

**JACKSON CITY COUNCIL
REGULAR SESSION
Monday, January 9, 2006
Council Chambers**

A regular meeting of Jackson City Council convened in Council Chambers, Monday evening, January 9, 2006 in Council Chambers. President Jim Humphreys opened the meeting at 7:00 p.m. Councilman Reed led the Pledge of Allegiance and prayer. Roll call was taken with Councilman Cary Brown absent. Mr. Brown was ill. Councilman Eric Brown moved to excuse the absence, seconded by Mr. Reed, and in a voice vote, the motion passed.

Minutes were considered. Corrections were made to the December 19, 2005 and the December 27, 2005 meetings were corrected. Minutes of four meeting were approved with corrections.

Councilman Heath moved to retain Council Clerk at the same compensation for the next year, seconded by Mr. Reed, and motion passed.

VISITORS:

Mrs. Elaine McGraw and her sister, Brenda Rollins, were present to discuss concerns about property they own on the Scioto/Lawrence County line. The visitors were present to express their concerns about the railroad coming through Eifort. They were concerned about not being contacted about changes to be made and wanted to know what the City's intentions are. Mrs. McGraw explained that the railroad had been abandoned in the 1970's. She was concerned that if the railroad reclaimed that property owners were concerned with safety issues as well as water runoff. Tracks would obstruct water flow from the forest and excessive flooding and property damage would result. Raw sewage is another health and safety concern.

Mrs. McGraw requested a one on one meeting to address these concerns that will ensure a cooperative transition.

Mayor Goodman stated that it was his understanding that U. S. Rail intended to have some business from the Belville mine but didn't know anything further. He expressed to Mrs. McGraw that he would be glad to meet with them and discuss the problem.

Mr. Stewart asked if they had contacted the administration for the one on one meeting.

Mrs. McGraw answered no. She also stated that there is much flooding at Eifort and the flooding had worsened since the railroad had been abandoned. She had concerns about water lines. She also said she had many, many questions.

Mr. Goodman replied that he didn't know if U. S. Rail has a lease on the property or not.

Mrs. McGraw stated that on the deed, it states that it is in the middle of the B & O railroad. No one seems to have any answers.

Mrs. Colby asked if there had been more contact with the railroad.

Mayor Goodman stated the railroad was to send a draft agreement and that have not done so.

Mrs. McGraw stated she was concerned about what type of waste would be dumped into the mine.

Mr. Detty wanted to know in relation to where Plibrico is, how far away from that location is her home.

Mrs. McGraw indicated that the property is toward South Webster.

Mr. Stewart stated that there were many issues and no contacts. He wanted to know if our right of way goes that far.

Mrs. McGraw replied that railroad research says the railroad was abandoned in 1972. The original line continues today under the ownership of the City of Jackson. She thought maybe the City Council knew what U. S. Rail is planning to do.

Mr. Detty state that he did not think that the right of way goes down that far. He stated that he believes the City property goes to Plibrico.

Mr. Humphreys asked if the mine was active today.

Mrs. McGraw stated that Belville has been operational for years. They are planning surface mining of coal.

Mr. Humphreys assure Mrs. McGraw that the committee will work to get answers for them. When and if we can get answers, we will get back to you. Mr. Humphreys thanked the ladies for coming to Council.

Another visitor, Katy Kleinfelder of Seasongood and Mayer was present to discuss the bonds. She wished everyone a Happy New Year and made her presentation about the existing debt in the water and electric system. In her studies, she stated that the firm believes there are 2.765 million debt left of the electric system. She wanted to recommend that the debt be fixed and remain in the debt cycle.

Mr. Reed asked what the cost would be to redo that.

Ms. Kleinfelder replied that regarding the electric debt, the City is not fiscally responsible to stay in a note mode. She stated that the system is solvent and doing well. Her firm wants to be in the market by March 1st.

Mr. Heath asked if Ordinance 1 and 2 dealt with this.

Mr. Detty replied yes.

Mr. Heath asked if Council should have moved on this yesterday.

Ms. Kleinfelder replied the quicker the better. She also stated she would like to come back with interest rates lower than those proposed.

Mr. Heath asked if this were all past debt.

Mr. Reed asked if this would save the City money on past debt.

Mrs. Colby asked how long this is effective.

