madison County Sheriff David Woolfork in the audience.

The minutes of the October 4, 2011, meeting were approved and signed.

Mayor Gist proclaimed the month of November 2011 as National Adoption Awareness Month in the City of Jackson and Madison County, Tennessee.

**PUBLIC HEARINGS:**

The consideration of an Ordinance to amend Title 11, Municipal Offenses, Chapter 8, Offenses Against Public Health, Safety, Morals, Welfare, of the Jackson, Tennessee, Code of Ordinances, to prohibit smoking on the grounds of a hospital and areas adjacent to hospital entrances and public sidewalks was postponed to a later date.

On the motion of Councilmember Conger, seconded by Councilmember Brooks, unanimous approval was given to an Ordinance to rezone property located at 428 North Cumberland Street from RG-3 (General Residential) District to RG-3/H (General Residential/Historic) District, containing 0.28± acres, submitted by Kathi Leatherwood.

On the motion of Councilmember Buchanan, seconded by Councilmember Conger, unanimous approval was given to an Ordinance to close and abandon a portion of Preston Alley running north from Preston Street to an unnamed alley.

On the motion of Councilmember Rahm, seconded by Councilmember Foote, unanimous approval was given to an Ordinance to close and abandon an unimproved section of Birchwood running north from Charjean Drive to a dead end.

Stan Pilant, Planning Director, presented a Progress Report on delivery of services for Northwest Annexation areas annexed in 2011.

On the motion of Councilmember Cisco, seconded by Councilmember Conger, unanimous approval was given to an Ordinance to amend Title 8, Alcoholic Beverages, Chapter 1, Intoxicating Liquors, Section 8-117 of the Jackson, Tennessee, Code of Ordinances, relative to Minors, Persons Visibly Intoxicated and Habitual Drunkards. Bob Lindsey, owner of Lynnwood Wine & Spirits, was present and expressed support of the city adopting the ordinance on behalf of the Jackson Wine & Spirits Retailers Association. Richard Barber, President of the Jackson Madison County Anti-Drug Coalition, and Blake McMeans, a driver who survived an automobile accident while driving under the influence of alcohol, were also present and expressed support of the city adopting the ordinance. Members of the Jackson Wine & Spirits Retailers Association and the Jackson Madison County Anti-Drug Coalition were recognized and stood in support of the city adopting the ordinance.

## **SECOND READINGS:**

On the motion of Councilmember Buchanan, seconded by Councilmember Brooks, unanimous approval was given to an Ordinance to rezone property located on the south side of Ridgecrest Road, just east of Campbell Street from A-O (Agriculture-Open Land) District to O (Office) District and RG-2/PRD (General Residential/Planned Residential Development) District, comprising 19.64± acres, submitted by Chris Tursky, on behalf of Northwin, LLC.

## **NEW BUSINESS:**

On the motion of Councilmember Cisco, seconded by Councilmember Rahm, unanimous approval was given to a Resolution to request the Tennessee General Assembly to amend Chapter 101 of the Private Acts of 1993 and any other acts amendatory thereto relative to the Charter of the City of Jackson, Tennessee.

A request from the Jackson Madison County Branch of the National Association for the Advancement of Colored People (N.A.A.C.P.) to adopt a non-binding resolution to rescind recent Tennessee legislation requiring photo identification for voting was presented by Harrell Carter, President of the Jackson Madison County Branch of the N.A.A.C.P. Councilmember Brooks read a statement (attached hereto and made a part of the record) which expressed his support of the resolution and urged his fellow colleagues to support the resolution. Councilmember Buchanan expressed support for the resolution and suggested that the N.A.A.C.P. find ways to make sure every eligible voter had a photo identification card, since the requirement of photo identification for voting had passed into a statewide law. Councilmember Foote expressed comments regarding photo identification for voting. Councilmembers Brooks and Buchanan made motions to approve the request from the Jackson Madison County N.A.A.C.P. to adopt

a non-binding resolution to rescind recent Tennessee legislation requiring photo identification for voting. Mayor Gist suggested that the consideration of the matter be postponed until a non-binding resolution could be prepared, since the City Council did not have a resolution on the table for them to consider. No further action was taken on the matter.

