JACKSON CITY COUNCIL

Regular Session June 26, 2005 7:00 p.m.

Call to Order.... President Humphreys Pledge of Allegiance.... Mr. Reed Opening Prayer.... Mr. Reed Roll Call

Approval of Minutes

VISITORS:

- Marvin Ross
- Marvin Keller Mille Kisea

COMMITTEE REPORTS:

- Utility
- Budget & Finance
- Police, Fire & Traffic
- Service
- Railroad
- Legal
- Building
- City Auditor
- Law Director
- Mayor
- Service Director/City Engineer
- Chief of Staff
- Safety Director
- Police Chief

ORDINANCES AND RESOLUTIONS

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

ADJOURN

JACKSON CITY COUNCIL

Minutes from June 12, 2006 7:00 p.m. Regular Session

Jackson City Council met in regular session on Monday, June 12, 2006, at 7:00 p.m. at the Jackson City Council chambers. President Jim Humphreys called the meeting to order. The Pledge of Allegiance was given and followed by prayer, both led by Mr. Reed.

A roll call was taken as follows:

- Mrs. Colby present
- Mr. Hughes present
- Mr. Eric Brown present
- Mr. Reed − present
- Mr. Cary Brown present
- Mr. Stewart present
- Mr. Heath present

Mr. Stewart made a motion to approve the minutes; this motion was seconded by Mr. Hughes. By a voice vote the motion was approved.

VISITORS

Brad Burnside – **Jaycees** requested permission from council to use the streets for the Jackson County Apple Festival. (See attached request.) Mr. Reed made a motion to grant the request; this was seconded by Mr. Stewart. By a voice vote the motion was approved.

John Peters visited council to voice concerns about wasteful spending. Mr. Peters commented on the expenses the city incurred, approximately \$20,000 in overtime for city employees. He asked how much money the city has spent in the past 50 years. The expenses are unmetered water and sewage usage, extra garbage disposal, and overtime, and voted not to give seniors a discount on utility rates. Mr. Peters stated that council and the administration want to spend, spend, and spend.

Mr. Peters also had a letter for Mr. Detty in regards to former Chief of Staff Dennis Hodge, (see attached letter.)

Mr. Reed stated that council declined to give the senior discount because it would be an expense to the taxpayers. Mr. Stewart stated the base rate on utilities had been lowered for seniors. Mr. Stewart also stated that council did not spend,

spend, spend, and Mr. Peters should provide proof before making accusations. Mr. Stewart also stated that as a taxpayer you have the right to ask questions. Mr. Peters commented that he will be back with the facts. Mayor Goodman stated that this administration supports the Apple Festival than any other, the benefits of tax revenue and the non profit groups are enormous. Mayor Goodman stated he totally supports and will continue to support the Jackson County Apple Festival. Mr. Heath stated that he serves as Treasurer for the tourism committee; the festival draws a very large crowd and is among Ohio's premier festivals. Mr. Heath also stated that many area organizations could not survive without the Apple Festival.

Mrs. Colby stated that she did not agree with using taxpayer dollars to support the festival. Many citizens are unaware that their tax dollars are funding the festival. Mrs. Colby also expressed the decreased sales of downtown businesses.

Mayor Goodman stated he respected Mrs. Colby's opinion, and continued with a request for a motion to support the Apple Festival as always. Mr. Heath stated that the Apple Festival had to be viewed as a long range benefit to the city. Mr. Eric Brown asked Mrs. Colby to check the sales tax increase for the month of September. Mrs. Colby stated that Mr. Heath and Mr. Eric Brown should not vote due to a conflict of interest. Mr. Eric Brown stated he receives no payment for the services he performs for the Jaycees. Mr. Heath stated his only duty is to announce the parade.

Mr. Heath made a motion to demonstrate financial support for the festival; this was seconded by Mr. Cary Brown.

In a roll call to adopt the motion, members voted as follows:

Mrs. Colby – No Mr. Hughes – Yes Mr. Eric Brown – Yes Mr. Reed – Yes Mr. Cary Brown – Yes Mr. Stewart – Yes Mr. Heath – Yes

President Humphreys declared motion adopted.

Mr. Peters stated again the conflict of interest with Mr. Eric Brown and Mr. Heath. He was upset with the approval of overtime pay that would be incurred during the week of the Apple Festival. He stated that we are users of services and we still pay without sales tax, he visited council as a concerned citizen.

Mr. Reed asked Mr. Peters if the city should continue to support Pig Iron Days, Freedom Fest and the pool, these services are provided free of charge to the public. Mr. Peters asked what these events were costing the city. Mr. Perry of the Jaycees stated that approximately 80,000 people pass through Jackson on the Saturday of the Apple Festival and the average person spends \$10.00. The Lions Club, Rotary, Football Club, etc. all greatly benefit from this event. Mr. Peters stated if the Jaycees made so much money that they should pay for utilities. Mrs. Colby stated that we (city) give the streets to the Jaycees and they lease it to Bates Brothers. The Jaycees should be paying for services.

