

**Jackson City Council
Regular Meeting
February 27, 2006
Council Chambers**

Jackson City Council met in regular session, Monday evening, February 27, 2006 at 7:00 p.m., with President Jim Humphreys presiding. The Pledge of Allegiance was given followed by prayer led by Mr. Reed. Roll call was taken with all Council members present.

The minutes were corrected by the Clerk who explained the error. Ordinance 33-06 was part of the last meeting, but there was also an ordinance 33-06 brought forth for this meeting. All was clarified and a codicil will be added to the minutes to make the correction. A spelling correction was also made by Mr. Heath. Mrs. Colby moved to accept the minutes as corrected, seconded by Mr. Stewart, and in a voice vote, the motion passed.

VISITORS: Attorneys Howarth, Shoemaker, and Taylor were present to answer questions which were presented to them by Council members.

Regarding Public Knowledge, Mrs. Colby asked the following: We know that Council is a legislative body and make the laws. If the ordinances are not followed, what can we do?

Mr. Shoemaker responded that there are several remedies but there is not much Council can do as far as a legislative body. He felt that it would be best to give Council a written response to this question.

Mrs. Colby then stated she would like to bring to the public and to Council's attention that on September 28th, a taxpayer approached her indicating that at the Mayor's Main St. property, City Electric Department vehicles were there. Later, a City truck came by with items in the rear of the truck (posts). The posts had been removed by the City from the property on Main ST. Two new utility poles were set and other items were done by the City. The taxpayers go by and asked what they were doing. Mrs. Colby indicated that she talked to neighbors of the adjoining property. She also determined that there were no work orders for this. Anyone who wants anything done should follow procedure. She indicated that she felt that there was a conflict of interest or unethical or something going on and warranted an investigation. She stated that she believed that things were not above board here. She stated that she had left her work site and went to the property on Main St. Two electric trucks were there and equipment leveling where the concrete posts were removed. She discussed the issue with Mr. Humphreys on the

29th. On that same date, City trucks were still on the property. This is a concern of the taxpayers. How or what do you suggest?

Mr. Shoemaker replied with a question, does Council want us to pursue this? We need more facts and information on the situation. It is up to Council if they want us to investigate. Our contract is clear – it states that we give advice. An investigation is beyond that.

Mrs. Colby stated that as Council members, we cannot turn our heads.

The response to that was, the attorneys work for the City, not exclusively City Council or any particular individual. Whatever Council decides, we'll be happy to take on what Council asks us to do.

Mr. Hughes asked if according to ethics, is a Council member allowed to buy/sell to the City or work for the City?

The attorneys stated that a written opinion is needed to answer that. They indicated that they wanted more information.

Mr. E. Brown had no questions.

Mr. Reed had no questions.

Mr. C. Brown had no questions.

Mr. Stewart had no questions.

Mr. Heath asked about the U.S. Rail contract with Shortline. He stated that a contract was obtained when stock was bought. He was not aware of any progress. He also asked if there had been anything further about a new contract. Where are we in that contract? If we decide we want to terminate the contract, have we met those requirements.

Mr. Shoemaker turned this over to Mr. Taylor.

Mr. Taylor indicated that Council needs an update on the facts and that the Mayor is the one to do that. Under the provisions of the contract, there is a right of termination. As far as they attorneys know, it still exists. The Mayor has been working to get this resolved.

Mr. Stewart stated that the Mayor had requested a meeting of the railroad committee, March 8th, to finalize information on the contract.

Mr. Humphreys stated: Mr. Howarth, he/we want to work out a procedure for problems that come to you so that you can get us an answer. Could you give us some ideas on how it should work. We are meeting with the legal committee and the law director. If we were to draft this, it would be my suggestion that once in place, then if someone were to call you other than

through procedure, then you wouldn't discuss the problem with them. I don't care who it is. If I call you, you can tell me to go to you-know-where. You didn't go through procedures Jim Humphreys. We're not going to talk to you. That would be fine with me. I think that's the way it ought to have to work.

Mr. Howarth stated that that would be fine with them. As a matter of fact, it would be to our advantage and certainly to your advantage because you'll get quicker better answers once you hone down the facts and get the legal issues and also any backup material.

Mrs. Colby stated that this doesn't just apply to Council, it applies to the City.

Mr. Humphreys stated that it applies to everybody in the City.

Mr. Howarth stated that just as a practicality, the administration calls and needs an answer in five minutes. It doesn't lend itself to send to a committee. It would constrain decisions on important matters.

Mr. Humphreys stated that that would be taken into consideration when they need quick answers, then . . . anything that would go through you, get copies to Jack so that the Law Director is at least informed. It makes sense to me.

Mr. Reed stated that we need to go through the Law Director.

Mr. Heath stated that if Council has a question, the Mayor would have an issue, everyone stays informed. If everyone has a copy, everyone knows what's being discussed.

Mr. Humphreys asked if there were anything else.

Mr. Shoemaker assured Council he would get the answers to their questions.

Mr. Humphreys and other Council members thanked the attorneys for coming. Mr. Humphreys stated that once we get a procedure down, communication would be smoother and there will be fewer problems and the City will move forward.

Another visitor, Mrs. Tera King, presented paperwork to Council regarding an alley that joins Summit and Mill Streets. It was paved in the 1980s. Until 2005, there were no signs and no problems with school buses too big to make the turn. She asked Council to answer some questions – who decided the alley would become a street? Who put up signs? She indicated that Mr. Hodge could give no answer to the questions. She contacted Mr. Benson who has not responded. She stated it is a twelve foot alley that has never been a street. She asked if anyone could answer.

The Law Director stated that it is an alley by platt. The State Code sub defines. It is a street and an alley. Research indicates that the ORC 723.01 (2003) states that the legislative authority has control of public highways, streets, alleys, etc. within the municipal corporation. It is up to Council how they want to address this issue. There is a sign there and obviously it's an alley and not Summit Street. He indicated that he was told that it was done for emergency purposes and vehicles.

Mr. Heath asked if there were houses facing this alley.

Mrs. King replied yes. Cary's son's house is.

Mr. Heath asked what the address would be.

Mrs. Colby asked if alleys could become streets. She also asked if there were a certain width that two cars can pass. A twelve foot alley is not big enough for two cars to pass let alone a school bus.

Mr. Detty stated that he thought it was going to be – it technically is an alley and you go further an alley is technically a street. An alley is basically a street whose main purpose according to the statute is to get to the sides or rear of property. That's the main function of an alley. That's what really classifies an alley.

Mr. Humphreys stated that he thought that was really . . . what Jack was saying is addressed in the zoning thing. It's a secondary road, it's not a thing where traffic is going to be there at all times.

Mrs. King replied that it pretty much is constant. They're trying . . . It's not just buses, it's automobile traffic too. They're trying to get two cars going opposite directions down that alley and you cannot safely do it.

Mr. Heath asked if Mr. Jenkins . . . obviously they just started doing this.

Mrs. King replied that it started probably around November.

Mr. Heath asked if he said why they changed their routes all of a sudden.

Mr. King answered no, not after 35 years. They've picked the kids up on the same corner in our neighborhood. And then all of a sudden, they're picking them up on two different corners.

Mr. Heath again asked if Mr. Jenkins had said why.

Mrs. King answered that he did not give a reason why they did it.

Mr. C. Brown stated that he disagreed with that because they broke some concrete on my son's property and it's been within the last two years.

Mrs. King stated that that was a church bus. She didn't think it was a school bus.

Mr. C. Brown stated that it was a school bus. It is a heavily traveled alley. He didn't know who put the sign up but he thought it was a good idea. He stated that he did not put it up.

Mrs. Colby asked Mr. Detty who has the authority to name streets. She stated that she had never known an alley to be named in Jackson, but who has the authority to name them.

Mr. Detty replied that streets are to be named by Council. From what he had learned, he didn't think the administration . . . That's been the policy in the past.

Mr. E. Brown stated that he was not familiar with the area. He referred to the map, asking if the area in red were what we were referring to. He wanted to clarify what Council was looking at. The way he saw it was that Mrs. King has a fence running from Mill to Summit St. blocking that back part.

Mrs. King indicated that that was another question she had for later. She also stated that they were still tearing up her yard. She stated she had pictures of the yard with the ruts about 8" deep. And the sidewalks on Chauncey's property.

Mr. Humphreys stated let me . . . I'm sorry Mr. Brown, you go ahead.

Mr. Brown reiterated that he just wanted to clarify what/where they were looking at. He stated he wasn't sure.

Mr. Humphreys stated that it really doesn't make any difference what the name of the street is. We can name it anything we want to. I would assume that that won't settle your problem.

Mr. Reed wanted to know as far as school buses, would there be a policy on school buses . . . how would you . . .

Mrs. King stated that school buses are not allowed to travel in an alley.

Mr. Reed stated if they couldn't pass . . . as far as school buses, why after all this time have they decided to make two stops. What happens if you put up steel posts on your property?

Mrs. King replied that they would be knocked over.

Mr. Reed indicated he didn't know this property.

Mrs. King stated that she didn't want to endanger anyone's life and that the traffic traveled very fast down off the hill.

Mr. Humphreys stated that he had no idea who had put up the sign. He also said that the other statement he would make to her was that in the 28 months that he had been here at Council, no new streets or alleys have been renamed or anything else.

Mrs. King stated that there used to be dead end signs on Summit. The dead end signs have been removed and they need to be put back up.

Mr. Humphreys asked if she knew how long that has been since they have been removed.