On the motion of Councilmember Brooks, seconded by Councilmember Foote, unanimous approval was given to accept funding, under the FY 11 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation, in the amount of \$69,722 from the U.S. Department of Justice Office of Justice Programs. Gerry Campbell, Deputy Chief of Administration at the Jackson Police Department, was present and advised that the funds would be split 50/50 between the City of Jackson Police Department and the Madison County Sheriff's Department.

Councilmember Foote recognized military veterans present at the meeting and read a poem written by George L. Skypeck titled "Soldier" in honor of their services to the United States of America.

On the motion of Councilmember Foote, seconded by Councilmember Cisco, unanimous approval was given to the reappointment of Clarence Boone to the Jackson Housing Authority Board.

On the motion of Councilmember Cisco, seconded by Councilmember Bray, unanimous approval was given to the reappointment of Helen Owens to the Health, Education, and Housing Facilities Board.

On the motion of Councilmember Conger, seconded by Councilmember Cisco, unanimous approval was given to the appointment of Marcus Ian Chandler to the Keep Jackson Beautiful Commission to replace David Mathis.

On the motion of Councilmember Buchanan, seconded by Councilmember Conger, unanimous approval was given to the appointment of Willie L. Moore, Jr. to the Community Redevelopment Agency to replace Greg Milam.

On the motion of Councilmember Cisco, seconded by Councilmember Buchanan, unanimous approval was given to the following FY12 budget amendment requests:

| <b>CAPITAL FUND</b> |                            | Current    | Amendment | Amended    |
|---------------------|----------------------------|------------|-----------|------------|
| <i>Revenue:</i>     |                            | Budget     | Request   | Budget     |
| 315-36961           | Transfer from General Fund | 1,658,812  | 1,975     | 1,660,787  |
| <b>CAPITAL FUND</b> |                            |            |           |            |
| <i>Expenses:</i>    |                            |            |           |            |
| 315-44500-900       | Pringles Park              | 3,000      | 1,975     | 4,975      |
| <b>GENERAL FUND</b> |                            |            |           |            |
| <i>Expenses:</i>    |                            |            |           |            |
| 110-41900-761       | Transfer to Capital Fund   | 1,647,320  | 1,975     | 1,649,295  |
| 110-41900-595       | Unanticipated Expenses     | 277,927.09 | -1,975    | 275,952.09 |

Funds are being transferred from general fund unanticipated expenses to capital budget to cover \$1975 needed for Pringles Park capital budget for an erosion problem on the slope from Pringles Park going to Sportsplex.

On the motion of Councilmember Cisco, seconded by Councilmember Conger, unanimous approval was given to the following FY12 budget amendment requests:

| <b>GENERAL FUND</b> |                                 | Current    | Amendment | Amended    |
|---------------------|---------------------------------|------------|-----------|------------|
| <i>Expenses:</i>    |                                 | Budget     | Request   | Budget     |
| 110-41900-767       | Appropriation to Other Agencies | 234,540.69 | 175,000   | 409,540.69 |
| 110-41900-595       | Unanticipated Expenses          | 275,952.09 | -175,000  | 100,952.09 |

Budget amendment to move funds to appropriation to other agencies for \$175,000 for amount granted to Youth Town during the October City Council meeting. Funds will be transferred from the unanticipated expense account in general fund.

On the motion of Councilmember Cisco, seconded by Councilmember Conger, unanimous approval was given to the following FY12 budget amendment requests:

| <b>GENERAL FUND</b> |                | Current | Amendment | Amended   |
|---------------------|----------------|---------|-----------|-----------|
| <i>Revenue:</i>     |                | Budget  | Request   | Budget    |
| 110-33463           | 2011 CRE Grant |         | 39,949.85 | 39,949.85 |
| <b>GENERAL FUND</b> |                |         |           |           |
| <i>Expenses:</i>    |                |         |           |           |
| 110-42138-112       | CRE Overtime   |         | 39,949.85 | 39,949.85 |

The Jackson Police Department received a grant in the amount of \$39,949.85 for Crash Reduction Enforcement from the State of Tennessee. This grant will be used to cover overtime and benefits for employees working in this enforcement program.