Norma Jean Alban thanked council for moving the high grass.

COMMITTEE REPORTS:

UTILITY:

Mrs. Colby asked Mr. Benson about the discrepancies of the Michelina's meters. Mr. Benson said the problem was resolved last month and the factory had been billed.

BUDGET & FINANCE - No report.

POLICE, FIRE & TRAFFIC - No report.

Mr. Heath stated that he had received several complaints in regards to uturns on Main and Broadway. He also requested that the speed limit on Veterans Drive be to 35 M.P.H. and that McCarty Lane be changed to 45 m.p.h.

SERVICE – No report.

RAILROAD – No report.

LEGAL

Mr. Heath stated that Mr. Howarth denied the claim for Mr. Hodge. Mr. Hodge has retained Attorney Mr. Lewis. Mr. Heath suggested we not pass the ordinance to appropriate funds until the appeals process is complete.

BUILDING - No report.

CITY AUDITOR – No report.

LAW DIRECTOR - No report.

SERVICE DIRECTOR/CITY ENGINEER - No report.

Mr. Benson gave a brief report. EPA permit to install (see attached). Old Barn on the corner of Crossland and West is for sale at \$17,000. Meeting about moving the water distribution to the ice plant and selling current location. Customer report distributed. Bid is out for a bat wing tractor. Substation ordinance needs approved, any delays could cost up to \$10,000 per week. Ordinance for the Berrage Property. Contractors have been looking at the roof, doors and windows of the Memorial Building for upcoming remodeling. CT Consultants on downtown sewer rehab. Jackson Run wanting to extend water and sewer lines, all permits will be denied until road is completed. Overpass Project at McCarty Lane and US Route 32. Would like to pass ordinance on waste water staffing position, will save the city money. There is an employee wanting to trade a four wheeler for an old backhoe. Mayor Goodman and Mr. Detty were not in favor of a trade will put backhoe up for public auction. President Humphreys asked if the issue of the Ragland's sewer line had been resolved. Mr. Benson stated he did not have enough information. President Humphreys stated they should pursue the contractors not the city.

CHIEF OF STAFF - No report.

Mr. Workman gave a brief report. High grass for July cuttings will be begin next week. Would to modify current grass cutting ordinance to include agriculture usage. Mosquito spraying to begin this week. Pool has opened, \$10,000 in donations have been collected. Freedom Fest will include numerous sports activities. Would like to pass band ordinance to transfer that money to be used to install a fence and playground equipment at the ball field on Main and High streets.

MAYOR

Mayor Goodman stated that the cemetery looked great and that the city crews done a tremendous job with cleanup after the storm. Mayor Goodman stated that Dave Evans has returned home and that legal matters concerning Dave's Cars will be moving forward. The Safety Director was contacted about the jail expansion. Mr. Jones has been sent a letter in regards to his unmetered tap. The radar speed sign has been scheduled. Would like to continue with street cuts. Mr. Heath stated that he would need more information.

SAFETY DIRECTOR - Not present.

POLICE CHIEF - Not present.

ORINANCES AND RESOLUTIONS:

ORDINANCE NO. 96-06

AN ORDINANCE AUTHORIZING THE CITY TO PURCHASES THROUGH STATE PURCHASING A VERMEER BRUSH CHIPPER FROM VERMEER OF SOUTHERN OHIO, INC. 2574 US ROUTE 22, WASHINGTON C.H., OHIO 43160 AND DECLARING AN EMERGENCY.

THIRD READING

Mrs. Colby asked if we have a chipper. Mr. Benson stated yes, but it currently down and will be used for a trade in. Mr. Heath stated trade in value of \$12,000. Mrs. Colby asked which fund money would be taken from. Mr. Benson stated the Electric Equipment Fund. Mr. Stewart there is money in the budget, attached memo. Mr. Reed stated just because the money is in the budget, it was not for this piece of equipment.

In a roll call to adopt, Council as follows:

Mrs. Colby – no Mr. Hughes – no Mr. Eric Brown – yes Mr. Reed – no Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

ORDINANCE 96-06 DULY ADOPTED

ORDINANCE NO. 109-06

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE STREET C.M. & R. FUND.

THIRD READING

In a roll call to adopt, Council voted as follows:

Mrs. Colby – no Mr. Hughes – no Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE WASTEWATER FUND.

THIRD READING

In a roll call to adopt, Council voted as follows:

Mrs. Colby – no Mr. Hughes – no Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE WATER FUND.