Mrs. King indicated about seven years.

Mr. C. Brown stated that he has kids that school buses picked up in his front yard. He also asked if she had had her land surveyed.

Mrs. King answered not yet.

Mr. C. Brown indicated that she needed to have it done. About the sign . . . I wish I had thought of that because I like that idea.

Mrs. King stated that it still doesn't address the problem.

Mr. Humphreys recognized Mr. Heath.

Mr. Heath, referring to the map, pointed out Summit St. and the alley that dead ends into Summit St. So, Summit Street travels east, west, north and south.

Mr. C. Brown stated that this sounded like it was well-rehearsed. He said that he had never heard anything like it. Summit St. goes right on through the railroad bed. There has never been a dead end on Summit St.

Mrs. Colby stated that she had lived on Summit St. for twenty years, from a baby. She said that that was where she lived and where her parents lived. It's a dead end street both ways. It always has been. That alley we're talking about is Frank Nail's Alley . . . it's always been Frank Nail's Alley and it's not Summit St. And somebody decided to put a sign up and name it and now the school buses think they can travel it because Tom Jenkins told her it was a street. It's an alley.

Mr. C. Brown stated he didn't put the sign up. He wished he would have thought of it.

Mrs. Colby replied that it is illegal to put it up because . . .

Mr. C. Brown stated not really.

Mrs. Colby indicated that he couldn't name an alley . .

Mr. C. Brown replied that he did not name it. He wished he had. He would like to have taken credit for that.

Mrs. Colby stated that she hoped everyone else decides they want their alleys named.

Mr. C. Brown asked Mrs. Colby if the alley were paved at her house.

Mrs. Colby replied yes.

Mr. C. Brown asked how she got it paved..

Mrs. Colby replied that she had it paved.

Mr. Brown asked how she did this.

Mrs. Colby indicated that she paid for it . . . to have it paved.

Mr. Brown asked . . . all of it?

Mrs. Colby replied yes.

Mr. C. Brown asked if the City had paid for anything.

Mrs. Colby replied that when the City paved that, they had a thing where you paid half and the City paid half.

Mr. C. Brown stated that he didn't like that either.

Mrs. Colby indicated that she couldn't help it. That was the policy at the time. There were lots of alleys paved like that.

Mr. Detty indicated that whether it was a street or not, it doesn't name an alley. It just means there's a sign there. Why the sign is there, I don't know. Whether there's a good reason or not. The issues we're looking at is to make the alley one way. (Interrupted . . .) Perhaps, it's your call Mr. President. Send it to committee and have the committee study it and make recommendations and send it back.

Mr. James White, a visitor, stated that he owned property there and he didn't want it one way and neither did his son. He stated that there were a lot of property owners on this alley. He stated that he had three lots and a house. His son has two lots and a house. He has a house right across the street from hers (Mrs. King) that's affected by that alley and the traffic that comes through there. Not one of us wants that closed or made one way or anything else. Besides Tera has already fenced off an alley without getting permission from the City to do it. She fenced it off, put a fence right through it. She took the initiative herself to close it off because she didn't want anybody going down through there. They also planted a big tree in it. That alley has been used for twenty some years over there.

Mrs. King replied not the one behind her house.

Mr. Detty stated that he understood what he was saying.

Mr. Reed asked what making it a one way would do.

Mrs. King replied that it wouldn't stop . . . and said that she didn't know that it would stop the buses . . . it would stop two vehicles trying to get through it and tearing up my yard too. If you try to get two cars through there . . .

Mr. Reed stated that Mrs. King was saying that the buses were tearing up her yard.

Mrs. King replied they were tearing up one corner. You can see through these pictures, the tracks and everything else.

Mr. White interjected that Mrs. King might want to survey that. She might find that that alley is over on property. That alley is supposed to be over on her property about two feet the other way. The alley is actually sitting back this side of Cary's property.

Mrs. King stated that she didn't pave it. The City paved it.

Mr. White replied that it didn't make any difference who paved it. He said the alley was not in the right place.

Mrs. King said that she had the map here and in one spot it looks like it's over too far on .

..

Mr. White said, Tera, you have your fence in the alley.

Mrs. King replied that that's a totally different . . .

Mr. Humphreys stated that he would like to suggest that this be turned over to the legal committee and asked Mr. Heath to take care of this.

Mr. Heath responded with Monday evening, March 6th, at 6:00 p.m.

Mr. Humphreys named the legal committee – Mr. Reed, Mr. E. Brown, and Mr. Heath.

Mr. White stated that he like for it to be surveyed so that Council will know where the alley is. He believes the alley is over on Mrs. King's property. He stated that she had fenced it off.

Mr. Heath stated that he thought the surveying would . . . obviously, that it would take time and didn't know who would be responsible for the cost and that it was not our responsibility.

Mr. C. Brown asked if that should go through the service committee.

Mr. Humphreys replied that that would be fine. He didn't believe he could stop Mr. Brown from calling a Service Committee meeting.

Mr. C. Brown stated that everyone in that neighborhood that he had talked to did not want it closed or one way.

Mrs. King said that she did not say that she wanted it closed.

Mr. C. Brown interjected . . . or one way. They want to use the alley. They want to use the alley they pay for.

Mrs. King replied that here's the thing. Your son's building sits right on the alley. His fence is this far from the alley. When she built the fence, it was put four feet off the alley. So if they need to come over a foot or two, fine. She didn't care about that. But, someone would be paying to pull the pavement up and fix it.

Mr. C. Brown stated that if his son were in violation, he needs to be prosecuted.

Mr. Heath stated that Monday, at 6:00 p.m., he would invite the neighborhood and the committee would see if they could sort this out. One thing we need to find out is what is the address.

Mr. White asked if a mailbox can be on an alley if it wasn't on a street. He said that his son's mailbox was on that alley.

Mrs. Colby said that it could if there is a house there.

Mr. Heath asked what the address was.

Mrs. King answered that his address is Mill St. His mailbox is in the alley and should be on the street.

Mr. Heath asked if that property bordered the street.

Mrs. King replied that his house faces Mill St.

Mr. Heath repeated that the house faces Mill St. but the mailbox is in the alley.

Mrs. King replied yes.

Mr. Humphreys asked if they could hold those questions until Monday.

Mr. Reed asked again if a school bus can legally travel down an alley that size.

Mrs. King had one more question referring to the map and the double yellow lines. She asked the City to vacate the alley because it had not been used for 35 years, there were no utilities, no electric poles, no gas lines, or anything else. She stated she would buy it if necessary.

Mr. Humphreys stated that from what he knew of the history of the Council, on closing alleys, that she was wasting her time asking them to vacate. Council is not inclined to vacate alleys for any reason. If you so choose, you can get the forms at the administration building.

Mrs. King stated that she didn't know why they would want them if no one is using them.

Mr. Humphreys replied that she could request that. There are forms at the administration building. He also stated that he wouldn't bet any money on it. He asked if he were to come over there to look at this, was she asking to make the alley one way and in which direction.

Mrs. King replied one way from Summit to Mill St.

Mr. Humphreys answered with okay.

Mr. Detty stated that there are some statutory requirements for vacating alleys that Mrs. King might want to check.

Mr. Humphreys thanked Mrs. King and Mr. White for coming.

Mr. Humphreys then introduced Mr. Grassbaugh.

Mr. Grassbaugh began with reminding Council that in December, the City decided to roll over \$2,655,000 in notes. The plan was to issue bonds to retire those notes and also to advance three kinds of other water and revenue bonds. Unfortunately, there has been a sort of . . . in concept that in order to have a bond issued, you have to have an official statement and on the official statement, you have to attach an audit financial statement. The last audit financial statement currently available is for 2003 which are apparently stale and actually pretty inaccurate. The 2004 audit statements are working their way through the State Auditor's office as we speak and the Auditor probably won't have those back. Originally, they thought they would be back in November . . . then December . . . then January . . . then February . . . and now it's February and they're not here. So the plan is to roll those over again for another four months. They are due any time before that . . . (unable to understand the tape)

Mr. Heath stated that we need to extend what we have in place now so we'll be in a better position down the road.

Mr. Grassbaugh stated that that was correct. The thought process is that if . . . (unable to understand), higher interest rate than what you'd get when you get the audit financial statements back. It's just extending it out another four months.

Mr. Heath stated that the 2003 audit was so impacted by the special audit . . .

Mr. Grassbaugh replied that it's 2006 and the 2003 audit is two years old. Other than that your statement was true. The notes are due March 15th. It is important for you to take quick action in order for Seasongood and Mayer to sell the notes.

Mr. Humphreys asked if he would then be back again in four months.

Mr. Grassbaugh replied that he guessed he would . . . knock on wood . . . we'll be back.

Mr. Humphreys said that basically this is an extension of what the lady from Seasongood and Mayer was doing. Mr. Grassbaugh was there and she wasn't.

Mr. Grassbaugh replied that he was asked to come and here he was.

Mr. Humphreys asked when this must be done. March 15th?

Mr. Grassbaugh answered that they were due on the 15th. They usually need a little time to do the marketing so . . . You probably need to take action this evening unless you want to have a special meeting because otherwise, you have \$2.7 million in notes coming due. We're just rolling them over and keeping them out for another four months.

Mr. Humphreys asked why this was just received when it's been several months.

Mr. Grassbaugh replied that in reality part of it . . . thought they would get an audit financial statement and they didn't get them in time. This came up about three weeks ago and I actually had this somewhat drafted for the last Council meeting but they were still hoping to get the audit financial statements.

