

**JACKSON CITY COUNCIL
REGULAR SESSION
Council Chambers
January 30, 2006**

The regular session of Jackson City Council convened shortly after 7:00 p.m., Monday, January 30, 2006 with President Jim Humphreys presiding. The meeting opened with the Pledge of Allegiance and Prayer led by Mr. Reed. Roll call was taken and all Council members were present.

The minutes of the previous meetings were corrected. Mr. Reed moved that the minutes with corrections be accepted, Mr. Stewart seconded, motion carried.

VISITORS:

Reverend Jerry Eaton was present to request a waterline hookup to his one dwelling home. He wants a new line, hookup, and meter. This would be no different than any other hookup in town.

Mr. Detty stated that in situations such as this, Council can approve. A single dwelling request can come before Council and they can approve it.

Mr. Heath requested clarification as to why this was brought before Council.

Rev. Eaton stated that the residence is outside the City limits and is located on Orville Brown Rd.

Mr. Stewart moved to grant permission for the water line, Mr. Heath seconded the motion, and with a voice vote, Council voted to grant the tap.

COMMITTEE REPORTS:

UTILITY: No report.

BUDGET / FINANCE: No report.

POLICE / FIRE / TRAFFIC: Mr. E. Brown reported that he and Mr. Heath had met with ODOT officials regarding the Rt. 35 and McCarty Lane intersection. ODOT is trying to make changes with right turns only. They are monitoring the situation.

SERVICE: No report.

LAW DIRECTOR: At the last meeting, Mr. Detty stated that he had made a note to research the railroad issue that was brought before Council. The information he found indicated that City property does not go that far. City property stops at the entrance to Plibrico (Firebrick). Council and the City probably will not have a say in this issue.

He stated that Ordinance 12-06 deals with the audit for this year. Ordinance 13-06 deals with contracting with the County. An error was made. In the written amount and the printed amount, there was a difference. The Auditor has changed the line item. Ordinances 15-06 and 16-06 deal with AMP-OHIO. Ordinance 17-06 deals with the fire contract with Franklin Township which is to take effect on March 1st. This is a five year contract. Another point is that part of the contract will call for an automatic mutual aid call to the Madison-Jefferson Fire Department for calls to the southern end of Franklin Township.

On the issue of the Day Care Center which is wanting to move to the area on Pattonville Rd. zoned industrial, the Planning Commission decided to allow the Day Care Center to locate there as a conditional use.

MAYOR: Mayor Goodman commented on Ordinance 15-06. AMP-OHIO has requested to be on the agenda for the next meeting. You should have received a copy of the rate study by then. He stated that Council members should review it so that they can ask questions.

On the jail issue, Mayor Goodman pointed out that this is the third reading on Resolution 47-05. He stated that officials are dealing with it on a daily basis. Often names of prisoners and such don't match. This is the first day that the City has had more than the allowed number of prisoners. The City is also paying out-of-county costs. We are trying to limit the number of local inmates. The Courts and the Sheriff's Office are working with us. We have received a letter at the request of the Chief of Police. The prisoners incarcerated on a felony charge immediately become the Sheriff's Department responsibility. The Mayor strongly recommended that the Council pass the Resolution. The City will then send a letter stating its position along with the Resolution. He hopes that things will work out.

Mayor Goodman stated that Ordinance 10-06 regarded the employee award line item. He stated that this had not been done since he had been in office. This is the cost savings award for implementing measures to save the City. The awards will be determined and given fair consideration.

The Tourism Board meets soon and the deadline for applying for tourism funding is Feb. 1st.

The Economic Development Board still is without a director. This should be resolved soon as there is a meeting Feb. 2nd.

Mayor Goodman also mentioned that he would like ordinances regarding an adjustment for the rate of pay of the Police Chief and Assistant Chief and for the State Route 35/McCarty Lane intersection. He has had some discussions with those in charge of this project. He would like a resolution stating the City's position on that matter. He would like to have more of a voice in it. The proposed changes are detrimental to the businesses in that industrial park.

CHIEF OF STAFF: Mr. Hodge reported on building permits and updating the zoning map, along with looking at building and zoning regulations.

To answer Mr. Reed's question, the project at Hammertown Lake has brought in \$60,000.

Mr. Reed asked if the rest of the area would be done in sections.

Mr. Hodge replied yes. There is a possibility that we will have two sections going. The City will be notified when the work begins. There shouldn't be any problems. He stated that the group is doing a good job.

SERVICE DIRECTOR / ENGINEER: Absent.

SAFETY: Absent.

CHIEF OF POLICE: Absent.

ORDINANCES AND RESOLUTIONS:

Ordinance No. 175-05 Third reading
An ordinance transferring appropriations and declaring an emergency.