THIRD READING

Mr. Eric Brown asked Mr. Detty if we received paperwork to show he is in the union. President Humphreys asked if he was in the bargaining unit. Mr. Detty stated he had no information. President Humphreys stated this job was not in the bargaining unit; employee is not entitled to back pay. Mr. Reed stated that he was unionized last fall; his back pay will not be as much as the others. Mr. Eric Brown would like the ordinance to include an effective date. Mr. Benson stated he would be paid the same as the others; he has saved the city thousands. Mr. Reed made a motion to amend the ordinance, change Section #1 to appropriate additional monies to coincide with the date the placed in the bargaining units as follows. Motion was seconded by Mr. Heath. In voice vote, all agreed. Will revert to a second reading.

ORDINANCE NO. 116-06

AN ORDINANCE ESTABLISHING A 2006 ELECTRIC IMPROVEMENT FUND, AND SETTING AND APPROVING APPROPRIATIONS IN THE ELECTRIC IMPROVEMENT FUND.

SECOND READING

Mr. Stewart stated that this ordinance includes, building structure and improvements. Action needs to be taken bonds are due by July 12, 2006. Mr. Detty stated that this ordinance is obsolete, replaced with 137, 138, and 139.

Mr. Heath moved to suspend the rules, seconded by Mr. Stewart. In a roll call to suspend, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown –yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath - yes

In a roll call to adopt the ordinance, Council voted as follows:

Mrs. Colby – no Mr. Hughes – no Mr. Eric Brown – no Mr. Reed – no Mr. Cary Brown – no Mr. Stewart – no Mr. Heath – no

AN ORDINANCE FINDING THE LOWEST RESPONSIBLE AND RESPONSIVE BID, AWARDING THE CONTRACT FOR THE ELECTRIC BUILDING PORTCO, INC., 604 ELM STREET, PORTSMOUTH, OHIO 45662, AND DECLARING AN EMERGENCY.

SECOND READING

Mrs. Colby stated additions to contract add up to more than \$750,000 and the contract date has expired. Mr. Reed can this be paid direct or by bond. Mr. Benson stated contracted is still good.

ORDINANCE NO. 120-06

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE SEWER FUND.

SECOND READING

*********************** ORDINANCE NO. 121-06 AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE WATER FUND. SECOND READING ************************ ORDINANCE NO. 124-06 AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE STREET C.M. & R. FUND. SECOND READING ********************** ORDINANCE NO. 125-06 AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE STREET C.M. & R. FUND. SECOND READING Mr. Stewart asked if we were trading in a mower. Mr. Benson stated that auction funds were being used. ************************* ORDINANCE NO. 126-06 AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES THERETO AND DECLARING AN EMERGENCY. SECOND READING *********************** ORDINANCE NO. 129-06

AN ORDINANCE PROVIDING FOR AND ENTERING INTO AN AGREEMENT AND RETAINING SHOEMAKER, HOWARTH & TAYLOR, LLP, ATTORNEYS AT LAW, 471 EAST BROAD STREET, SUITE 2001, COLUMBUS, OHIO 43215, FOR

ALL OUTSIDE LEGAL SERVICES FOR THE PERIOD FROM MAY 1, 2006 THROUGH APRIL 30, 2007, AND DECLARING AN EMERGENCY.

SECOND READING

Mr. Read moved to suspend the rules, seconded by Mr. Heath. In a roll call to suspend, Council voted as follows:

Mrs. Colby – no Mr. Hughes – yes Mr. Eric Brown –yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

Mr. Reed moved to adopt the ordinance, seconded by Mr. Heath. In a roll call to adopt the ordinance, Council voted as follows:

Mrs. Colby – no Mr. Hughes – yes Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE STREET EXCAVATION FUND.

FIRST READING

Mr. Eric Brown moved to suspend the rules, seconded by Mr. Reed. In a roll call to suspend, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown –yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes Mr. Heath moved to adopt the ordinance, seconded by Mr. Eric Brown. In a roll call to adopt the ordinance, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

ORDIANANCE NO. 131-06 DULY ADOPTED ORDINANCE NO. 132-06

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE GENERAL –MAYOR OFFICE FUND.

FIRST READING

Mr. Benson stated that the appeal was denied. Mrs. Colby stated that if Mr. Benson would have filled out the paperwork correctly this could have been avoided. Mayor Goodman stated that Mr. Barnett is taking care of the paperwork to keep the administration out of this.

Mr. Eric Brown moved to adopt the ordinance, seconded by Mr. Stewart. In a voice all approved with the exception of Mr. Heath.

ORDINANCE NO. 133-06

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE MUNICIPAL SWIMMING POOL FUND.

FIRST READING

Mr. Stewart moved to suspend the rules, seconded by Mr. Heath. In a roll call to suspend, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown –yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes Mr. Heath moved to adopt the ordinance, seconded by Mr. Reed. In a roll call to adopt the ordinance, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

ORDINANCE NO. 134-06

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE ELECTRIC FUND.