Mr. Humphreys replied okay and asked if anyone else had any questions. With no further discussion, Mr. Humphreys thanked Mr. Grassbaugh for coming and stated that we will bring this up when we get to that ordinance.

Another visitor, Mr. Mike Migliore, a representative of AMP-Ohio was present to update Council on the power supply resources. He presented a written report and asked Council to look at page 2, which showed the peak loads and Council could see how the City has grown since 1989. The peak load is load power used during any hour during the year. In Jackson, you have a peak load in the summer when everyone is using the air. 2005 – July (couldn't understand what he said). The next page is energy. It fell from 140 million kilowatt hours in 1999 to over 200,000 + in 2005. Part of our ordinance is to add long term power to the power supply to keep up with this growth.

On page 4, it shows where the power comes from each month.

Page 5 is the Bellville Ohio River project. Jackson is a part of it. (Broken down from different plants.)

This is a seven year deal to stabilize prices. It shows fixed prices for seven years.

5 X 16 needs. Starting in June, we have some existing needs that we have to go out and buy to take care of the rest of the power supply. It authorizes AMP-Ohio to go out and buy

blocks that are needed to fill your power supply for that. Once you sign that second contract, we can go out and buy the blocks to fill the rest of your needs.

The next two pages are the diesel power. It is usually backup power.

Once we lock up a two year purchase at 15%, then about 7% of the power, we buy on the short term market so . . . it is market based.

The market goes up or down like gasoline or natural gas. Everyday, the price of power changes so, when we bought this, then that locks in those prices for seven years, so that sort of takes it out of the market. The price has almost doubled what it was ten years ago. If your citizens start seeing higher prices

Page 7 is sort of our plan for Jackson in the longer term here. Our plan is to purchase another block in 2008 to replace those. We still have some up and in the short term market so . . . you'll still need some additional purchases to fill the gap in 2008. Possibly sort of rebound from the portfolio as you go along trying to keep the prices as low as possible.

Page 8 shows your power cost for this year - \$11 million which is higher than it has been in the past because some of our cheaper rates dropped off. Last contract Jackson signed with AMP-Ohio was in February of 2002. Flip over to page 10 and you'll see when we bought that, you made that three year contract in 2002. A two and one-half block of power to take care of all your needs, and that was a low cost bargain. Ever since then all the prices – gas prices, electricity prices - have all been on the rise as well as coal. That contract expired in February, 2005 and AMP-Ohio was asked to pick up the pieces of power to take care of your needs for the rest of 2005. We came down and talked to the Mayor and Steve Benson (unable to understand) . . to renew the contract. We decided that the best term to take care of you guys was a two year contract to take care of 2006. So part of that we . . . take care of portfolio. Actually the delay in signing the contract benefited you guys because December, 2005, was when the gas prices and power prices were at their highest. January and February, prices have come down. Prices have actually fallen ½ cent to 1 cent per kilowatt hour. We'd like to get that contract wrapped up so we can buy those pieces portfolio for the next two years.

Mr. Humphreys recognized Mr. Reed.

Mr. Reed asked why the company had so much being put into the short term market.

Mr. Migliore replied that when we got this, 2010 at 17% would probably be a smaller number. As we get closer to the end of the year then we can buy power on an annual basis or a monthly basis so . . . when we get to 2010, we buy one year pieces, keep that down to 10%.

Mr. Humphreys recognized Mr. Detty.

Mr. Detty had a couple of questions. We have an Ordinance No. 15 and 16 which were both contracts that were sent down by AMP-Ohio. Is that what we're talking about? You're talking about the new agreement or something? I'm not exactly sure because nobody's been here to discuss what these really are. So I guess that's what's happening now.

Mr. Migliore replied yes.

Mr. Heath stated that one of them had been passed.

Mr. Detty said one of them had been passed which was Ordinance No. 16. I've got them here. You might have to come clear up here to get them.

Mr. Migliore replied okay.

Mr. Detty said that the one that did not pass was actually the Master Services Agreement.

Mr. Heath asked if that were what he was talking about.

Mr. Migliore said that he just came down to answer questions.

Mr. Humphreys said that in going back, of course Mr. Benson's not here so we don't know exactly what his intent was. The . . . does this deal with the Master . . . I mean . . . my understanding was, we had a previous Master Service Agreement that went back to the 1980s and they wanted Mr. Bentyne, our legal counsel, wanted a little, a little less generic, a little more specific in our Master Service Agreement.

Mr. Migliore replied, right.

Mr. Humphreys asked if that Master Service Agreement is what is allowing AMP-Ohio to make the purchases.

Mr. Migliore again answered yes. What the Master Service Agreement . . . calling it a generic agreement, kind of contains all the legal stuff . . . billing, . . . AMP-Ohio, we want to Public Power News wants to sell you power, whoever deals with AMP-Ohio and Jackson, we don't have to go through all that legal language because there's already a Master Service Agreement. Created a triple schedule for that. The Master doesn't obligate you to any deals.

Mr. Heath said so basically that just gives you the authority to buy this.

Mr. Migliore replied, no. It doesn't give us any authority to do anything. It sets up certain conditions. If we want to do business together, we already have the language taken care of ahead of time. We just have to do a one page or three page deal that sets out the terms of our actual deal.

Mr. Heath replied that that doesn't set any rate or anything like that basically, again, says we can do business with you, the only thing left are specifics to complete the deal.

Mr. Migliore replied yes.

Mr. Stewart said that Ordinance No. 15 says that we're executing a new Master Service Agreement with AMP-Ohio for the purchase of extra power associated with energy and other services available from AMP-Ohio and its affiliated entities. So that's authorizing us to purchase energy from AMP-Ohio and its affiliates.

Mr. Migliore replied, I guess . . . let's say . . . if you need . . . in order to buy power from AMP-Ohio, you really have to have two contracts. A Master Service Agreement that sets up the ability to buy power from AMP-Ohio. Then we need a second specific contract which says you are actually going to buy power from AMP-Ohio.

Mr. Stewart replied that we already passed that on the 13th.

Mr. Migliore said okay. Ordinance 15 filed a schedule to the Master. The Master has the service conditions, overall service conditions. 16 has the actual specific conditions of the specific power deal. Everytime we do power deal, we don't have to go through all the legal mumbo-jumbo. It's already been done once.

Mr. Heath: on page 7, here with JErone (sp?) . . . in other words, you've got a seven year contract with whoever JErone (sp?) is.

Mr. Migliore stated that it is actually through AMP-Ohio.

Mr. Heath: Through AMP-Ohio, we have a contract with them to provide 7 megawatts.

Mr. Migliore: Right.

Mr. Heath: Of our electric. And uh . . . this is showing an increase of what . . . 25%. You think that from now through the next four years or . . .

Mr. Migliore: About 5% per year is the forecast. That's . . . watch everything else right now.

Mr. Detty: Ordinance 15 needs to be passed for us to continue doing business with AMP-Ohio. Is that the bottom line?

Mr. Heath: 15 replaces the old Master Service Agreement of 20 years ago which right now we're basically operating on.

Mr. Detty: That's the bottom line.

Mr. Heath: Yea.

Mr. Humphreys: If you can answer this question – Ordinance 15 and 16, or both together, do they have anything to do with the rates that people of Jackson, Ohio that buy electric from us is going to affect their rates.

Mr. Migliore: Ordinance 16 actually takes care of the power we're buying for Jackson.

Mr. Detty: Nothing to do with the setting of the rates for individuals

Mr. Heath: No, how it affects our rates is how much we have to pay for power but it doesn't set the . . . that doesn't have to do with what Mr. Crossin was here last time and explained and that rate study. That is separate . . .

Mr. Reed : What he's doing and he explained it the best way,. is in the portfolio. He is going out and power buying for the next several years to find . . . stop me if I'm incorrect . . . we are authorizing him to go out . . . AMP-Ohio buys from . . . and they go out and broker that on the market and they buy blocks of power. We are authorizing them to buy blocks of power that we would use in the City of Jackson.

Mr. Humphreys: Maybe I'm asking the wrong person, I really don't know because me and . . . Mr. Heath, we had a thorough discussion on Ord. 16 the other day on the phone cause it was my take on 16 that there would be no increase in the base rate but there would be increases in the . . . oh, what is it we figure? . . . the fuel adjustment. To me, I don't care what you call it. If there's an increase, there's an increase. So I didn't want anybody to come in here and think they were snowballing us or snowing us some way and saying we're not going to give you an increase here but we'll sock it to you up there. That was my worry and it's still my worry.

Mr. Reed: Fuel adjustment the power . . . cost to the City. The City can up the cost of power to the consumer by a fuel adjustment. What we did last week as far as fuel adjustment, we took fuel adjustment back to 0. It has nothing to do . . . you would have increased the power fuel adjustment, you're increasing the base power rate.

Mr. Humphreys: What was this ordinance No. 32-93? What it says is the forgoing base rate as prescribed in Section 1 of this ordinance shall be increased by the amount of the monthly power supply cost to the City of Jackson is greater than .03 . . . 228 divided by .85 . . . to cause

a trigger of 100%. Now that means to me every time that goes above that figure right there, whatever that amounts to, you pay for it. Correct?

Mr. Migliore: Yes.

Mr. Hughes: That's right.

Mr. Migliore: It's my job to keep those fuel adjustments as low as possible. We're wanting to buy power for Jackson that fuel adjustment.