Ms. Kleinfelder stated that currently callable ten years from the date effective. We can ask the investor to give back rates.

With no further questions or comments, Mr. Humphreys thanked Ms. Kleinfelder for the presentation.

COMMITTEE REPORTS:

UTILITY: Councilman E. Brown stated that he had given Council members a report of the overcharge that Taco Bell had received in the last five years based on the fact that they were charged for out of City rates.

Mr. Heath moved to accept the figures as presented and grant a refund to Taco Bell. Mr. E. Brown seconded, and with a voice vote, the motion passed.

Mr. E. Brown also reported that he had had some complaints regarding garbage cans/receptacles being left at the curb for days or all week. The City Policy is that the can should be brought back following pickup.

He also reported that there were concerns about water pressure at the Orchard Lane area. 2006, there are plans for upgrading lines there.

Mrs. Colby asked what year did the City accept the subdivision.

Mr. Detty answered that he was guessing that it was accepted in the 1990's.

BUDGET/FINANCE: Mr. Reed reminded Council members that the second ordinance was for refinancing the bonds and it was in the City's best interest to get this passed. Ordinance No. 3 is regarding the GAAP conversions and he urged Council to support it. Ordinances 05-06-07 referred to the Fire Department. He stated that recently, it had been suggested that Council look into salary increases for the department. He stated that that had been built into the budget if Council chose to do that. Ordinance 06 regards money from the General Fund to make up salaries.

Mr. Heath asked if the GAAP conversion was an every year thing.

Mr. Reed answered yes, it occurs every year.

POLICE/FIRE/TRAFFIC: No report.

SERVICE: No report.

CITY AUDITOR: Mr. Barnett was not present.

LAW DIRECTOR: Mr. Detty stated that Ordinance 04-06 referred to the bid on the Gibson House and it was done for Council's consideration. He stated that he was preparing another newsletter which discussed interesting legislation pending. He would inform Council on that in the newsletter.

MAYOR: Mayor Goodman read his State of the City report. He emphasized accomplishments made in the Water Department. He stated the liquid line was installed. Other improvements were made in the quality of service, safety of employees, etc.

The Waste Water Plant has changed the processing of sludge.

2006, an upgrade to the Waste Water Plant is scheduled to start by summer.

Training for electricians had been completed.

He emphasized that the challenges included the Jail space issue, seeking employers to move into Jackson, and improving outdated zoning regulations.

Other significant items were mentioned in the report.

CHIEF OF STAFF: Mr. Hodge reported that there were still delinquent accounts and bankruptcies were still on the books. He quoted a figure of \$39,951 still in delinquent accounts. The majority of those are rentals.

SERVICE DIRECTOR/ENGINEER: No report. Mr. Benson was not present.

SAFETY DIRECTOR: The 2005 Police and Fire Reports were presented.

POLICE CHIEF: No report. Chief Eisnaugle was not present.

ORDINANCES AND RESOLUTIONS:

Ordinance No. 140-05 Third Reading

An ordinance directing that all policy and procedure manuals in the City of Jackson be presented to and ratified and approved by Jackson City Council, before taking effect, and declaring an emergency.

Mr. Heath asked if this had been forwarded to the attorneys.

Mr. Detty replied no.

Mrs. Colby asked if anyone else had received a policy/procedure manual. She stated that there were some things in there. She stated that Council is an independent unit. There is no harm in Council approving or disapproving these manuals. It is not interfering with administrative duties.

Mr. Stewart asked if Mr. Detty had had the opportunity to review the ordinance.

Mr. Detty replied that the administration had made it clear that this is an administrative function. The law states that the administration administrates; the Council legislates. He further stated that he did not think that Council had a right to take action on administrative functions. He said that the request was to review and approve.

Mrs. Colby stated that Attorney Taylor said it was not illegal to do this. She believes that Council has every right. We must understand our duties. There are changes in the fire manual to suit or fit certain individuals.

Mayor Goodman stated that he was not planning to comment, but . . . Attorney Taylor confirmed that he thought this ordinance was a bad idea.

Mr. Detty said that he had spoken with him one time.

Mr. Stewart stated that we do have a right to act on ordinances regarding funding and spending, right?

Mr. Detty answered yes.

Mr. Stewart asked if Council had a right to do this.