With no discussion, a roll call vote was taken with the following results:

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

Ordinance No. 175-05 was defeated.

Ordinance No. 08-06
An ordinance approving additional appropriations
in the Catch Program Fund, and declaring an emergency.

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

With no discussion, Mr. Heath moved to suspend the rules, Mr. E. Brown seconded, and the results of the roll call vote were as follows:

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

Ordinance No. 08-06 was duly adopted.

Ordinance No. 09-06
An ordinance approving additional appropriations in the
Water Utility Office Fund, and declaring an emergency.

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

With no discussion, Mr. Reed moved to suspend the rules, Mr. Heath seconded the motion, and the results of the roll call vote were as follows:

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

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

Mrs. Colby – yes

Mr. C. Brown – yes

Mr. Hughes – yes

Mr. Stewart – yes

Mr. E. Brown – yes

Mr. Heath – yes

Mr. Reed – yes

Ordinance No. 09-06 was duly adopted.

Ordinance No. 10-06 First Reading
An ordinance approving additional appropriations
in the Water Fund, and declaring an emergency.

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

Mr. Reed questioned why the Water Fund was chosen. Any person in any department can show a savings, should . . . maybe it should come from the General Fund and then replace that from that department.

Mrs. Colby asked what the employee did to save money.

Mr. Humphreys stated that the language in the policy and procedures manuals indicate the amount.

Mr. Goodman stated that the award is reviewed prior to making an award.

Mr. Humphreys asked if there can be more than one or is it just done once a year.

Mayor Goodman indicated that there is just one a year. Nothing was budgeted because nothing has been done with it for awhile.

Mr. Reed said he believed that it was based on a savings of money for the City.

Mr. Goodman said he understood it to be a one time award.

With no further discussion, the ordinance was given a first reading.

Ordinance No. 11-06 First Reading
An ordinance approving additional appropriations
in the Electric Fund, and declaring an emergency.

Mr. Reed moved to adopt the ordinance, Mr. Heath seconded the motion, and with a voice vote, the motion passed. In discussion, Mayor Goodman stated that a significant cut had been made in that line item. This was used for mileage. Also this pays for motel rooms and meals per AFSCME contract. We want to be able to continue the educational training for those purposes.

Mrs. Colby asked if they go for training every year.

Mayor Goodman replied yes.

Mr. Hodge stated that last year, all of them went. Training is set up so employees can progress. They are sent to arbor schools and are now certified to be within 6 ft. of power lines.

Mr. Humphreys asked if a lineman is a journeyman.

Mr. Hodge replied yes. There is \$2000 in there. If we decide to send another man, he has no where to go. Most bring back money. The supervisors are to attend an OU conference on "How to Supervise Employees."

With no further discussion, the ordinance was given a first reading.

Ordinance 12-06 First Reading

An ordinance authorizing the City to enter into an agreement between the City of Jackson, Ohio, and Balestra, Harr & Scherer, CPAs, Inc., for the City's audit for the period ending December 31, 2005, and declaring an emergency.

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

In discussion, Mr. Heath asked where the 2004 audit is.

Mr. Reed indicated that he did not know if it were finished or not.

Mayor Goodman stated that 2-3 months ago, he met with the Auditors and went through a discussion. They had a few loose ends but they still intended to have a formal exit conference.

Mr. Humphreys stated that we need that exit conference and that we need to review it.

With no further discussion, the ordinance was given a first reading.

Ordinance No. 13-06

An ordinance revoking Ordinance No. 96-05 authorizing the City to enter into an agreement between the City of Jackson, Ohio, and the Board of Commissioners of Jackson County, Ohio, for the provision of a public defender for indigents, and declaring an emergency.

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

Mr. Humphreys stated that he thought that that had been corrected. He had a problem revoking an ordinance when a couple of weeks ago, we couldn't revoke another one.

Mr. Heath moved to amend the ordinance by striking out the words – “revoking Ordinance No. 96-05 and”, Mr. Reed seconded the motion, and the motion passed.

Mr. Heath moved to suspend the rules, Mr. E. Brown seconded, and in a voice vote, the results were as follows:

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

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

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

Ordinance No. 13-06 was duly adopted.

Ordinance No. 14-06

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

Mr. Heath moved to adopt the ordinance, Mr. E. Brown seconded the motion, and motion carried.

Mr. Reed stated that this was carried over and cleared out. We are only paying it back.

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

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

Ordinance No. 14-06 was duly adopted.

Ordinance No. 15-06 First Reading

An ordinance to authorize the Director of Public Service and the City Engineer

to execute a new master services agreement with American Municipal Power – Ohio, Inc. (AMP-OHIO) in order to purchase electric power and associated energy and other services available from AMP-OHIO and its affiliated entities.