Mr. Humphreys: So regardless and I don't reckon you'd do it but as Mr. Reed said, we can increase it by raising the it would seem to me you would want to lower that if you want to raise it because it would kick in. If you raise those figures, it's have to get up there to where it's not as much as it is now. If you wanted to give them an increase, you'd lower the .03 whatever because it will reach it quicker. Maybe I'm off base here. Anyway, if you don't have anything to do with a cost adjustment or cost rate increase, anyone have any more questions of the young man, go right ahead and ask them.

Mr. Reed: As power costs more to the City, the way that's passed on to the consumer is through a power adjustment because if we use X kilowatts of power and we go to buy it the next time, it is passed on to the public. The cost of the power adjustment so the next time we have the money to buy the power. Basically, it's a set way consumers pay actual rates for their electric.

Mr. Humphreys: Then, I'm assuming this if what he's saying is we're going to go up 15% in the next 5 years.

Mr. Reed: He's not saying our electric cost is going up. He's not.

Mr. Humphreys: I know that. I know what he's saying but the more we use, the higher the cost allocation. It's gotta be.

Mr. Migliore: Not necessarily.

Mr. Humphreys: In other words, if we were using just the basic figure of 10,000 and I don't even know what we're talking about to tell you the truth, but I know one thing, if you go above the 10,000 and the rate increases, that's an increase. And that's what happens, right? So every time that goes up, these people pay more.

Mr. Migliore: AMP-Ohio goes down and people pay less. The idea is to put those blocks together so that the City's fuel cost adjustment doesn't jump up

Mr. Humphreys: Young man, don't get me wrong, I'm not blaming you for this.

Mr. Migliore: I don't have a lot to do with it anyway.

Mr. Heath: The fuel adjustment on these comes from basic or market drive then usage driven because like, for example, if there's a drought in Texas and that puts a drain on the electric, it's going to make the electric cost more all across America. What you have to buy costs more and that cost is passed down to us and that's what generates the fuel cost adjustment. Am I not correct?

Mr. Migliore: Right.

Mr. Reed: What is not lost in power. The purpose of this is to lock in as much power as . . . guarantee. When it's locked in, my concern is, that's market price.

Mr. Heath: And that fluctuates.

Mr. Reed: A lot.

Mr. Heath: What you basically do is . . . what we have here in red, you might buy five times that much but distribute it among different cities. Whichever fits there, you say portfolio is best.

Mr. Migliore: 2008, another two block setup, you've got . . . you've got that rate for the next five years after that.

Mr. Humphreys: Any further questions?

Mr. C. Brown: Do you think this is a good deal for the City of Jackson?

Mr. Migliore: Yes. Sixty some cities buy into it and we're not saying . . . it might not be the best deal for you . . . 75% of your power, that's only about 25%. When the prices go down, we've got another block that would kick in at the lower price and lock that in. When the prices go up, okay, we're glad we've got that 25% locked in. We try not to buy everything at one time at the same price.

Mr. Humphreys: Anybody else have any questions? With no further questions, we thank you very much.

COMMITTEE REPORTS:

UTILITY – Mrs. Colby requested a Utility meeting Tuesday, February 14th, at 6:00 p.m. There are many things to be discussed and one of them is delinquent utility bills.

BUDGET/FINANCE – Mr. Reed had no report.

POLICE/FIRE/TRAFFIC – Mr. Eric Brown reported that the committee had met and discussed different pay rates and policies for the Chief, Assistant Chief and also the Fire Department and brought forth two ordinances for consideration.

SERVICE: Mr. Cary Brown had no report.

AUDITOR: Mr. Barnett was absent

LAW DIRECTOR: Ordinance No. 33 – I guess we already had an Ordinance No. 33, so make it No. 42. There is a new copy of that one floating around. The correct amount is \$1417.00, an amended amount. 34-35-36 are all dealing with Real Estate taxes and the tax deadline is March 10th. So they do have the emergency clause. 37-06, AMP-Ohio. Mutual aid in the time of emergencies. The type of ordinance put together, I think they want this by March 31st. I have a question about going into bidding procedures without formal bidding in times of emergency. We can't just say . . . we have to look at it if this situation would ever happen and hopefully it would never happen, we'd have to use that, and in the event that we would, it would come before Council at that time to make the determination if indeed it was an emergency that would circumvent the process of going through bidding.

40-06 – I spoke, and I won't be the right person to give you all the information on this, with Mike Kisor of M-K Power. He was very helpful. He told me all about . . . apparently the City is in the process of building a substation. I think it's been talked about before that American Electric Power was going to have to do some work to their station out there plus their transmission line. If our station is supposed to work, I think they've been waiting on costs to come in. Apparently they have come in and it's going to be approximately what's in that ordinance. AEP is waiting on this so they can start the work. And as I understand it, I'm not the expert on this, I'm just giving you what little bit of information I have on it, that has to be done before we'll be able to proceed with ours. That's the basis for that one.

Resolutions 4-5-6 are self-explanatory. It's an issue at best that needs to be put on hold. I'll let Council proceed however they see fit on that particular issue. Last meeting, there was an issue concerning City owned vehicles. I'll give you the best opinion I can on that. I think it's somewhat of a gray area.

The information on AMP-Ohio, I think it will be concerning what Randy already talked about – the last presentation here by AMP-Ohio and I did receive some information from them on the proposed ordinance that I've given to Mr. Humphreys. This can be passed on to Utility. I

think that's the one actually dealing with their proposal and how it's going to affect our codified ordinances on that particular issue. So that could be discussion for your meeting as well.

We've already talked about the street and alley over on Nail Mill.

I put in there a copy of a letter I prepared for ParMar. If that's okay, I guess you need to pass it around in either new or old business which ever is appropriate. I made it for everybody on Council to sign.

I also put copies in there for you of all the I discussed the last time. And also after the last meeting, I was asked concerning PERS for Council members. There is something in the pipeline to raise it to \$450 per year to be eligible for PERS. Uh, I think that they want to start that in calendar year 2007. I want you all to be aware of that in case that's something we need to look at down the road that salaries may need to raise. And if you stay with that, Council members remain eligible under that.

Mr. Heath: That would only affect the percentage of your credit, am I not correct?

Mr. Detty: That's correct. I have a copy of the proposed laws if you'd like for me to get you a copy.

Mr. Heath: That would be

Mr. Detty: I just raising that for thought just so you're aware of it.

Mr. Heath: I'd drop from 100% to some other level, right?

Mr. Detty: It does for City jobs and stuff like that. It wouldn't be 100 if you're (?) Other than that, that's all.

Mayor Goodman: Can you give an update on the Harris St. car lot situation?

Mr. Detty: I can tell you what the status is. There is a lawsuit filed and I'm waiting for the answer from the defendant, Mr. Evans. His answer date I think is March 13th. 28 days after service, I'll have it back. I think his answer date is March 13th. Then it can proceed through the court system. It is filed and it is in the process.

RAILROAD: Mr. Stewart stated that the Mayor had requested that a meeting be scheduled.

Mayor Goodman: I have a brief update if I could on that. I have received a draft agreement that I'm going to distribute to the committee and the President. There's a lot of information and I think the committee structure has changed since last year and there were some things that would be reviewed in the draft agreement that I think we can make sure this

committee is on board with. I want to make sure the draft agreement we have actually reflects the discussions that we had. So I think it is going to take some time to work through that. Probably an hour would be fine, but it may take more than one meeting.

Mr. Stewart: Do you want to schedule the meeting at 6:00 p.m. prior to our next scheduled meeting?

Mr. Humphreys: You can't do that. We already have a request from the Safety Director for a gentleman to be here to talk about different things according to the Safety Director regarding saving the City some money on different items, and different things.

6:00 p.m. on March 13th will be a full Council meeting. He called me a week or so ago, the Safety Director did and asked if that was all right if we had a special meeting. I told him we'd be more than happy to have one.

Mr. Stewart: Apparently, we'll meet next Monday at 6:00 p.m.

Mayor Goodman: What I prefer is that we do that after March 8th. I'll work with you and set up the night.

Mr. Humphreys: Anything else Mr. Stewart?

Mr. Stewart: No.

BUILDING: No report.

SERVICE: Mr. C. Brown had no report.

Mr. Humphreys: Do you have anything Mr. Chief?

Chief Eisnagle: I just had some questions.

MAYOR: I believe each of you would have received a response from the commissioners in regard to the penalties for the indigent Counsel bill. It's pretty self-explanatory. I haven't had any response from them. So, we went ahead and took care of the bill without taking care of the penalties. Of course. I might already have reported to you. I'm not sure. The jail fees for the local jail, we just had one day we were billed for in January. I think we're going to be in pretty good shape here in February as well, but we've still got a very significant problem in a lot of other counties. The fact that we're not housing people here is not a reflection of any progress in that problem. It's a . . . local jail and having to take people to other places. We've got new concerns developing about all that. That problem is probably getting worse sooner than it's getting better. Uh . . . I mentioned the U. S. Rail Draft . . . Uh . . . Tonight you've got a resolution in regards to the McCarty Lane, St. Rt. 35 intersection. We have had some input from

several Council members on that. It's an issue that . . . uh . . . the State has announced some temporary plans at that intersection which I think would be very detrimental to the economic prosperity of the industrial park and we expressed that to the State officials and will continue to do that but . . . uh . . . you have a resolution there that . . . uh . . . the language in that resolution states what we believe the City's position should be and I recommend that you pass that. And uh . . . the State . . . as a unified effort states the City's position in regard to that. Simply, I don't think there's any question something needs to be done at that intersection. It's a very serious problem. I believe the State might have rushed the judgment in this without enough input from the community. We're going to have to step back from that and give a little more consideration.