Mr. Detty stated that the issue here is . . . Mr. Taylor did indicate that in his opinion, this was not a great idea. He did not go into great detail.

Mrs. Colby re-emphasized that Council is the law making body; administration enforces the laws. Council also has control over money and spending. One example is the fire-chief who no longer has to work in the City and doesn't have to attend as many fires.

Mr. Davis replied that this new manual has not been accepted. He assured Council that the department is still operating under the old book. There is not a new policy book in effect.

Mr. E. Brown asked for order.

With no further discussion, Mr. Humphreys asked for a roll call vote. The results were as follows:

Mrs. Colby – yes	Mr. C. Brown – absent
Mr. Hughes – no	Mr. Stewart – no
Mr. E. Brown – no	Mr. Heath – yes
Mr. Reed – no	

Ordinance No. 140-05 was defeated.

Ordinance No. 168-05 Third Reading

An ordinance revoking Ordinance No. 106-05, and declaring an emergency.

Mr. Reed asked if any information has come back on this.

Mr. Detty replied that the real issue on it is the effective date. There is no definitive answer to that.

Mr. E. Brown stated that Council cannot revoke an ordinance that authorizes the administration to enter an agreement that has already been entered.

Mr. Humphreys stated that once there is a contract, the ordinance cannot be revoked.

Mr. E. Brown stated that the ordinance only gave approval to enter into a contract with the person. Council cannot revoke that authority because we have already exercised it.

Mr. Detty replied that even if the ordinance is revoked, the contract is already signed. The real issue is when the contract is effective.

Mrs. Colby asked if Council can repeal an ordinance.

Mr. Detty stated that Council can repeal any ordinance.

Mrs. Colby stated that it would never have been done if the agreement had taken place.

Mr. Detty replied that revoking an ordinance cannot undo the contract. How can we revoke a contract already signed?

Mrs. Colby stated that the agreement was not an agreement as it was intended.

Mr. Stewart suggested that Council read the letter from legal counsel. The only question is the effective date.

Mr. Detty stated that when something is incorporated, it is part of the document. It has already been executed.

There was much discussion regarding legal opinions.

Mr. E. Brown moved that Council go into executive session regarding this issue, Mr. Hughes seconded the motion. Mr. Detty stated that an executive session was appropriate and allowable.

In a roll call vote, the results were as follows:

Mrs. Colby – no	Mr. C. Brown – absent
Mr. Hughes – yes	Mr. Stewart – yes
Mr. E. Brown – yes	Mr. Heath – yes
Mr. Reed – yes	

Council went into Executive Session at 8:55 p.m.

Executive session ended at 9:28 p.m.

A roll call vote on the Ordinance was taken with the following results:

Mrs. Colby – no	Mr. C. Brown – absent
Mr. Hughes –no	Mr. Stewart – no

Mr. E. Brown – no

Mr. Heath – no

Mr. Reed – no

Ordinance No. 168-05 was defeated.

Mr. Heath moved that the effective date of the contract with the City Engineer/Service Director would be 9/12/05, motion was seconded by Mr. Stewart, and motion passed.

Ordinance No. 175-05 Second Reading

An ordinance transferring appropriations and declaring an emergency.

There was no discussion on this ordinance.

Ordinance No. 01-06

An ordinance providing for the issuance and sale of bonds in an aggregate principal amount not to exceed \$2,900,000 to pay costs of capital improvements to the City's Electric System, approving a bond registrar agreement, a bond purchase agreement, a preliminary official statement and a continuing disclosure certificate, authorizing certain actions, and declaring an emergency.

Mr. Reed moved to adopt, Mr. Stewart seconded the motion, and with a voice vote, the motion passed.

Mr. Stewart moved to suspend the rules, Mr. Heath seconded, and a roll call vote was taken with the following results:

Mrs. Colby – yes

Mr. C. Brown – absent

Mr. Hughes – yes

Mr. Stewart – yes

Mr. E. Brown – yes

Mr. Heath – yes

Mr. Reed – yes

In a roll call vote to adopt, the results were as follows:

Mrs. Colby – yes

Mr. C. Brown – absent

Mr. Hughes – yes

Mr. Stewart – yes

Mr. E. Brown – yes

Mr. Heath – yes

Mr. Reed – yes

Ordinance No. 01-06 was duly adopted.