FIRST READING

Mr. Stewart moved to suspend the rules, seconded by Mr. Eric Brown. In a roll call to suspend, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown –yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

Mr. Heath moved to adopt the ordinance, seconded by Mr. Reed. In a roll call to adopt the ordinance, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

ORDINANCE NO. 135-06

AN ORDINANCE FINDING THE LOWEST RESPONSIBLE AND RESPONSIVE BID, AWARDING THE CONTRACT FOR THE VETERAN'S DRIVE SUBSTATION AND LICK SUBSTATION MAJOR EQUIPMENT PROCUREMENT PROJECT TO HUGHES NATIONAL, POWERX, AND DECLARING AN EMERGENCY.

FIRST READING

Mr. Stewart moved to suspend the rules, seconded by Mr. Heath. In a roll call to suspend, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown –yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

Mr. Heath moved to adopt the ordinance, seconded by Mr. Reed. In a roll call to adopt the ordinance, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

ORDIANANCE NO. 135-06 DULY ADOPTED

ORDINANCE NO. 136-06

AN ORDINANCE AUTHORIZING THE ISSUANCE OF ELECTRIC SYSTEM REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 2006 UNDER ARTICLE XVIII OF THE OHIO CONSTITUTION, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,000,000,000 FOR THE PURPOSE OF PROVIDING FUNDS TO RETIRE NOTES ISSUED TO PAY THE COST OF CAPITAL IMPROVEMENTS TO THE CITY'S ELECTRIC SYSTEM, PAYING COSTS OF IMPROVING THE CITYS ELECTRIC SYSTEM BY CONSTRUCTION, INSTALLING, EQUIPPING AND FURNISHING A NEW SUBSTATION AND A NEW GARAGE, TOGETHER WITH ALL APPURTENANCES THERETO, FUNDING A BOND RESERVE FUND TO SECURE THE SERIES 2006 BONDS, AND PAYING ISSUANCE COST OF THE SERIES 2006 BONDS; AUTHORIZING VARIOUS RELATED DOCUMENTS AND INSTRUMENTS, INCLUDING A TRUST AGREEMENT PROVIDING FOR THE RIGHTS OF THE HOLDERS, OF AND

PLEDGING REVENUES AND FUNDS TO SECURE, THE SERIES 2006 BONDS INCLUDING ANY ADDITIONAL BONDS, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE CERTIFICATE, AND DECLARING AN EMERGENCY.

FIRST READING

Mr. Heath asked Mr. Reed if this could be amended. Mr. Reed he had called, and received no response. Mrs. Colby is concerned with taking a 2.5 mil debt and creating an 8 mil debt. Mr. Benson stated the upgrades would be good for 25-50 years. Expansion of the system will take 10 years to catch. Mr. Reed stated outstanding notes are due next month, please revise and remove building. President Humphreys asked if we could pay for the electric garage out of the electric fund. He suggested taking the note for 15 years and saving 2 to 3 million in interest. Mrs. Colby stated that we could save 3 million by not borrowing 8 million for 25 years. Mr. Heath stated the rate study, no money included to be paid back (new debt) more money saved, less borrowed. Mr. Reed stated that a 15 year depends on the rate. Available cash flow will change. Old debt will be paid off in 3 years. President Humphreys ask if the 600,000 was similar to an escrow account. Mr. Stewart state that Katie had explained that taking money from various funds will help with bonding. Mr. Reed explained they get paid for the volume of the bonds. It is not unusual to finance, not to use all available funds. We have 2.7 mill due next month on old bonds. Mr. Benson stated if we start changing things it will change the bonds. President Humphreys stated the upgrades are necessary the new garage is not.

ORDINANCE NO. 137-06

AN ORDINANCE ESTABLISHING A 2006 ELECTRIC IMPROVEMENT FUND.

FIRST READING

Mr. Stewart moved to suspend the rules, seconded by Mr. Heath. In a roll call to suspend, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown –yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

Mr. Heath moved to adopt the ordinance, seconded by Mr. Reed. In a roll call to adopt the ordinance, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

ORDINANCE NO. 138-06

AN ORDINANCE APPROVING APPROPRIATIONS IN THE ELECTRIC IMPROVEMENT FUND FOR THE ELECTRIC DISTIBUTION SYSTEM.

FIRST READING

Mr. Stewart moved to suspend the rules, seconded by Mr. Eric Brown. In a roll call to suspend, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown –yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

Mr. Reed moved to adopt the ordinance, seconded by Mr. Stewart. In a roll call to adopt the ordinance, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

ORDINANCE NO. 139-06

AN ORDINANCE APPROVING APPROPRIATIONS IN THE ELECTRIC IMPROVEMENT FUND FOR A NEW ELECTRIC BUILDING.

FIRST READING

Mrs. Colby asked if plans had been reviewed by fellow councilmen, explaining there were many unnecessary items, full kitchen, showers, and twelve large windows. Further stating that the building is too big and elaborate. Mr. Heath stated overall price tag of 1.5 mill to keep trucks out of the rain, we need to save money and this can be built cheaper.