Uh . . . Mrs. Colby, of course, brought up the issue tonight of employees at the property that I own on Main St. One of the things I've learned in the last two years is that I get my blood pressure up here in these meetings and it doesn't change a darned thing so . . . uh . . . I've been doing my best lately to keep my cool, just roll with it a little bit.

I guess all I'll say to you on that issue is that immediately upon learning that Mrs. Colby had concerns about that I approached at least two Council members. I was trying to remember if there were any more than that. I asked them to go talk to employees and talk to supervisors and determine for themselves if anything had occurred there that was different than what happened for anybody else who made the request, any other business. I think that if you talk to those folks, you'll learn that there was absolutely nothing that wouldn't be done for any other business that made the request. Uh . . . one of the things I guess I'm disappointed in is if this was September 28th, several months have passed. Certainly I heard plenty of speculation about the fact that Mrs. Colby would bring this up at a public meeting. And that sort of thing. Uh . . . perhaps I should have made the effort to go to Mrs. Colby or to others and explain so that it didn't become a bigger issue. I kind of made the decision a while back that if that happened and if it was brought up in a public meeting without making any effort to talk to me about it, then it would simply reinforce what I've heard from so many people is that there are two or three people in this room who it doesn't matter what I do, it's not going to be good enough for you. There's two or three people in this room who I have no ability to communicate with. I'm disappointed in that and I'm disappointed in myself for not being able to communicate better than I do. I'm disappointed that there are people in this room who will not come and get the facts from me without or from anyone in my administration without telling half the story or coming forward with information

that's not complete. So I guess I'm not pointing any more fingers than anyone else than I'm pointing at myself. I'm very disappointed that it's come to this . . . I'm very disappointed that . . . you know, one of the most important things I can do as Mayor is maintain some sort of relationship with members of Council that are in this room. I think I've been successful in the last two years of maintaining a good relationship with the majority. Lately, it doesn't seem to be very good and I'm not sure what to do about it. This past week, I reached out to Randy who I think some might describe as my arch nemesis during the last few years. And we had a good conversation about the fact that we need to communicate better. That was before any of this stuff tonight came up. And Randy was receptive to that. We talked about setting up a meeting every couple of weeks to talk about some issues. I'm trying to do a better job . . . I'm still trying to do a better job communicating. I'm going to try to understand some of his perspectives a little bit. But Randy and I don't agree on very much. I think we all know that over the years. But, what I know is that based on the conversation we had, we'll be able to sit down every couple of weeks and we're going to be able to disagree on some things, hopefully agree on a few, and at least understand each other's perspective. I think what Randy will find is that he will have a lot more influence in the actions of the administration by doing that and it is my hope that I can start to reach out to Council a little more effectively by reaching out to Randy and to others. There are at least two or three people in this room who I've had one-on-one discussion with on this topic and I've asked if there are ways we can communicate better and I've asked people to come up and see me and talk about if you've got concerns, me and my administration will find things to show you to ease your concerns. That hasn't happened. Whether that's your fault or mine or anybody else's, that hasn't happened. What I'm going to ask tonight is, if you've got concerns and got issues, I'm going to extend and continue to extend the open door policy that you can find me 24 hours a day. If you've got a concern, I'm asking you to talk to me about it and get the facts so that you don't look foolish and I don't look foolish when we get into a public meeting and have a debate about things that sometimes each of us don't have all the information about. That all I have. Thank you.

Mr. Humphreys: Does anyone have any questions for the Mayor? Have I missed anyone?

ORDINANCES AND RESOLUTIONS:

Mr. Humphreys: Bear with me. I think I have them all lined up. Ordinance No. 10-06, second reading third reading? Okay.

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

This was the employee award.

Mr. Humphreys: Any further discussion?

Mr. Heath: I'm just wondering. The criteria you were working on . . . are still working on . . . the \$1000 employee award.

Mayor Goodman: I'm pretty much convinced that at this point if you decide to approve it, I'm going to analyze the one request that was brought to me. An award up to that amount, not necessarily the full amount with the possibility of leaving open for other requests to come in and judge them based on their merit.

Mr. Humphreys: Any further?

Mrs. Colby: I've got a question. How much does this have to save the City?

Mayor Goodman: There aren't any established criteria. It . . . the one request that we talked about I think is pretty substantial and I think it is probably worthy of some award.

Mrs. Colby: It couldn't just be \$500 or something like that?

Mayor Goodman: I think technically, based the way it's written, it probably could be. That's not the kind of thing I'd be interested in an award for. It needs to be very significant, it must be independent of any other ideas, something that drastically saves the City money. The one request that I have so far . . . you know . . . anybody has the ability to request at any time throughout the year and review. The one that we're talking about now will save the City hundreds of thousands of dollars for the next 10-15-20 years. Uh, certainly we've had good ideas in the past. I haven't given the award during the time I've been Mayor. I think again without total judgment tonight I guess, I'll be up front with you about it, the one that I've got is worthwhile and worthy of some award. I would recommend to you to pass this and I think it's a good thing for the employees to know that when they have a cost saving measure to save the City a lot of money, it's a good incentive to go out on a limb. Sometimes, folks, it's easy to get settled into the 8-5 or the 8-4 but somebody steps forward and really puts some time and effort

into analyzing a cost saving measure like that's happened in the one request we now have, it is certainly worthy of consideration.

Mr. Humphreys: Anything further? I have one thing Mr. Mayor. Is this a one year thing . . . just once a year or . . . ?

Mayor Goodman: No there's not anything in the . . . that says it can happen only once a year. Certainly with the amount of the appropriation certainly, you've got the ability to determine how much award money is out here. Again, I would want to review each that might come in throughout the year. The first two years, I'm not sure that I've had one officially filed. I've had a couple of ideas that were suggested.

Mr. Humphreys: The reason I was asking the question . . . you know, you may get another one. Somebody deserves and I'd hate to see us get to where we'd just give one a year. And you may have two or three people who would be deserving.

Mr. Heath: Then we'd have to amend the appropriation.

Mayor Goodman: I guess part of that would depend on what the determination on this first award was or kind of make an additional appropriation. If Council and if I felt it was a worthwhile suggestion.

Mrs. Colby: I just want to know if we have the money to do it.

Mr. Reed: This is reappropriating it. This is something that was done in the past and as far as . . . no, there is no money appropriated for this, but it is something that Council had agreed to in the past, even prior administrations, my feeling on it would be if there is a . . . I think there needs to be a written criteria. . . . we don't have in this instance but I . . . if there is a significant saving to the City . . . in some way . . . I think there needs to be a criteria for it, but, like I say, that's not, it wasn't done the last time.

Mayor Goodman: I don't have a problem with establishing some criteria. It's never come up until now but . . . I mean it leaves an awful lot of discretion involved. I don't necessarily have a problem so that there isn't any appearance of favoritism in the future. I think the one request we have now I've never heard anybody dispute the worthiness of the request. Certainly in the future, somebody could come up with something that is just as worthy and I would prefer to have some sort of structure in place or criteria that it should meet to be considered.

Mr. Reed: This . . . clarification of what's done in the past without anything written up as to exactly how it's supposed to be done.

Mr. Humphreys: Anything further? Roll call.

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. 10-06 was duly adopted.

Ordinance No. 12-06

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.

This was the third reading for this ordinance and with no discussion, a roll call vote was taken. 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. 12-06 was duly adopted.

Ordinance No. 15-06 Third 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, Ind. (AMP-OHIO) in order to purchase electric power and associated energy and other services available from AMP-Ohio and its affiliated entities.

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

Mrs. Colby – no

Mr. C. Brown

Mr. Hughes – yes

Mr. Stewart – yes

Mr. E. Brown – yes

Mr. Heath – yes

Mr. Reed – yes

Ordinance No. 15-06 was duly adopted.

Ordinance No. 30-06

An ordinance authorizing the City to enter into an agreement between Kronos Incorporated, 297 Billerica Road, Shelmford, MA 01824, and the City of Jackson, Ohio, for a new timekeeping system for the City, and declaring an emergency.

Mr. E. Brown: Does this spell out what the emergency clause is in this? Maybe you did. I know you've been trying to clarify

Mr. Humphreys: I don't know if we did or not.

Mr. Reed: The auditor's office felt that this would save the City money implemented by better record keeping qualifies (couldn't hear)

Mr. Humphreys: Okay. You're talking about timekeeping now.

Mr. E. Brown: Right.

Mr. Humphreys. Second reading. This is the other ordinance that the assistant Auditor called me about. She said this needs to be done because this had to be done by I forget what the date it was or the agreement would be withdrawn. I remember that now. I know there were two she called when we were going to have uh in fact, I talked to Mr. Brown about it. The meeting we had last Monday, she thought that was a special Council meeting and she wanted this one along with the one on the Auditor passed because I think they are still going to be a day late here. It only goes to a certain date here on when they can withdraw their proposal and she needs to get this in. In fact, the way she talked, we need to get this signed and get that to her first thing in the morning so they can fax that to this company to get this particular price. If not, we've got to go back through the whole thing again. So if we're going to do it, we ought to do it tonight.

Mr. Reed: I move to suspend.

Mr. Heath: Second.

Mr. Humphreys: Move to suspend by Councilman Reed, second by Councilman Heath. Roll call.