Ordinance No. 02-06

An ordinance providing for the issuance and sale of bonds in an aggregate principal amount not to exceed \$2,100,000 to refund the City's outstanding Water System mortgage revenue bonds, series 1993 that were issued to pay costs of capital improvements to the City's Water System, approving a bond registrar agreement, a bond purchase agreement, a preliminary official statement and a continuing disclosure certificate, authorizing certain actions, and declaring an emergency.

Mr. Heath moved to adopt, Mr. Stewart seconded, and passed in a voice vote.

Mr. Stewart moved to suspend the rules, Mr. Heath seconded, and in a roll call vote, the results were as follows:

Mrs. Colby – yes	Mr. C. Brown – absent
Mr. Hughes – yes	Mr. Stewart – yes
Mr. E. Brown – yes	Mr. Heath – yes
Mr. Reed – yes	

The results of the roll call vote to adopt were as follows:

Mrs. Colby – yes	Mr. C. Brown – absent
Mr. Hughes – yes	Mr. Stewart – yes
Mr. E. Brown – yes	Mr. Heath – yes
Mr. Reed – yes	

Ordinance No. 02-06 was duly adopted.

Ordinance No. 03-06

An ordinance authorizing the City to enter into an agreement between the City of Jackson, Ohio, and the Auditor of State of Ohio, 88 E. Broad St., P. O. Box 1140, Columbus, Ohio 43216-1140, for the GAAP Conversion Services for the fiscal year ending December 31, 2005.

Mr. Reed moved to adopt, Mr. E. Brown seconded, and motion passed by voice vote.

Mr. Stewart moved to suspend the rules, Mr. Hughes seconded, and results of the roll call vote were as follows:

Mrs. Colby – yes

Mr. C. Brown – absent

Mr. Hughes – yes

Mr. Stewart – yes

Mr. E. Brown – yes

Mr. Heath – yes

Mr. Reed – yes

In the roll call vote to adopt, the results were as follows:

Mrs. Colby – yes

Mr. C. Brown – absent

Mr. Hughes – yes

Mr. Stewart – yes

Mr. E. Brown – yes

Mr. Heath – yes

Mr. Reed – yes

Ordinance No. 03-06 was duly adopted.

Ordinance No. 04-06

An ordinance finding the lowest responsible and responsive bid, awarding the contract for the demolition of the Gibson House to Stockmeister Enterprises, Inc., 239 Water Street, Jackson, Ohio 45640, and declaring an emergency.

Mr. Reed moved to adopt, Mrs. Colby seconded, and the motion to adopt passed in a voice vote.

Mr. Heath stated that he had been contacted by an out of county person who had decided against salvaging the contents.

Mr. Heath asked how the site would be left.

Mr. Hodge replied that it would be sod.

Mr. Reed indicated that an amendment would be necessary and asked Mr. Reed to read it. Deety
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Mr. Deety read the necessary amendment. Mr. Heath moved to amend the ordinance, Mr. Stewart seconded the motion, and in a voice vote, it was passed to amend the ordinance.

Mr. Stewart asked if this amount included hauling away, fees, etc.

Mr. Hodge stated that that was his understanding.

Mr. Stewart moved to suspend the rules, Mr. Heath seconded, and the results of the roll call vote were as follows:

Mrs. Colby – yes	Mr. C. Brown – absent
Mr. Hughes – yes	Mr. Stewart – yes
Mr. E. Brown – yes	Mr. Heath – yes
Mr. Reed – yes	

In a roll call vote to adopt, the results were as follows:

Mrs. Colby – yes	Mr. C. Brown – absent
Mr. Hughes – yes	Mr. Stewart – yes
Mr. E. Brown – yes	Mr. Heath – yes
Mr. Reed – yes	

Ordinance No. 04-06 with amendment was duly adopted.

Ordinance No. 05-06

An ordinance approving additional appropriations in the Fire Tax Levy 1995 Fund, and declaring an emergency.

Mr. Stewart moved to adopt, Mr. Heath seconded the motion, and with a voice vote the motion passed.

Mr. Reed pointed out that this makes available money to give pay raises if Council chooses to do so.

Mrs. Colby asked if this included the Chief and the Assistant Chief.