Mr. Heath moved to adopt the ordinance, Mr. Stewart seconded the motion, and motion carried in a voice vote.

With no discussion, the ordinance was declared a first reading.

Ordinance No. 16-06 First Reading

An ordinance to authorize the Mayor to execute one or more long term power purchase schedules with American Municipal Power – Ohio, Inc., in order to purchase from AMP-OHIO Power and associated energy available to AMP-OHIO from one or more long term power supply transactions to begin delivery on or after January 1, 2006, and ending no later than December 31, 2012, with one or more reputable third party power suppliers, and declaring an emergency.

Mr. Heath moved to adopt the ordinance, Mr. Stewart seconded the motion, and motion carried in a voice vote.

With no discussion, the ordinance was declared a first reading.

Ordinance No. 17-06 First Reading

An ordinance authorizing the City of Jackson, Ohio to enter into an agreement with the Board of Trustees of Franklin Township, Jackson County, Ohio, for fire protection, and declaring an emergency.

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

In discussion, Mr. Heath asked if we did Lick and Franklin at the same time and inquired if the other contract was up.

Mr. Detty stated that Lick is still in the hopper. Mr. Davis is still dealing with it.

Mr. Reed asked if both would be the same.

Mayor Goodman replied that the intention is to make them identical or very similar.

With no further discussion, the ordinance was declared a first reading.

Ordinance No. 18-06

An ordinance amending the zoning regulations text by adding

**Child Daycare Facilities to the list of conditional uses
in industrial districts and declaring an emergency.**

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

In discussion, Mr. Heath asked if this was approved by the board unanimously.

Mrs. Colby answered yes.

Mr. Heath stated that the move would take the Daycare Center to a much safer area.

Mr. Joe Kirby stated that the group had outgrown the current facility. They have a purchase option on Pattonsville Rd. The group is asking to be allowed to put this facility in the industrial area.

Mr. E. Brown stated that if we try to put the Day Care Facility on Athens St., it would be a conditional use. Do they have to apply and go through a process?

Mr. Detty replied yes.

Mrs. Colby stated there was not a lot of acreage for an industry to come in which is a good thing.

Mr. Reed 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 – yes
Mr. Hughes – yes	Mr. Stewart – yes
Mr. E. Brown – yes	Mr. Heath – yes
Mr. Reed – yes	

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

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

Ordinance No. 18-06 was duly adopted.

RESOLUTIONS:

Resolution No. 47-05 Third Reading

A resolution stating the City of Jackson's position concerning the Jackson County Correctional Facility, and declaring an emergency.

This was a third reading for the resolution. In discussion, Mr. Humphreys asked if there would be any written guidelines.

Mayor Goodman stated that the resolution establishes a fee and then another resolution for late charges. It won't be pretty going forward. It is putting a strain on the relationship. It is an incredibly costly decision.

Mr. Humphreys stated he believed we should support the Mayor's efforts.

Mayor Goodman stated that one of the other issues established with the Commissioners was they represent the City of Jackson, City residents are being double taxed, and they are asking us to dip into the General Fund to pay for prisoners that they are not going to pay for because they can't afford it. Mr. Heath stated that this was not the County's jail, but a jail for the County.

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

Mrs. Colby – yes

Mr. C. Brown – yes

Mr. Hughes – yes

Mr. Stewart – yes

Mr. E. Brown – yes

Mr. Heath – yes

Mr. Reed – yes

Resolution No. 47-05 was duly adopted.

Resolution No. 01-06

A resolution authorizing the Mayor of the City of Jackson, or his designated representative, to file a letter of interest and an application, and execute any and all agreements and documents with the Ohio Department of Transportation – Transportation Public Works Commission for funding for FY-2009 for a bicycle/pedestrian path connecting Westview School to various City parks, and declaring an emergency.

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

In discussion, Mr. Heath asked if we know where the bike trails are running.

Mayor Goodman stated that there is much community interest in this. We are currently researching to find out where there is City property that it can cross, so there won't be any easement problems.

Mr. Heath stated that if we went over around the Berridge property, we should watch for violations.

Mayor Goodman assured him that that had been discussed.

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

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

Resolution No. 01-06 was duly adopted.

Resolution No. 02-06

A resolution authorizing the Jackson City Auditor to accept the official certificate of estimated resources for 2006, and declaring an emergency.

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

In discussion, Mrs. Colby asked Mr. Reed to explain this.

Mr. Reed stated that this is the first time he had seen it like this. Normally he doesn't attach it like this.