ORDINANCE NO. 140-06

AN ORDINANCE APPROVING APPROPRIATIONS IN THE ELECTRIC FUND.

FIRST READING

Mr. Heath moved to adopt the ordinance, seconded by Mr. Stewart. In a voice vote all approved.

ORDINANCE NO. 141-06

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO AND MK POWER SOLUTIONS INC., 708 WINTERBERRY DRIVE, FINDLY OHIO 45840, FOR CONSULTING SERVICES TO ASSIST THE CITY OF JACKSON WITH ENGINEERING FOR SERVICE SCHEDULE 5 TO THE AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF JACKSON AND MK POWER SOLUTIONS INC AND DECLARING AN EMERGENCY.

FIRST READING

Mr. Heath moved to adopt the ordinance, seconded by Mr. Stewart. In a voice vote all approved.

ORDINANCE NO. 142-06

AN ORDINANCE TRANSFERRING APPROPRIATIONS.

FIRST READING

Mr. Heath moved to suspend the rules, seconded by Mr. Eric Brown. In a roll call to suspend, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown –yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

Mr. Heath moved to adopt the ordinance, seconded by Mr. Stewart. In a roll call to adopt the ordinance, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

ORDINANCE NO. 143-06

AN ORDINANCE TRANSFERRING APPROPRIATIONS.

FIRST READING

Mr. Stewart moved to suspend the rules, seconded by Mr. Heath. In a roll call to suspend, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown –yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

Mr. Reed moved to adopt the ordinance, seconded by Mr. Eric Brown. In a roll call to adopt the ordinance, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

ORDIANANCE NO. 143-06 DULY ADOPTED

*********************** ORDINANCE NO. 144-06

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISIONERS OF WASHINGTON COUNTY, OHIO AND THE CITY OF JACKSON, OHIO FOR THE HOUSING OF PRISIONERS.

Mr. Eric Brown made a motion to amend the reference to Gallia County, change to Washington County

FIRST READING

Mr. Heath moved to suspend the rules, seconded by Mr. Stewart. In a roll call to suspend, Council voted as follows:

> Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown -yes Mr. Reed - yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

Mr. Heath moved to adopt the ordinance, seconded by Mr. Reed. In a roll call to adopt the ordinance, Council voted as follows:

> Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart - yes Mr. Heath – yes

ORDIANANCE NO. 144-06 DULY ADOPTED *******************

ORDINANCE NO. 145-06

AN ORDINANCE AMENDING JACKSON CODIFIED ORDINANCE SECTIONS 137.03 RELATING TO REFRESHMENT CONCESSIONS.

FIRST READING

Mr. Stewart moved to suspend the rules, seconded by Mr. Heath. In a roll call to suspend, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown –yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

Mr. Stewart moved to adopt the ordinance, seconded by Mr. Heath. In a roll call to adopt the ordinance, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

ORDINANCE NO. 146-06

AN ORDINANCE ESTABLISHING THE PROCEDURE FOR OBTAINING OFFICIALS FOR ALL SPORTS LEAGUES IN THE CITY'S RECREATION DEPARTMENT.

FIRST READING

President Humphreys asked if we paid umpires. Mr. Workman stated yes, and would like to enter into a contract with a business to do officiating. President Humphreys asked what we will pay. Mr. Heath asked if were paying someone to assign officials. Mr. Workman said it will be the businesses responsibility to pay the officials. This will keep the city from hiring officials and paying benefits. Mr. Heath concerned with paying officials, recreation director should take care of this. President Humphreys stated that these are recreational games; we should only be paying high school age children. Mr. Workman stated that the officials will be paid \$20 a game; high school children were not dependable. The recreation department has grown tremendously and we need qualified officials at a cost of approximately \$4,000.

ORDINANCE NO. 147-06

AN ORDINANCE TRANSFERRING APPROPRIATIONS.

FIRST READING

Mr. Stewart moved to suspend the rules, seconded by Mr. Heath. In a roll call to suspend, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown –yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

Mr. Reed moved to adopt the ordinance, seconded by Mr. Heath. In a roll call to adopt the ordinance, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

AN ORDINANCE APPROVING APPROPRIATIONS IN THE GENERAL-POLICE DEPARTMENT FUND.

FIRST READING

ORDINANCE NO. 149-06

AN ORDINANCE APPROVING APPROPRIATIONS IN VARIOUS FUNDS FOR THE PURPOSE OF PAYING UTILITY CHARGES.

FIRST READING

Mr. Heath moved to suspend the rules, seconded by Mr. Stewart. In a roll call to suspend, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown –yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

Mr. Heath moved to adopt the ordinance, seconded by Mr. Hughes. In a roll call to adopt the ordinance, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

ORDIANANCE NO. 149-06 DULY ADOPTED

ORDINANCE NO. 150-06

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE JACKSON CITY PLANNING COMMISSION TO THE REZONING OF CERTAIN REAL ESTATE, AND DECLARING AN EMERGENCY.