On the motion of Councilmember Rahm, seconded by Councilmember Brooks, unanimous approval was given to the following FY12 budget amendment requests:

| <b>COMMUNITY DEV FUND</b> |                          | Current | Amendment | Amended |
|---------------------------|--------------------------|---------|-----------|---------|
| <i>Expenses:</i>          |                          | Budget  | Request   | Budget  |
| 125-52020-746             | Interest Exp. – HUD Loan | 112,000 | -112,000  | 0       |
| <b>COMMUNITY DEV FUND</b> |                          |         |           |         |
| <i>Revenue:</i>           |                          |         |           |         |
| 125-37300                 | Program Income – CDBG    | 507,000 | -112,000  | 395,000 |
| <b>CRA FUND</b>           |                          |         |           |         |
| <i>Revenue:</i>           |                          |         |           |         |
| 441-38105                 | D/S Proceeds from CDBG   |         | 112,000   | 112,000 |
| <b>CRA FUND</b>           |                          |         |           |         |
| <i>Expenses:</i>          |                          |         |           |         |
| 441-43280-746             | Interest Exp – HUD Loan  |         | 112,000   | 112,000 |

The HUD loan received for the CRA is now being moved from the Community Development Fund to the new Community Redevelopment Fund per audit requirements as of FY11. This will reflect the interest and principal payments on the HUD loan on the CRA fund all of which will be reimbursed by Community Development.

On the motion of Councilmember Buchanan, seconded by Councilmember Cisco, unanimous approval was given to the following FY12 budget amendment requests:

| <b>GENERAL FUND</b> |                                | Current | Amendment | Amended |
|---------------------|--------------------------------|---------|-----------|---------|
| <i>Expenses:</i>    |                                | Budget  | Request   | Budget  |
| 110-42187-900       | 2011 Edward Byrne Memorial JAG |         | 69,722    | 69,722  |
| <b>GENERAL FUND</b> |                                |         |           |         |
| <i>Revenue:</i>     |                                |         |           |         |
| 110-33193           | 2011 Edward Byrne Memorial JAG |         | 69,722    | 69,722  |

The Jackson Police Department received notification that they have received the 2011 Edward Byrne Memorial Justice Assistance Grant in the amount of \$69,722 jointly with the Madison County Sheriff's Department. There is no match required for this grant.

On the motion of Councilmember Rahm, seconded by Councilmember Foote, unanimous approval was given to the following FY12 budget amendment requests:

| <b>H &amp; S FUND</b> |                          | Current   | Amendment | Amended   |
|-----------------------|--------------------------|-----------|-----------|-----------|
| <i>Expenses:</i>      |                          | Budget    | Request   | Budget    |
| 131-43230-900         | H & S Capital            | 211,194   | -64,500   | 146,694   |
| 131-43230-530         | Transfer to Other Funds  | 2,000,000 | 64,500    | 2,064,500 |
| <b>CAPITAL FUND</b>   |                          |           |           |           |
| 315-41905-900         | Public Services Complex  |           | 64,500    | 64,500    |
| <b>CAPITAL FUND</b>   |                          |           |           |           |
| 315-36965             | Transfer from H & S Fund |           | 64,500    | 64,500    |

The Public Services Complex capital improvements for heat and air and sewer system were budgeted in the H & S fund rather than the capital fund and need to be moved as this complex serves other city departments in addition to the Health and Sanitation Department. The amount budgeted for these repairs were \$64,500.

On the motion of Councilmember Cisco, seconded by Councilmember Brooks, unanimous approval was given to the following FY12 budget amendment requests:

| <b>CAPITAL FUND</b> |                            | Current    | Amendment | Amended   |
|---------------------|----------------------------|------------|-----------|-----------|
| <i>Expense:</i>     |                            | Budget     | Request   | Budget    |
| 315-52800-900       | EMA Capital                |            | 39,000    | 39,000    |
| <i>Revenue:</i>     |                            |            |           |           |
| 315-36961           | Transfer from General Fund | 1,660,787  | 39,000    | 1,699,787 |
| <b>GENERAL FUND</b> |                            |            |           |           |
| <i>Revenue:</i>     |                            |            |           |           |
| 110-41900-761       | Transfer to Capital        | 1,649,295  | 39,000    | 1,688,295 |
| <i>Expense:</i>     |                            |            |           |           |
| 110-41900-595       | Unanticipated Expenses     | 100,952.09 | -39,000   | 61,952.09 |

To transfer funds from General Fund Unanticipated Expenses of \$39,000 to Capital fund to cover capital requests received from EMA for repeaters, radios, and outdoor warning system replacements.