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. 30-06 was duly adopted.

Ordinance No. 31-06 Second Reading

An ordinance concerning City Officials and City Employees use of City owned vehicles.

Mr. Humphreys asked for discussion.

Mr. Reed: Second reading, can we ask Mr. Detty to look into this?

Mr. Detty: There is a report in the packet on it and . . . if there are specific questions, I can address them. I see this as somewhat of a gray area. It's just my personal opinion. I think this is an area that should be looked at very closely to make sure what we're wanting to do. One thing I've not had a chance to check and I'm not even sure there would be a way for me to do it. If there are any past ordinances on the book concerning this particular issue and I don't know how to find those. The way our old ordinances are, you just have to go through them one at a time and year by year to see if there was. It would take a long time. I've not done that.

Mr. Heath: We could supercede any ordinances couldn't we?

Mr. Detty: If that's what you so choose to do.

Mr. Humphreys: I'd like to comment here is the auditor's office has a letter addressed to the City maybe 2001, 2002. The IRS spells out that it it's a benefit, then it must be taxable. In my opinion, if that's the case, it's a benefit. Again, we're back to the rules in my opinion and it's only my opinion. The Council is the only one that can give benefits and wages.

Mr. Detty: Just let me say one thing about the letter you are referring to. There is a letter concerning the situation that existed in 2002 and I am not sure it addresses every situation that exists now in 2006. What that explains is . . . I don't think it's going to jump through the IRS . .

Mr. Humphreys: Oh, no!

Mr. Detty: It's a specialized area. There are thousands and thousands of regulations from the IRS concerning what is and what isn't a fringe benefit. The general rule is yes, it's a fringe benefit but, there are a lot of different exceptions.

Mr. Humphreys: I'm just conveying what information I have. Another thing, I still think it's a benefit and only Council can give benefits and wages.

Mr. Detty: I can only address it from the situation in 2002.

Mr. Humphreys: Did you have your hand up, Mrs. Colby?

Mrs. Colby: What I was going to say is the question in the ordinance isn't about . . . the IRS or anything. It's a matter that Council can do this or not. It's another benefit. It's a part of the income that has to be reported. Have you found anything in the law that says Council can't decide to do this?

Mr. Detty: No, but we're making the jump that I'm not willing to make the jump to and that is that it is a benefit and I'm not willing to make that jump based on . . . internal revenue regulations because there are exceptions and to be perfectly honest with you, it gets into gray areas and I think that's where you want an answer to it, you may have to get a . . . I don't know whether they issue opinions, advisory opinions or anything like that from the IRS in certain situations or not.

Mrs. Colby: Anybody else that works for a company or anything, it is a benefit. I'm not talking about having to be reported. It does have to be reported but it is part of their job. The use of the vehicle, get the benefits, health insurance, and all that. That was never done in this case for anyone in the City.

Mr. Detty: I think the issue becomes the reason that IRS regulations and interpretations are involved here because whether or not certain circumstances do indeed become a fringe benefit and the only way that we can really determine that is if the IRS says it is.

Mr. Humphreys: Mr. Heath.

Mr. Heath: To Jack . . . would the Ohio Municipal League maybe be able to have any information that might be pertinent to this issue?

Mr. Detty: Maybe. I haven't checked with the Ohio Municipal League because to be perfectly honest with you . . .

Mr. Heath: Do you think they might have information that might be pertinent to the issue?

Mr. Detty: I can check with them and see.

Mr. Humphreys: Let me just say one thing. I don't mean to go back in history but I really am. When I worked for the Union almost 32 years, every year, I had to keep a log of how many business miles I had each and every day, where I went to and where I came from. Each and every day I had to keep a log of my own personal miles. And not keeping that log, was the way other people explained it to us was, if you didn't even keep the log, you couldn't turn it in. And it was taxable so, that's the last I'll say about it.

Mr. Humphreys: Mrs. Colby.

Mrs. Colby: I just want to say that from my understanding, in the previous administration, there were supervisors and others who were allowed to drive vehicles but that stopped when the new administration had come. I know the supervisors who had driven the cars in previous years and vehicles are parked. They use their own to drive back and forth to work. All of a sudden, we've got privileges and I think that sends the wrong message to other employees and to the taxpayers of the City. I think Council has the right to do something about it and make this law.

Mr. Humphreys: Anything further? Mr. Brown?

Mr. C. Brown: Did someone misuse vehicles?

Mr. Humphreys: I have no idea.

Mr. C. Brown: Do what?

Mr. Humphreys: I have no idea. Mr. Stewart.

Mr. Stewart: This ordinance here doesn't deal, the way I read it, with anything to do with taxes, just with the use of the vehicles.

Mrs. Colby: People using them for their personal use, City owned vehicles.

Mr. Stewart: We just had a meeting tonight. The response from our legal counsel. What is the City Council's authority and powers when it comes to policies and procedures manuals for the City. This seems to be a policy and procedures issue. Uh . . . review policies and procedures manuals. Council has no role in the Policies and Procedures manuals.

Mrs. Colby: It might not say whether it has to be . . . I mean I'm not trying to do the Auditor's job but it is a benefit. If you get to drive the vehicle and you're furnished with the vehicle, it's an extra benefit.

Mr. Stewart: This has nothing to do with benefits and taxes. It has to do with writing a policy and a procedure that says whether you can use a vehicle or not.

Mr. Heath: But I also think that policies and procedures are crafted around the ordinances of the City. And if we determine an ordinance is needed in this area, the policies and procedures should follow the ordinance and the laws of the community would be my feeling on it. This would . . . policies and procedures are set forth. We want to . . . in policies and procedures, we as a legislative body can craft legislation that will determine the policies and procedures of the City. That's my opinion.

Mrs. Colby: If we have to amend it, we'll amend it to say because we feel that this is a benefit. It should be established by Council. If that's what you think you want it to say. Because it is and we all know it is.

Mr. Stewart: I'm not arguing that point. I'm referring back to what Jack said as to he's not ready to cross that line and . . . (multiple voices; difficult to understand) Council as to where it leads us as far as . . . (multiple voices) and our other legal counsel stated in here about policies and procedures. That's all I'm saying.

Mrs. Hughes: Why is he using a City vehicle for his own use any way?

Mr. Stewart: Who is he?

Mrs. Colby: Oh, as if you don't know.

Mr. Humphreys: Mr. Reed.

Mr. Reed: There should be no vehicles used that require the filing of a W2 or W4. I think that would benefit the individual. Would that be within . . . (multiple voices)

Mr. Detty: I'm basing part of my opinion based on an attorney general's opinion that found that if it's compensation and they got into something . . . they got into minutia as coffee and donuts. As long as that was determined to be compensation, that Council had the authority and the obligation to approve such compensation by form of an ordinance. Is it compensation?

Mrs. Colby: Yes, it's compensation. A lot more than the donuts and coffee.

Mr. C. Brown: Did everybody read what I got from our attorney?

Mr. Hughes: I think Mr. Stewart did.

Mr. C. Brown: I think he's reading them like I read them. I think we brought up an important issue.

Mr. Humphreys: Yes, Chief Eisnaugle.

Chief Eisnaugle: Police Officers are exempt from tax laws regarding taking vehicles home. So it's not a benefit to them. They use them in the course of their duty. Uh . . . I was wondering if this particular ordinance uh . . . (multiple voices)

Mr. Detty: I think you make a very good point, Chief, because that is one of the current bones I have. The fact that that is what my opinion to Council is saying that we've got a blanket ordinance here that does say it is official for each employee so . . . You raise a point that there are certain exemptions provided in the IRS code and all I'm saying is I think we need to be careful how this is approached.

Mr. Reed: Or it should be written to say if they're receiving it as a benefit. If you had that in it, then it would be . . . If the IRS determines it is a benefit, then, they shouldn't be doing it. That's the only way Council has to write express legislation as far as I'm concerned. The Mayor and the administration assign vehicles.

Mr. Detty: If the Mayor and administration feel they need an exemption and it doesn't qualify with a benefit, is that the way I read it?

Mr. Reed: No, I don't agree. That I don't think . . .

Mr. Detty: Who makes that determination?

Mr. Reed: The auditor should.

Mrs. Colby: (multiple voices; could not understand)

Mr. Reed: The Auditor and the IRS, that's their deal.

Mr. Detty: If they disagree and it continues, then . . .

Mayor Goodman: Mr. President, I don't necessarily have a problem if it is the IRS, for example, that makes the determination. Simply because as Jack has tried to elude to, there are a number of exemptions. I don't know if anyone had reviewed them or not. Police Officers are just one of many and I think what you'll find is a consensus in the City where that is occurring meet not just one but several of the exemptions. I don't personally think Council needs to uh . . . weigh in on it at all. But, if you do, then I certainly would be in the middle. I guess, by saying maybe the IRS should make the determination if they meet the exemptions or not. I'm confident that that wouldn't be a problem.

Mr. Hughes: We weren't talking about the police.

Chief Eisnaugle: The ordinance says City employees. Somehow it should exclude it because when one of them reads it, they're going to say, "Oh God, I can't do this anymore." That's just the way it is.

Mayor Goodman: We've spent a considerable amount of time researching the exemptions as well as Jack has. I'd think certainly before you take any action, you'd review those exemptions, if you haven't, because I think you'll find that

Mr. Heath: Are these exemptions in what you gave us Jack?

Mr. Detty: No. I can give you what I've got and you can read it between now and next Council meeting.

Mr. Heath: I think it would help.