FIRST READING

Mr. Heath moved to suspend the rules, seconded by Mr. Stewart. In a roll call to suspend, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown –yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

Mr. Stewart moved to adopt the ordinance, seconded by Mr. Heath. In a roll call to adopt the ordinance, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH PAUL BERRIDGE, TO ACQUIRE APPROXIMATELY 2 ACRES OF REAL PROPERTY ON WHICH TO CONSTRUCT THE VETERAN'S DRIVE SUBSTATION, AND DECLARING AN EMERGENCY.

FIRST READING

Mr. Detty stated we own property, but part of property would have to go back if we don't sell. Mr. Reed we will not pay anymore or give back. Mr. Brown do we have this in writing. Mr. Reed stated we need a signature. Mrs. Colby would like to know who appraised it at \$50,000 an acre.

ORDINANCE NO. 152-06

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH OAPSE TO MODIFY THE COLLECTIVE BARGAINING AGREEMENT, AND DECLARING AN EMERGENCY.

FIRST READING

Mr. Heath asked if this is an emergency. Mr. Benson this will save us thousands. Mr. Reed without his Class 4 license will he take position immediately? Mr. Benson stated he would be in charge. He also stated Mr. Grigsby from Chillicothe will stay on board. He stated that he could work 20 hours at each plant a week without overtime. Mrs. Colby was concerned that we need two operators. Mr. Benson stated that Greg would be operator in charge and that Mr. Grisgby is only paid \$400 per month.

Mr. Stewart moved to suspend the rules, seconded by Mr. Eric Brown. In a roll call to suspend, Council voted as follows:

Mrs. Colby – no Mr. Hughes – yes Mr. Eric Brown –yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

Mr. Stewart moved to adopt the ordinance, seconded by Mr. Eric Brown. In a roll call to adopt the ordinance, Council voted as follows:

Mrs. Colby – no Mr. Hughes – yes Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

RESOLUTION NO. 18-06

AN RESOLUTION AUTHORIZING A THEN AND NOW CERTIFICATE AND DECLARING AN EMERGENCY.

THIRD READING

Mr. Reed moved to adopt the ordinance, seconded by Mr. Stewart. In a roll call to adopt the ordinance, Council voted as follows:

Mrs. Colby – no Mr. Hughes – no Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

RESOLUTION NO. 18-06 DULY ADOPTED

RESOLUTION NO. 23-06

A RESOLUTION TO AMEND RESOLUTION NO 17-06 TO SUPPORT AN OVERPASS PROJECT FOR THE McCARTY LANE AND U.S. ROUTE 35

INTERCHANGE, ENDORSING A FUNDING MECHANISM FOR THE PROJECT AND DECLARING AN EMERGENCY.

FIRST READING

Mr. Heath moved to suspend the rules, seconded by Mr. Reed. In a roll call to suspend, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown –yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

Mr. Heath moved to adopt the ordinance, seconded by Mr. Reed. In a roll call to adopt the ordinance, Council voted as follows:

Mrs. Colby – yes Mr. Hughes – yes Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – yes Mr. Heath – yes

RESOLUTION NO. 23-06 DULY ADOPTED

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

President Humphreys stated there was a good size pot hole on Star Street. Mr. Heath asked about sidewalks on Huron Street. Mr. Benson said the money was used for handicap ramps; next the sidewalks will be more feasible. Mr. Benson would to run sidewalks to the pool. Mr. Heath thought getting children to school was more of a concern. Mr. Workman stated it is possible to receive a transportation grant as being sought for the bike path. President Humphreys would like to look into an ordinance for the city hindering porn and other such businesses from entering the city. Mayor Goodman is working on this ordinance.

A motion was made to bring back Ordinance No. 136-06 by Mr. Stewart, seconded by Mr. Eric Brown.

Mr. Heath made a motion to amend to amend ordinance to replace \$8 million w/\$6.7 million to remove any reference to the garage and \$600,000, seconded by Mr. Stewart.

Mr. Heath made a motion to adjourn, seconded by Mr. Stewart.

Council adjourned at 11:01 p.m.

T. I II.	
Tera L. King	
Clerk	
Date:	

in Humphreys

Date: JUNE

CITY OF JACKSON

145 Broadway Street • Jackson, Ohio 45640-1656 Phone (740) 286-2201 • www.jacksonohio.us • Fax (740) 286-3492

June 9, 2006

Mr. Gerald V. Jones 48 N. Star Street Jackson, Ohio 45640

Dear Mr. Jones:

In response to your recent letter to city council members, I have reviewed your billing statements and found that your usage increased by 25% in May, as compared to January. In addition, the City gave all customers a 35% reduction on the January billing, so you would certainly have seen a difference between this bill and the May bill. The City utility office can provide copies of this information for your review.