Mr. Heath moved to suspend the rules, Mr. E. Brown seconded the motion, and the results of the roll call vote were as follows;

Mrs. Colby – yes	Mr. C. Brown – absent
Mr. Hughes – yes	Mr. Stewart – yes
Mr. E. Brown – yes	Mr. Heath – yes
Mr. Reed – yes	

In a roll call vote to adopt, the results were as follows:

Mrs. Colby – yes	Mr. C. Brown – absent
Mr. Hughes – yes	Mr. Stewart – yes
Mr. E. Brown – yes	Mr. Heath – yes
Mr. Reed – yes	

Ordinance No. 05-06 was duly adopted.

Ordinance No. 06-06

**An ordinance approving additional appropriations
in the General – Fire Fund, and declaring an emergency.**

Mr. Heath moved to adopt, Mr. E. Brown seconded the motion, and passed in a voice vote.

Mr. Reed pointed out the second item and moved to remove \$5000. He stated there was no purpose to take this out of the General Fund. The townships bring in \$54,000. Mr. Heath seconded the motion to remove the item.

Mrs. Colby asked why was this not in the budget.

Mr. Reed answered that this is not an expense to the taxpayers.

Mr. Stewart stated that if money is brought in by the townships, why it is put in the General Fund.

Mr. Stewart moved to suspend the rules, Mr. Heath seconded the motion, and in a roll call vote, the results were as follows:

Mrs. Colby – yes	Mr. C. Brown – absent
Mr. Hughes – yes	Mr. Stewart – yes
Mr. E. Brown – yes	Mr. Heath – yes
Mr. Reed – yes	

The roll call vote to adopt was taken and the results were as follows:

Mrs. Colby – yes	Mr. C. Brown – absent
Mr. Hughes – yes	Mr. Stewart – yes
Mr. E. Brown – yes	Mr. Heath – yes
Mr. Reed – yes	

Ordinance No. 06-06 was duly adopted with the amendment.

Ordinance 07-06

**An ordinance approving additional appropriations
in the fire tax levy fund and declaring an emergency.**

Mr. Heath moved to adopt, Mr. E. Brown seconded the motion, and motion passed with a voice vote.

Mr. Stewart moved to suspend the rules, Mr. Heath seconded. A roll call vote was taken with the following results:

Mrs. Colby – yes	Mr. C. Brown – absent
Mr. Hughes – yes	Mr. Stewart – yes
Mr. E. Brown – yes	Mr. Heath – yes
Mr. Reed – yes	

The results of the roll call vote to adopt were as follows:

Mrs. Colby – yes	Mr. C. Brown – absent
Mr. Hughes – yes	Mr. Stewart – yes
Mr. E. Brown – yes	Mr. Heath – yes
Mr. Reed – yes	

Ordinance No. 07-06 was duly adopted.

CORRESPONDENCE: None

OLD BUSINESS: Mr. Reed asked if anyone had any idea on the amount of money the trees have brought in.

Mr. Hodge replied that they have the figures in the office but he didn't have them with him. He also said that they were waiting on the contract for the rest of it.

The Recreation Director does have a full report to give to Council however, he was not present at Council meeting.

NEW BUSINESS: Committees were appointed by President Humphreys. Mr. Humphreys appointed Mr. Reed to President Pro-tem.

Members of the various committees are –

UTILITY: Mrs. Colby, Mr. C. Brown, Mr. Heath

BUDGET AND FINANCE: Mr. Reed, Mr. Stewart, Mrs. Colby

POLICE, FIRE, TRAFFIC: Mr. E. Brown, Mr. Hughes, Mr. Stewart

SERVICE: Mr. C. Brown, Mr. Hughes, Mr. E. Brown

RAILROAD COMMITTEE: Mr. Stewart, Mr. Reed, Mr. C. Brown

LEGAL: Mr. Heath, Mr. Reed, Mr. E. Brown

BUILDING COMMITTEE: Mr. Hughes, Mr. Heath, Mrs. Colby

Mr. Heath moved to accept the committee appointments, seconded by Mrs. Colby, and motion passed with a voice vote.

With no further business to come before Council at this time, Mr. Heath moved to adjourned, seconded by Mr. Hughes, and motion passed. Council adjourned at 10:05 p.m.

Date Jan 23, 2006

Jim Humphreys
(Jim Humphreys, President of Council)

Alyce M. Smith
(Alyce M. Smith, Clerk of Council)

*Approved as
corrected and
with codicil*