

# JACKSON CITY COUNCIL

*Minutes From*

June 21, 2021

7:00 P.M.

## SPECIAL SESSION

Jackson City Council met in Special session on Monday, June 21, 2021 at 7:00 p.m. in Jackson City Council Chambers. The Pledge of Allegiance was led by Mrs. Biggs, and the prayer was given by Mrs. Biggs. President, Dan Fulks called the meeting to order. Roll call was taken as follows:

- Mr. Foster -- Present
- Mr. Coll -- Present
- Mrs. Colby -- Present
- Mr. R. Peters - Present
- Mr. J. Peters -- Present
- Mrs. Biggs --Present
- Mr. Bopp --Present

**VISITORS:** Karena Fulks from Total Media spoke to the regional director. They are self funded and can't sell advertising. She would like to work with the city council to see if there is funding in the city's budget to help them. She asked if there would be a possibility of the station getting some of the money the city receives from Spectrum. She and Mr. Swackhammer would like to have this extension as they work through the legal issues and try to find funding.

### ORDINANCES AND RESOLUTIONS:

#### RESOLUTION NO. 17-21

#### A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH JACKSON COUNTY BROADCASTING, INC., FOR BROADCASTING SERVICES, AND DECLARING AN EMERGENCY.

#### Third Reading

- Mr. Swackhammer said based on all of the new information they have been gathering since last week, they learned we need to vote this down due to inaccuracies. Mr. R. Peters said he is being personally attacked by this. He reiterated that council does not make the FCC laws nor do they negotiate this contract.
- Mrs. Biggs said she thought that for special meetings we could only discuss what was advertised which was Ordinance 17-21. Mr. Swackhammer explained that our attorney, Mr. Kirby, said if it was advertised by topic then they could bring a new piece of legislation to be voted upon as long as it had to do with the topic, which Res 25-22 does.
- Mr. R. Peters said in this extra week we have discovered a lot of information. We have a lot of new answers.
- Mr. J. Peters said he spoke with Brian Young. He was told the political ads are illegal. He said throughout the entire day only 12 minutes could be devoted to advertisement. The individual or company could be mentioned at the end of the segment as being a sponsor that paid for that portion. However, they can't pay just to advertise their business on air. He felt we need to stop this immediately. If one person filed a complaint with the FCC then an investigation would begin. The city would be liable because we own the franchise.

JACKSON CITY COUNCIL

*Minutes From*

June 21, 2021

7:00 P.M.

SPECIAL SESSION

- Mr. J. Peters adamantly said he would not vote for anything that is conducting business in any illegal way.
- Jennifer –Total Media – Said she and employees never intended to do anything illegal. She said perhaps when they began many years ago it was legal and she didn't know laws had changed.

If the city doesn't contract this out to Total Media they would have to run the station which no one is qualified for or wants to do. If we don't have this station how do we get the information out to the public that is normally seen on the channel? If the city doesn't contract with Total Media how do you keep everything the public wants aired off air. If it's a public access channel then anyone can run anything on it.

Mr. Bopp made a motion to table this Resolution with a second from Mr. Coll. A roll call vote was taken to table the Resolution, and the results are as follows:

Foster	No
Coll	Yes
Colby	No
R. Peters	No
J. Peters	No
Biggs	Yes
Bopp	Yes

**Motion Denied.**

A roll call vote was taken to adopt the Resolution and the results are as follows:

Foster	Yes
Coll	Yes
Colby	No
R. Peters	No
J. Peters	No
Biggs	No
Bopp	Yes

**Resolution 17-21 Duly Defeated**

**RESOLUTION 25-21**

**A RESOLUTION AUTHORIZING THE CITY TO EXTEND THE CURRENT TELEVISION BROADCASTING AGREEMENT AS MODIFIED REGARDING COMMERCIAL ACTIVITY FOR A PERIOD NOT TO EXCEED 90 DAYS, WITH CHANGES AND DECLARING AN EMERGENCY.**

**First Reading**

Mr. Coll made a motion with a second from Mr. Bopp to adopt the Ordinance. The voice vote results were ambiguous. A roll call vote was taken and the results are as follows:

Foster	Yes
Coll	Yes

JACKSON CITY COUNCIL

*Minutes From*

June 21, 2021

7:00 P.M.

SPECIAL SESSION

Colby	No
R. Peters	No
J. Peters	No
Biggs	Yes
Bopp	Yes

**Motion Carried**

- Mr. J. Peters said he can't vote for anything that could put them in violation of the federal law.
- Mrs. Biggs agreed with Mr. Swackhammer that we need extended time to work through everything. But can't vote to approve in 90 days unless 100% positive that the contract is legal. The city can in no way be in jeopardy of being sued.
- Mr. Stockmeister, the owner of the channel, said he wasn't involved in previous contracts. He too doesn't want to do anything illegal.
- Mr. Maxwell said there are valid points from all parties. Asked that they check with Spectrum to see they aren't doing anything illegal.
- Mr. J. Peters said he would like to see an oversight group. And would like an accounting of the money the city has paid for the last 30 years and the equipment the city has purchased.
- Mayor Evans said he would like to see it keep going. This is a great way to reach people. He also agrees that none of us want to do anything illegal.

There was more discussion on whether we have been doing something illegally and many council members did not want to approve this Resolution while we were are operating illegally.

- Mr. Stockmeister spoke saying while he losing money on the station in the end he doesn't want to see it go dark. He too doesn't want to be part of a crime. Asks council to extend the contract while they gather the necessary information and contact their attorneys to establish a new, legal contract. He said they will discontinue all advertising during this time.

Mrs. Biggs made a motion to suspend the rules with a second from Mr. Bopp. A roll call vote was taken and the results are as follows:

Foster	Yes
Coll	Yes
Colby	No
R. Peters	No
J. Peters	No
Biggs	Yes
Bopp	Yes

**Motion Failed.**

This Resolution will go for a second reading on June 28, 2021. The station will be on air through June 24, 2021 and will then go dark until a contract is agreed upon.

Mr. Coll made a motion to adjourn with a second from Mrs. Biggs. In a voice vote all members agreed.

Meeting adjourned at 8:00PM

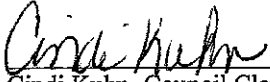
JACKSON CITY COUNCIL

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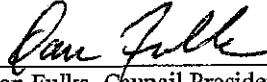
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Cindi Kuhn, Council Clerk



Dan Fulks, Council President

Date 6/28/21

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