

MINUTES
CITY COUNCIL MEETING
FEBRUARY 2, 2010

The Jackson, Tennessee, City Council met for their regular monthly meeting on Tuesday, February 2, 2010, 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; and Randy Wallace present. Council member Charles Rahm was present at the time of roll call and during the discussion of the Juvenile Curfew Ordinance but left the meeting before voting on any agenda item. Anita Brooks, recorder of the minutes, was also present.

Council member Harvey Buchanan gave the invocation and led the audience in the Pledge of Allegiance to the Flag.

The minutes of the January 5, 2010, meeting were approved and signed.

Mayor Gist presented a proclamation to Duane Cherry, Mission Convalescent Home Administrator, for Mission Convalescent Home Day and recognized him and his staff for being listed among the top nursing home facilities in the United States. Mayor Gist also recognized a student in the audience who was learning the functions of City Government.

Richard Archie was present and expressed concern about the lack of discussion on the legality of some issues contained within the city’s Municipal Code that were in contradiction with the State Code. City Attorney Lewis Cobb advised that the process done by The University of Tennessee Municipal Technical Advisory Service (MTAS) was called “codification” and during the “codification” process, some revisions were

made. Attorney Cobb answered questions from Council members relative to the “codification” process and advised that it was his opinion that if the City Council passed an ordinance to adopt and enact a codification of the ordinances of the City of Jackson, Tennessee, it would become the city’s official code in that form. Jeff Rice was present and expressed comments on the proposed ordinance to adopt and enact a codification of the ordinances of the City of Jackson, Tennessee, and on the proposed Juvenile Curfew Ordinance.

PUBLIC HEARINGS:

Dr. Vicki Lake, Chairperson of the Safe Neighborhoods Task Force Committee, and Captain Thom Corley, Legal Advisor for the Jackson Police Department, were present and answered questions from Council members about the Juvenile Curfew Ordinance. Dr. Lake gave the charge of the Safe Neighborhoods Task Force Committee and advised what the committee’s aspects were in having an effective curfew for juveniles. Amy Jones, Director of Juvenile Court Services, was present and gave information her office gathered from two months of data on the number of juveniles in Jackson-Madison County who were brought to detention for crimes committed during the proposed curfew hours and during school hours. Bart Swift, Juvenile Court Clerk, was present and gave comments about state laws that restrict juveniles under a certain age from working late hours. Council member Brooks made a motion to amend a section in the proposed Juvenile Curfew Ordinance relative to Continuing Evaluation that ninety days after the effective date of the ordinance, the chief of police will provide a written quarterly report to the Mayor and City Council concerning the effect of the ordinance on crimes committed by and against minors, and of the number of warnings issued and arrest of minors and parents hereunder, and such other information as the

Mayor and City Council may request and provide raw data of same including arrest and incident reports to the Mayor and City Council on a monthly basis. The motion was seconded by Council member Ellis and passed unanimously. Council member Neudecker made a motion to amend the proposed Juvenile Curfew Ordinance by removing the following sentence from the last paragraph in Section 105, relative to Enforcement, until Council members could determine the legality of fine increases for subsequent offenses by a parent:

“For each subsequent offense by a parent the fine shall be increased by an additional \$50.00, e.g. \$100.00 for the second, \$150.00 for the third offense.”

The motion was seconded by Council member Ellis and passed unanimously. Council member Neudecker made a motion to amend the proposed Juvenile Curfew Ordinance by setting an implementation date of July 1, 2010, for the ordinance, if approved by Council as amended. Council member Wallace seconded the motion and the motion passed 5-2-1, with Council members Bray, Brooks, Hays, Neudecker and Wallace voting yea, Council members Buchanan and Ellis voting nay, and Council member Dodd abstaining. Council member Neudecker made a motion to amend the proposed Juvenile Curfew Ordinance by putting a one-year time limit on the ordinance so Council members could consider the effectiveness of having a juvenile curfew every year. Council member Neudecker's motion died for lack of a second. On the motion of Council member Dodd, seconded by Council member Hays, the Juvenile Curfew Ordinance, as amended, was approved 6-2, with Council members Buchanan and Ellis voting nay. Shelia Godwin was present and expressed concerned about the language in the Juvenile Curfew Ordinance relative to enforcement. Harrell Carter, Jackson-Madison County Branch President of the National Association for the Advancement of

Colored People (NAACP), was present and expressed comments on the Juvenile Curfew Ordinance.

Council member Ellis made a motion to amend an Ordinance to amend Title 8, Chapter 1 of the City Code of Jackson, Tennessee, regarding liquor zones by adding the words “public library” to the locations that a liquor store shall not be located within three hundred (300) feet of. Council member Neudecker seconded the motion. Attorney Cobb advised that the liquor laws were strictly controlled and mandated by the state and although there were some exceptions on locations, he would have to look into the matter to see if that particular location could be added to the list of locations that a liquor store shall not be located within three hundred (300) feet of. Council members Ellis and Neudecker withdrew their motions until a legal opinion could be made on the matter. On the motion of Council member Wallace, seconded by Council member Neudecker, unanimous approval was given to the Ordinance to amend Title 8, Chapter 1 of the City Code of Jackson, Tennessee, regarding liquor zones.