City officials work every day to find ways to save money for the city residents, and hundreds of thousands of dollars have been saved already. At the same time, there are also millions of dollars in utility system upgrades that should have been completed years ago, and must be completed now in order to comply with the law and operate as efficiently as possible. In most cases, we will finance those large projects at low interest rates and break up the expense over the useful life of the upgrades or improvements.

You made reference to the "disposal plant", which I assume is referring to the upgrades at the Wastewater Treatment Plant. These upgrades are mandated by the EPA, and long overdue, and the improvements will result in a more efficient operation.

I would be pleased to meet with you to discuss any concerns or suggestions that you have for the good of the City. You can call me at the office (286-3224) or at home (286-4178) anytime. I want to earn your confidence, and given the proper information, I think you will see that the city administration, city council, and city employees are all working to make the necessary improvements as efficiently as possible. Thank you.

Sincerely

Mayor Shane A. Goodman

cc:

City Council



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street Logan, OH 43138

TELE: (740) 385-8501 FAX: (740) 385-6490 www.epa.state.oh.us

Bob Taft, Governor Bruce Johnson, Lieutenant Governor Joseph P. Koncelik, Director

June 8, 2006

Re: Jackson County City of Jackson

Wastewater Treatment Plant Correspondence (PWW)

Mayor and Council City of Jackson Memorial Building 145 Broadway Street Jackson, Ohio 45640

Dear Mayor and Council Members:

Steve Benson, City of Jackson Service Director, recently requested for Ohio EPA to identify available options with regard to the certified operator required by the NPDES permit for the wastewater treatment plant. The permit requires the plant to be under the supervision of a a class IV wastewater operator. We discussed several acceptable options on the telephone, some of which are included below.

- 1. Greg Wilson, who is currently the certified operator in charge at the water plant, would be hired with the ultimate goal of becoming the class IV operator for the wastewater plant. He has submitted a class IV part one application, which, if accepted, makes him eligible (if an exemption is requested) to be the operator in charge, under ORC 3745-7-02(G). Until his part one application is approved, Wayne Grigsby or some other class IV operator must be employed to remain as the operator in responsible charge. If Greg is not at the wastewater plant full time, a competent operator must be there 8 hours per day to oversee the daily operations of the plant; or
- 2. Hire a Class IV wastewater operator. To my knowledge, Jackson has not yet advertised for a Class IV wastewater operator; or
- 3. Jackson could have continued with Revis Osborne, Superintendent, as the certified operator until Ohio EPA makes a decision to move forward or deny his application for a class IV certification, with Wayne Grigsby as the technical supervisor.

STREET ADDRESS:

122 S. Front Street

Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184 www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049 Columbus, OH 43216-1049

June 5, 2006

Lazarus Government Center

RE:

Comments Submitted for Jackson's Draft NPDES Permit - Permit # 0PD00008*HD

Steven Benson, Director of Public Service City of Jackson 145 Broadway Street Jackson, Ohio 45640-1656

Dear Mr. Benson:

I am to writing to you in response to comments which you submitted on behalf of the City of Jackson regarding the NPDES permit renewal for the Jackson WWTP (permit no. 0PD00008*HD). You submitted comments in a letter dated March 31, 2006. Each of the comments from your letter are paraphrased below in *italics*, followed by our response.

Comment #1. "The 30-day review period for a permit of this magnitude is simply too

By the time you receive this letter, it will have been more than sixty days since the beginning of the public comment period. We believe this is an adequate amount of time to review and comment on the permit.

Comment #2. "Was the EPA sampling of Bis(2-ethylhexyl) phthalate completed with 'Bis-Free' tubing and collection materials?"

Ohio EPA used appropriate techniques and equipment in order to avoid possible sample contamination with regard to Bis(2-ethylhexyl) phthalate. We understand that Jackson also uses appropriate techniques and equipment for collection of Bis(2-ethylhexyl) phthalate samples during pretreatment monitoring events. The detections of this pollutant during the past five years are associated with samples collected by the City under the pretreatment program.

Comment #3. "Page 2 - Interim effluent limits are provided for a 24-month period from the effective date of the permit... Unforeseen conditions can occur on a

Bob Taft, Governor Bruce Johnson, Lieutenant Governor Joseph P. Koncelik, Director Steven Benson, Director of Public Service City of Jackson Page 3

The existing permit includes continuous monitoring for dissolved oxygen and pH, while multiple grab sampling is required for total residual chlorine. As a result, we believe that it is appropriate to include these sampling types in the new permit.

With regard to a permit condition allowing limit excursions for parameters having continuous monitoring, this language was developed at the federal government level with the intention that it would be used for industrial facilities. On the occasions when Ohio EPA has attempted to include the excursion language in permits for municipalities, U.S. EPA has objected and forced us to remove the language. The permit has not been revised with regard to these issues.

Comment #8. "Page 26 - We question the noted elimination of Bis(2-ethylhexyl) phthalate below permitted limits. At this time, background concentrations are unknown.."