Mr. Detty: Wouldn't take you that long to make a copy.

Mrs. Colby: Did you find an exemption that fits this particular issue?

Mr. Detty: (unable to hear) exemptions that may very well fit this particular situation, I'm not a tax attorney. I'm not an IRS expert and I'm not willing to jump through the next hoop to say yes it does. I think you're into a very specialized area.

Mr. Humphreys: Anything further?

Mr. Reed: So if this would say if somebody is not to receive a benefit from running a City vehicle under IRS, that would be inappropriate.

Mayor Goodman: That's something I'd like to give some thought to and maybe talk to you some more about it. I think that's a possibility. If it was determined by IRS for example. I'd like to share with you the exemptions.

Mr. Reed: I'm saying I don't see

Mayor Goodman: I don't think Council has any business in this issue but if Council feels they do, that's probably a direction I would not fight quite as much, maybe not at all. Because the intention is not to allow for personal use and that sort of thing. It's to allow for business use. A few instances in the City where that does occur, it occurs for a very good reason and nobody has ever asked me why.

Mr. Reed: I've never talked to you on this instance but I don't know as far as what's legal and not with Council. If Council would desire to go through with this though, I'd like it to apply with what Council deals with not

Mayor Goodman: I'd think it would certainly be an issue that in the next couple weeks, you and I could talk about or anybody else to try to craft something we can all live with.

Mrs. Colby: I'd like to see it be amended to put in the long term value or the benefit in this ordinance if we do. I think we should put in its benefit . . . because I'm telling you, I . . . it is and the IRS requires it be turned in on the W2 form. I know that for sure and it's benefit instead of income. It's already been checked out.

Mr. Reed: I don't know if there's any interest in, I'm not familiar . . . there's one there that I don't know about. And Jack is saying, I don't know what those are but I'd like to see what they are. I don't think someone should just be given and vehicle and he's saying that isn't being done or that aren't exempt. So . . .

Mrs. Colby: But are there people using vehicles in the City and taking them home at night and back and forth?

Mayor Goodman: Certainly. Marked vehicles that are very clearly marked which you'll find folks under one of the exemptions I'm referring to. My only suggestion again is get the facts. Jack's got them available, he'll show them to you. We've been through them the last couple of weeks and I'm very confident that you'll find the situation in the City meets those exemptions.

Mr. Humphreys: Second reading.

Ordinance No. 34-06
An ordinance approving additional appropriations in
the Street C.M.&R. fund, and declaring an emergency.

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

Mr. Heath: We do have some property within the City that is taxable and I think this deals with it.

Mrs. Colby: Where is it?

Mr. Heath: All the railroad, I think, is taxable.

Mrs. Colby: I know but for what? I want to know what it's for.

MR. Detty: I don't know which one this is for. I do know we have some properties that are not considered exempt that are taxable.

Mrs. Colby: I know that this just says . . .

Mr. Heath: Anything that

Mr. Detty: Generally any time we get property, it goes through the process of having it exempted from taxation. There are very few that aren't.

Mr. E. Brown: Mr. President:

Mr. Humphreys: Mr. Brown.

Mr. E. Brown: I would guess that what's happened here is the new tax documents have been received by the City and like everybody else's, the taxes have gone up on the real estate and that's increased what appropriations they need. So I don't think this is an additional the increases happen possibly because of (multiple voices).

Mrs. Colby: All I'm asking is what is it for?

Mr. Humphreys: It says from Street and Alley fund.

Mr. Heath: I would say anything

Mr. Humphreys: \$480 – by the way they went up, it isn't a very expensive piece of property. I don't know what we're talking about but if you read your own tax bill you know.

Mr. Heath: I think it deals with anything that generates revenue for example, the cemetery generates revenue because we sell plots. Uh I think that's because I think the railroad has always been considered taxable because it's a revenue generating operation.

Mr. Humphreys: Could that also be some of those places we get for some reason and go in and demolish the house or something? Wouldn't that be some of it? I mean there are three or four of them in here.

Mr. Detty: It could be for possibly up to one year. Most of those are filed for exemptions. Those are filed as soon as we get the property. Now there are certain requirements that they have to meet to get the exemption and all that stuff but that is done legally.

Mrs. Colby: This really doesn't have anything to do with this but we had a whole bunch of tax things in the paper. Is that the railroad?

Mayor Goodman: Those are payments that the railroad is responsible for and it is one of the things included in the letter addressed to Mr. Stewart and he will address at the meeting. They reported to me that they had some sort of verbal agreement with the County Auditor about some discrepancies and those have now been paid and there are still discrepancies and an audit is being conducted to determine the parcels that they should have been responsible for the payment.

Mr. Stewart: I move to suspend.

Mr. Heath: I second the motion.

Mr. Humphreys: Roll call vote to suspend.

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. 34-06 was duly adopted.

Ordinance No. 35-06

An ordinance approving additional appropriations in the sewer fund, and declaring an emergency.

Mr. Reed moved to adopt the ordinance, Mr. Stewart seconded the motion, and motion carried.

Mr. Stewart moved to suspend the rules, Mr. Heath seconded the motion, and in a roll call vote to suspend, 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 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. 35-06 was duly adopted.

Ordinance No. 37-06
An ordinance approving additional appropriations
in the Garbage Fund and declaring an emergency.

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

Mr. Humphreys: Is there any discussion?

Mr. Heath: I'll just say that I do know the City is utilizing this before. It was a few years ago, I can't remember when but I do know we had a real tough storm that came through in June and the next morning, we had help from Columbus and Galion. We had 10-12 additional workers down here helping us get all of our lines back in place. I know it was very beneficial to us. I do remember that happening and I'd say we would probably reciprocate and help too, but if we have an extremely bad storm, obviously we wouldn't have the personnel to deal with it. It gives us some automatic backup. This City has benefited from this agreement in the past.

Mr. Humphreys: Anything further? With no discussion, the ordinance was declared a first reading.

Ordinance No. 38-06
An ordinance establishing call out pay and rate of compensation
for members of the Jackson City Volunteer Fire Department.

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

Mr. Humphreys: I think if we were to turn this down, it would be a crime. These people haven't had a raise since 1998. We ask these people to go out and put out fires and the things they've got to do, especially when they hit the second hour. \$6.00 an hour, that's going to be a disgrace and uh . . . I'll just leave it at that. Mr. Reed.

Mr. Reed: We budgeted for this in the budget as far as it was set up for the Fire Department. So Council was all in agreement with that. At least it was in the budget.

Mr. Humphreys: You didn't put an emergency clause in that.

Mr. E. Brown: Mr. President:

Mr. Humphreys: Mr. Brown.

Mr. E. Brown: It can still be suspended and not go into effect for 30 days. If it was not an emergency, it would not go into effect until it was signed by the Mayor.

Mr. Reed moved to suspend the rules, Mr. Heath seconded the motion. 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 | |

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. 38-06 was duly adopted.

Ordinance No. 39-09
An ordinance establishing base pay rates for
the Chief of Police and the Assistant Chief of Police.

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

Mr. Heath: To Mr. Reed, did we budget for this? Do we know what the actual dollar amount increase is based on base pay and exactly how this will affect us?

Mr. Reed: As far as the amount, no, I don't know that.

Mr. Brown: I can give you base rates but I don't know what the actual cost to the City would be. This ordinance basically is the last clean up we have for our supervisors when the audit came through. Minimal increases were given to the supervisors and to my knowledge, at this time, other than the Police Chief and the Assistant Chief, the supervisors have all been caught up to date with back pay and increases to get them in line with where they were. Now, we've got more straightened out as far as the audit. The Chief and the Assistant Chief haven't been done yet. Prior to this ordinance, actually a sergeant makes more than the Chief does. So these increases fall in line with what the sergeants got over the last two years. But this year and

then what we have also done is when we do that, it puts the chief at \$2.43 above a sergeant. And the sergeants will be negotiating in the FOP contract in September and through the suggestion of Mrs. Colby at the meeting, I've added language in here so that what we agreed upon in the Police/Fire/Traffic Committee, the Fire Chief would maintain a rate of \$2.43.

Police Chief.

Mr. Brown: I'm sorry. The Police Chief would make \$2.43 more than what a sergeant would make, but just in case a sergeant would receive an increase in September which would actually be giving him two raises in one year, I've put language in here that states it is effective January 1, 2007. It would catch him to where he would be making \$2.43 above a sergeant. And look at that more down the road. And then on, anytime a sergeant got an increase, so would the police chief and then it would keep on to where he's making more than a sergeant. That's what would happen by not giving him an increase in the last few years. The sergeants have passed him by. Same way with the Assistant Chief. Currently, base pay for the Assistant Chief is \$17.36 which is less than a sergeant and only 20 cents more than what an officer makes. So we increased the Assistant Chief by the same percentages the sergeants were given in the past contract. And in this ordinance, the Assistant Chief will make \$1.31 more than a sergeant so that any time the sergeants would get a pay increase, it would be passed down to the Assistant Chief because they are not affected by the FOP contract. The FOP contract doesn't touch them. So the Assistant Chief would make \$1.31 more than a sergeant and the Assistant Chief would get an increase now and not another this year. January 1, 2007, another increase in case the sergeants get an increase. The last time, the FOP contract took a few months to get ironed out. We don't know that that's going to happen but just in case they would pass something in September, this way they're not getting two raises in one year.

Mr. Humphreys: I attended the meeting Mr. Brown had last Monday night, is that correct?