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

Mrs. Colby – yes	Mr. C. Brown – yes
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 – yes
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Mr. Hughes – yes

Mr. Stewart – yes

Mr. E. Brown – yes

Mr. Heath – yes

Mr. Reed – yes

Resolution No. 02-06 was duly adopted.

Resolution No. 03-06

A resolution authorizing the Mayor of the City of Jackson, or his designated representative, to file an application, and execute any and all agreements or documents, with General Mills for the Champions for Healthy Kids Grant, and declaring an emergency.

Mr. Reed moved to adopt the resolution, Mr. Heath seconded the motion, and the motion carried with a voice vote.

In discussion, Mayor Goodman stated that potential funding source to continue the Catch Program. We are hopeful that General Mills will see this as a worthwhile project and send it on to the National Partnership with Ohio Parks and Recreation for a possible \$35,000. We have used school facilities and are exchanging resources.

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

Mrs. Colby – yes

Mr. C. Brown – yes

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 – yes

Mr. Hughes – yes

Mr. Stewart – yes

Mr. E. Brown – yes

Mr. Heath – yes

Mr. Reed – yes

Resolution No. 03-06 was duly adopted.

CORRESPONDENCE: The oaths of office must be signed and returned to Felicia as soon as possible.

OLD BUSINESS:

Mr. Stewart initiated a discussion on ordinance 11-93. In addition, the name of the member introducing the ordinance is supposed to be typed in as sponsor.

Mr. Humphreys stated he wants to sit down and go over the rules and be sure we are in compliance. We need to find out why some of these ordinances are an emergency.

101-00 – Exhibit A – if a special meeting is requested, it will require a \$15 fee and a self-addressed envelope.

Mr. Detty stated some want to be present when an issue is discussed, such as a single issue type ordinance.

Also in 11-93, Section 7, it states that administrative officers – the Mayor and/or the Service Director are required to attend Council meetings.

Mrs. Colby stated that the ORC 733.06 states that the Mayor and Directors and all officers shall attend all meetings.

Mr. Stewart asked if we should have an ordinance that contradicts the ORC.

Mr. Detty asked if we want all supervisors and such here.

Mr. Humphreys stated he didn't see where it doesn't jive with it. They're to be here on request, we give a seat, and ask questions. The City Engineer's contract says he will attend *most* meetings.

Mr. Detty said that Rule 23 is taken as an actual specific request for the Service Director/ Engineer to attend and be here.

Mr. Humphreys then stated that the situation regarding Mr. Evans and the Harris St. property need to be taken care of.

Mr. Detty reminded Council members that the Planning Commission has recommended that the request be denied.

Mr. E. Brown stated that the Planning Commission meeting netted a tie vote 2-2. There were many concerns from the residents.

Mr. Detty explained that a tie vote defeated the request. To pass, it had to be a majority.

Mr. Heath stated that one of the major considerations is to protect the neighborhood. We have to look at areas, etc. It might not make any difference. He also asked if these people have a desire to have it change. It is not the kind of business, the owner, and all that. We must protect the quality of the neighborhood.

Council members were reminded that a yes vote would support the recommendation of the Planning Commission; a no vote would not support the Planning Commission recommendation. In a roll call vote, the results were as follows:

Mrs. Colby – yes

Mr. C. Brown – no

Mr. Hughes – yes

Mr. Stewart – yes

Mr. E. Brown – yes

Mr. Heath – yes

Mr. Reed – yes

The vote was 6-1 to support the Planning Commission recommendation.

NEW BUSINESS:

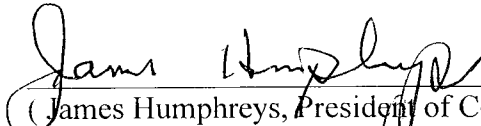
Mr. Heath stated that he would like to see the Administration seriously consider making an effort for those who live outside the Jackson City School District to pay to use Hillcrest Pool. He pointed out that spending from the General Fund had increased. It helps Wellston and Oak Hill to make their pools go. (charging) Kids and recreation budget, etc. Strongly consider this.

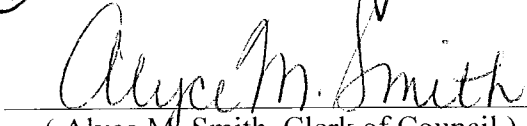
Mr. C. Brown stated he would like to see a breakdown on out of town donations.

Mayor Goodman indicated that Donovan Workman, Recreation Director, had requested to attend the next meeting.

With no further business, Mr. Hughes moved to adjourn, Mr. Heath seconded, motion carried. Council adjourned at 8:55 p.m.

Date: 2/13/06


(James Humphreys, President of Council)


(Alyce M. Smith, Clerk of Council)