On the motion of Councilmember Brooks, seconded by Councilmember Cisco, unanimous approval was given to the following FY11 budget amendment requests:

| <b>SPORTSPLEX FUND</b> |                           | Current    | Amendment  | Amended       |
|------------------------|---------------------------|------------|------------|---------------|
|                        |                           | Budget     | Request    | Budget        |
| <i>Revenue:</i>        |                           |            |            |               |
| 124-37840              | Transfer from Other Funds |            | 302,436.80 | 302,436.80    |
| <b>SINKING FUND</b>    |                           |            |            |               |
| <i>Revenue:</i>        |                           |            |            |               |
| 211-37900              | From Fund Balance         | 500,000    | 234,515.99 | 734,515.99    |
| <i>Expense:</i>        |                           |            |            |               |
| 211-51610-900          | Transfer to Other Funds   | 10,369,426 | 234,515.99 | 10,603,941.99 |
| <b>GENERAL FUND</b>    |                           |            |            |               |
| <i>Revenue:</i>        |                           |            |            |               |
| 110-37900              | From Fund Balance         | 846,281.46 | 67,920.81  | 914,202.27    |
| <i>Expense:</i>        |                           |            |            |               |
| 110-41900-772          | Transfer to Other Funds   | 814,967.16 | 67,920.81  | 882,887.97    |

To transfer funds from Sinking Fund and General Fund to clear up the due to/from accounts owed by Sportsplex to each of these funds as of 6/30/11.

Mayor Gist thanked Interim Fire Chief Maxie Stewart, Jr. for the books that were given to the Mayor and City Council on the history of the Jackson Fire Department.

On the motion of Councilmember Bray, seconded by Councilmember Foote, unanimous approval was given to the payment of invoices over \$10,000.

There being no further business, the meeting was adjourned.

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JERRY GIST, MAYOR

**Statement made by City Councilman Ernest Brooks II at the November 8, 2011, City Council Meeting regarding a request from the Jackson Madison County Branch of the N.A.A.C.P. for a non-binding Resolution from the Jackson City Council to rescind recent Tennessee legislation requiring photo identification for voting.**

Politics 101 suggests that there are two ways to win an election. One, get more people to vote for you, or two, get fewer people to vote for your opponent. Unfortunately, our state legislature, which is in lock step with other conservative legislators and governors across the country, has chosen the latter. There is nothing more sacred in democracy than the right to vote, so an attack on voting rights is an attack on democracy. Every citizen has the right to cast their ballot. Discriminating against the poor, the young, minorities and the disabled is an unthinkable violation of the evolved principles of this great country. Some have said that these actions smack of the blatant racism of the past that gave us poll taxes and literacy tests.

Supporters of this law say they are necessary to combat voter fraud. But that, to put it bluntly, is a lie.

There is no evidence, none, that fraud is a major problem in the State of Tennessee, nor any state for that matter. Rolling Stone Magazine reports a major probe by the Justice Department between 2001 and 2007 failed to prosecute a single person for going to the polls and impersonating an eligible voter, which the anti-fraud laws are supposedly designed to stop.

In 2007, the Brennan Center for Justice reported that they were not aware of any documented cases in which individual noncitizens either intentionally registered to vote or voted knowing that they were ineligible. The overwhelming majority of voter fraud actually occur via absentee ballots.

This year, more than 30 states devised changes to their voting laws. A dozen more passed restrictive rules requiring voters to present state issued photo ID's according to the National Conference of State Legislatures. Florida and Ohio will cut in half the number of days for early voting.

A coalition of groups that includes the League of Women Voters, the American Civil Liberties Union and the N.A.A.C.P. have said that the States new voter ID law "will create artificial and insurmountable barriers at the ballot box."

For instance, in the State of Tennessee, over 675,000 Tennesseans age 18 and older who, according to the Department of Safety, either have no driver's license or have a license that does not carry a photo. These citizens may be eligible to vote, but unless they obtain a state issued photo ID they will not be allowed to.

People living in rural areas will still have to travel long distances to obtain an ID. The elderly, poor, disabled and even some college students may have trouble getting to state offices for an ID.

We don't have a vote as council people but we do have a voice and that voice needs to be heard in Nashville.

Send the message that in Jackson, Tennessee, we hold dear the right to vote and will do everything in our power to protect that franchise.

So I urge my colleagues to support this resolution.

Thank you.