Mr. Brown: Yes.

Mr. Humphreys: At that time, the Chief and Assistant Chief can correct me – the Chief makes \$18.35 an hour. Is that correct? And the Assistant Chief is at \$17.35? An officer or patrolman, I think they're at \$17.05 and the sergeants make \$18.12. Is that correct? I'll just give those to you and you can figure up there whatever.

Mr. Hughes: Back pay go?

Mr. Humphreys: That's in the ordinance. I'm assuming that if you look at this, it doesn't really say back pay, but if you pass this, it takes effect January 1, 2004. It's back pay. I'm not . . .

Mrs. Colby: I just want to say that Council has to understand that we've got a huge increase that's come into our budget and it's all come out of the General Fund for all the supervisor money and it's more than anybody ever expected. We probably didn't have a choice when that happened with the courts and everything but we do have a choice in this. If we continue in this manner, of continually doing this kind of rate increases, we're going to run out of money people and you can laugh and say we're not, but you'd better take a look at the funds and you'd better take a look at the General Fund and the big amounts of money coming out of it. I mean, that's our job. We're here to watch the money and we have to draw the line some time, somewhere. We cannot continue this and like you said, there is going to be another contract negotiated this year and it's going to happen all over again.

Mr. Reed: Just a question. Mr. Brown, we didn't know what the actual cost is?

Mr. Brown: No, I don't have the actual cost in that. I know that it will . . . no I don't have the year. All I know is if it would have happened normally, . . . (multiple voices). It has historically and we would have been following up on it. Because of the special audit, all the increases were put on hold. Uh . . . the Police Chief and Assistant Chief were asked to hold on until the Supervisors contract got off the birm. They have done that and they did it on good faith that they were going to be taken care of and now we're having a lot of questions.

Mr. Humphreys: Move to suspend by Councilman Stewart, second by Councilman C. Brown. Roll call.

Mrs. Colby – no

Mr. C. Brown – yes

Mr. Hughes – yes

Mr. Stewart – yes

Mr. E. Brown – yes

Mr. Heath – no

Mr. Reed – no

The motion to suspend the rules was defeated. First Reading.

Ordinance No. 40-06

An ordinance authorizing the City of Jackson, Ohio to pay American Electric Power for anticipated improvements to their electric system for interconnection of the City's new 138Kv Veteran's Drive Substation.

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

Mr. Heath: We have discussed it on more than one occasion. I think this is kind of a lynch pin (?) to a lot of the progress that they are

Mr. Reed: I understand that but the line item on it.

Mr. Heath: This was another step in the whole process.

Mr. Humphreys: Somebody just missed this by getting an error in the budget. Thought somebody said it wasn't in the budget.

Mrs. Colby: I have a question for Mr. Detty. Is this a reimbursement?

Mr. Detty: No.

Mrs. Colby: It isn't?

Mr. Detty: No. I double checked that with Mr. Kisor at M-K Power . The work has not proceeded. This is just the next step. They won't proceed until they've got an ordinance. They definitely will get paid.

Mrs. Colby: And this is a (couldn't hear) of \$179.

Mr. Detty: I even emailed Mr. Kisor and I asked him the specific question you asked because I knew it would come up.

Mr. Humphreys: Any further discussion? With no further discussion, the ordinance was given a First reading.

Ordinance No. 41-06

An ordinance providing for the issuance and sale of notes in the aggregate principal amount of \$2,765,000 in anticipation of the issuance of bonds, to pay costs of capital improvements to the City's electric system, and declaring an emergency.

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

Mr. Humphreys: This is the one the gentleman was talking about

Mr. Heath: Yes.

Mr. Humphreys: And he said we had to have it. More or less, it has to pass tonight.

Mr. Stewart moved to suspend the rules, Mrs. Colby 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 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. 41-06 was duly adopted.

Ordinance No. 42-06

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

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

Mr. E. Brown: I'm assuming I would imagine that this is the remainder of the same building that has been split off – most of it for the Utility Department – and since it's coming out of the General Fund, it probably would be for the Police Department.

Mr. Heath: If there is no further discussion, I'll move to suspend the rules. Mr. E. Brown seconded the motion.

A roll call vote was taken for suspending the rules and 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 | |

The roll call vote to adopt had 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

Ordinance No. 42-06 was duly adopted.

RESOLUTIONS

Resolution 05-06

A resolution in opposition to the proposed traffic changes to the intersection of U.S. Route 35 and McCarty Lane and declaring an emergency.

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

Mr. Humphreys: Any discussion?

Mr. Heath: I would just make a quick amendment. Section 6 should read Section 5,

Mr. Humphreys: Seconded by Mr. E. Brown. With a voice vote, the amendment passed.

Mr. Heath: I don't think any changes are scheduled until 2008 but I think ODOT's pretty dug in right now.

Mr. E. Brown: I heard that possibly even 2007 something would happen. This and that intersection will throw a lot of traffic onto 93 and McCarty Lane and 32. That's already a heavily congested highway. We've made that know to ODOT and their response is as the other problems arise, we'll deal with that. We would like to see them deal with it and make those provisions before they make this drastic change.

Mr. Heath: I also think you'll see a lot of people going out and going out Standpipe Rd. and making U-turns. Essentially trucks and things like that. That's going to pull them into that passing lane on 35 W going very slow.

Mr. E. Brown : That's down by Honda Suzuki so the westbound traffic is coming up a grade and they won't be able to see them until they get up to the intersection.

Mr. Heath: That's the same problem they used to have with the truck stop until they made the additional lane.

Mr. Humphreys: Motion to suspend?

Mr. Heath: I make that motion.

Mr. Reed seconded the motion. In the roll call vote to suspend, 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 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. 05-06 were duly adopted.

Mr. Humphreys: Okay, I have one thing here. Like I stated, we have a special meeting at 6:00 p.m. on the 13th.

I have one piece of correspondence. That's from the Mayor who sent me a copy of a letter he had sent to Mrs. Mary Bloss and Charlie's Angels. It refers to a solicitation permit. Mr. Humphreys read the letter. The permit is for the Pig Iron Day. It would be assumed that we need a motion to draft them that permission.

Motion was made by Mr. Reed to grant the permit, Mr. C. Brown seconded, and in a voice vote, the motion passed.

Mr. Humphreys: Anything further under Old Business or New Business?

Mr. Reed: Question for the Mayor. Soliciting for any kind of funding, Cancer Society, anybody that solicits donations and are non-profit, do they have to get solicitation privileges?

Mayor Goodman: My recollection was that anybody and there was an ordinance on the books that it has to be approved by Council. I didn't review it so I made the decision.

Mr. E. Brown: We talked about this last year before . . . when the safety issue was brought up and the firemen or something were in the street and we were concerned. Anytime something was going to happen, we wanted to be aware of it so we wouldn't let some safety issue pass by that they were actually in the street.

Mayor Goodman: That was in the street. Is it door-to-door? Do the Girl Scouts . . . ?

Mr. E. Brown: No.

Mr. Heath: I think it's on City property.

Mr. Reed: That's what I say. I'm not familiar with this.

Chief Eisnaugle: I believe non-profit organizations, churches, etc.

Mayor Goodman: That may not have required your approval but they appreciate it anyway.

Mr. Humphreys: Just one other thing, the law director reminded me. He has the letter here that we requested he draft up for the ParMar Store and we need to sign it. I have signed it. Mr. Reed's name is on there next.

Mr. Detty: You might want to get a motion to approve the letter.

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

Mr. Heath: I think not only that. I was going to ask if we have to sign four or five of those bond things.

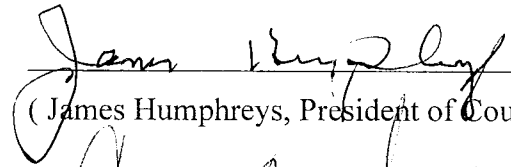
Clerk: I believe it's just the Mayor, Mr. Humphreys and me that sign it. The other thing is the pink papers that were on top of your packet this evening. Those came from the Ethics Commission and I need to get those back in as soon as possible. If you could return them tonight or the next Council meeting, I would appreciate it. If you want, you can put them in my mailbox at the City Building.

Mr. Heath: The biggest issue I hear from the public at large is that we can't hear anyone at Council meeting except for me. I think the only reason they hear me is all the microphones are off and my voice is carrying to every house in the community. Maybe sometime, if we could have somebody look at these mics, reposition, or I don't know what we'd do but . . . lot of people say they can't hear anybody but me.

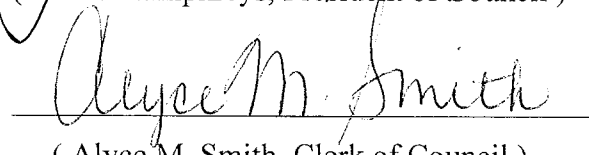
Mayor Goodman: I attempted in my report to ask in regards to the IT director whose contract and how you want to proceed with that. Is that something you want me to negotiate or something or would you like to have a committee of Council meet with the IT director? Or do you have intentions of negotiating this? I'd just like to be able to have guidance.

Mr. Humphreys: July 5th. I'm pretty sure it expires on that date. If there are not objections from the Mayor, why don't you all think about it and then give the Mayor an answer at the next Council meeting.

With no further business, Mr. Heath moved to adjourn, Mr. E. Brown seconded the motion, and with a voice vote, the motion passed. The Council adjourned at 9:55 p.m.



(James Humphreys, President of Council)



(Alyce M. Smith, Clerk of Council)