SECOND READINGS:

On the motion of Council member Buchanan, seconded by Council member Dodd, an Ordinance adopting and enacting a codification of the ordinances of the City of Jackson, Tennessee, was approved 7-1, with Council member Wallace voting nay.

NEW BUSINESS:

On the motion of Council member Ellis, seconded by Council member Brooks, unanimous approval was given to a lease agreement between the City of Jackson, Tennessee, and Cosmopolitan Funeral Services to lease property adjacent to 239 West Lafayette Street.

On the motion of Council member Bray, seconded by Council member Dodd, a request by C & C Wine & Spirits, doing business as Old Hickory Package Store, to relocate from the present location at 2030 North Highland Avenue to 2710 North Highland Avenue, subject relocation being within the same Liquor Zone and contingent upon being in compliance with Section 8-115, Location of Liquor Stores in Liquor and Zoning Districts, was approved 6-2, with Council members Buchanan and Ellis voting nay.

On the motion of Council member Bray, seconded by Council member Brooks, a Jackson-Madison County Wellness Policy was approved 6-1, with Council member Neudecker voting nay. (Council member Brooks exited the room before the vote was taken.)

On the motion of Council member Dodd, seconded by Council member Brooks, a contract between the City of Jackson, Jackson Community Redevelopment Agency and Healthy Communication LLC for development of the commercial component of an area referred to as the Central Creek Redevelopment Area located north of the Farmers Market was approved 6-1-1, with Council members Bray, Brooks, Buchanan, Dodd, Hays and Wallace voting yea, Council member Neudecker voting nay and Council member Ellis abstaining. Hal Crocker and Henry Turley, Representatives from Healthy Community, LLC, Master Development Partner to the Jackson Center City Revitalization Project, and Laura Cobb with the city attorney's office, were present. Hal Crocker gave a general overview about the project and answered questions.

On the motion of Council member Ellis, seconded by Council member Neudecker, unanimous approval was given to the acceptance of streets in Palmer

Woods Sections 1 & 3 “Brookwood Drive, Cedar Crest Cove, Ironwood Cove and a portion of Palmer Drive” as public streets in the City of Jackson, Tennessee.

On the motion of Council member Ellis, seconded by Council member Buchanan, the following FY10 budget amendment was unanimously approved:

GENERAL FUND		Current	Amendment	Amended
<i>Expenditures:</i>		Budget	Request	Budget
110-41900-595	Unanticipated Expenses	179,966.76	173,967	353,933.76
<i>Revenue:</i>				
110-33151	EDI Grant		173,967	173,967

The City budgeted for the EDI Grant on the expense side but not for the revenues of \$173,967 so this amendment will get both sides on the general ledger for FY10. To balance the budget, the city will include the additional revenue in the unanticipated expenses line item.

On the motion of Council member Buchanan, seconded by Council member Bray, the following FY10 budget amendment was unanimously approved:

GENERAL FUND		Current	Amendment	Amended
<i>Revenue:</i>		Budget	Request	Budget
110-37900	From Fund Balance	146,625.83	102,866.15	249,491.98
COMMUNITY REDEV FUND				
<i>Expenditures:</i>				
441-43280-250	Professional Services		110,866.15	110,866.15
<i>Revenue:</i>				
441-38102	Rental Revenue		8,000	8,000
441-38103	Transfer from Other Funds		102,866.15	102,866.15

The Community Redevelopment Fund will have professional services of \$110,866.15 for FY10 with offsetting revenues to come from rental revenue and transfer from fund balance for city’s portion of funds needed.

On the motion of Council member Dodd, seconded by Council member Neudecker, the following FY10 budget amendment was approved 7-1, with Council member Neudecker voting nay:

CAPITAL FUND:		Current	Amendment	Amended
<i>Expenditures:</i>		Budget	Request	Budget
315-41900-901	Parking Garage		835,000	835,000
<i>Funding:</i>				
315-36962	Transfer from Debt Service	3,500,077.77	835,000	4,335,077.77

The Parking Garage was paid from capital funds and the amendment will be \$835,000. Funds for this will come from transfer from debt service, which was already done at beginning of fiscal year so the city will only increase the budget for this transfer that took place earlier in fiscal year.

On the motion of Council member Ellis, seconded by Council member Brooks, the following FY10 budget amendment was approved 7-1, with Council member Neudecker voting nay:

GENERAL FUND		Current	Amendment	Amended
<i>Expenditures:</i>		Budget	Request	Budget
110-42210-900	EMA Homeland Grant		53,000	53,000
<i>Revenue:</i>				
110-36693	Reimb: EMA Homeland		53,000	53,000

The Fire Department is receiving reimbursement funds from Emergency Management to cover USOR training needed by the department. This reimbursement will be in the amount of approximately \$53,000 for FY10.

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