This pollutant is a concern in the effluent for many municipal wastewater treatment plants. In most cases, the source of Bis(2-ethylhexyl) phthalate can be traced to: 1) contamination during sample collection and/or analysis, or 2) entities which are actually contributing the pollutant to the wastewater coming into the WWTP. Jackson's pretreatment program coordinator has indicated that proper sampling and analysis procedures are being followed for Bis(2-ethylhexyl) phthalate, and has also stated that this pollutant has been detected in the wastewaters for more than one local industry. We have extended the compliance schedule for meeting the final limits for Bis(2-ethylhexyl) phthalate to three years, and we believe this provides sufficient time to find a solution which will reduce or eliminate the sources of the pollutant.

Comment #9. "Page 27 - In regards to all references 'within 24 months'. We request a change of the language..."

Please see our response to Comment #3.

Comment #10. "Page 27, Paragraphs 3a) and 4b) are complete."

The two paragraphs referenced above have been retained in the permit in order to present a more complete sequence of events/requirements which are necessary to address Items 3. and 4. in Part I,C. of the permit. In

Please collect one sample at influent station 601 and one sample at outfall 001 for purposes of the requirements in Part II, Items N. and O. Use the longer of the two detention times for the parallel treatment trains to determine the appropriate amount of time between sample collection at influent station 601 and outfall 001.

Comment #15. "Page 42, Item X - We object to a new phosphorus limit until the time of completion of the TMDL. Limits at this time, prior to the TMDL, can result in antibacksliding issues later."

Monitoring for purposes of developing the Salt Creek TMDL has been completed. Ohio EPA believes that justification for the phosphorus limits is well-supported by the monitoring data and we anticipate no revisions to the TMDL which would result in removing phosphorus limits from the Jackson permit. With regard to anti-backsliding, rule 3745-33-05(E) of the Ohio Administrative Code (OAC) allows for less stringent limits under certain conditions, including circumstances in which:

"Information is available which was not available at the time of permit issuance (other than revised regulations, guidance or test methods) and which would have justified the application of less stringent effluent limitations at the time of permit issuance..." [OAC 3745-33-05(E)(1)(b)]

The permit has not been revised with regard to phosphorus limits.

Comment #16. "Factsheet Pages 8 and 9 refer to 'illegally bypassing' and 'fish kills' occurring at or due to the City of Jackson's wastewater treatment plant.

We believe these statements may be unsubstantiated and reflect a general negative tone to the operation of the plant. The Factsheet should only contain proven facts."

We believe that the phrases referenced in your comment are based upon facts and/or well-supported findings. The Ohio Division of Wildlife assessed the City a fine for killing fish in Salt Lick Creek downstream from the wastewater treatment plant. In addition, Ohio EPA has referred the City to the Ohio Attorney General's Office for documented illegal bypasses and effluent violations.

Mr. Jack Detty Acting Law Director 145 Broadway Street, Memorial Building Jackson, Ohio 45640

Dear Sir:

As a citizen and property owner interested in the execution of the laws of this City and the State of Ohio, I am requesting a Taxpayers' Right of Action under R.C. 733.56 to R.C. 733.59. This request is in regards to the misapplication of funds of the municipal corporation for the payment of wages and other benefits to Mr. Dennis Hodge. He held the position of Chief of Staff which was procured by fraud or corruption in violation of a relatively obscure section of the Ohio Revised Code. Specifically R.C. 2921.42 (A) (1) which prohibits his appointment to the above named position. Mr. Dennis Hodge was hired by Mayor Goodman on or about January 1,2004 until removed from the position on advice of City Attorneys March 23, 2006.

The City of Jackson has misapplied funds, abused its corporate powers and executed a contract in contravention of Ohio Law and the Laws or Ordinances of the City of Jackson. The above matter is very clear and I request that you bring a Taxpayers' Right of Action to prevent the City from expending any futher funds and from abusing its power.

If this action is not taken within 30 days of your receipt of this request, I intend to bring action as permitted by R.C. 713.59.

Sincerely.

John Peters

20 Mound Street

Jackson, Ohio 45640

THE JACKSON CO. APPLE FESTIVAL, INC. RESPECTFULLY REQUESTS THE FOLLOW STREETS FROM SIDEWALK TO SIDEWALK FOR THE 2006 APPLE FESTIVAL: BROADWAY FROM WALNUT TO COURT STREET; PEARL FROM PORTSMOUTH TO CHURCH STREET; MAIN FROM PORTSMOUTH TO COLUMBIA STREET; AND THE CHURCH AND MAIN STREET INTERSECTION. THESE ARE THE SAME AS LAST YEAR. ALSO, THE FOLLOWING STREETS ARE NEEDED FOR PARADE LINE UP ON WED. AND SAT. EVENINGS: BROADWAY FROM WALNUT TO SOUTH STREET; BROAD STREET FROM PORTSMOUTH TO CHURCH STREET; PORTSMOUTH STREET FROM BROAD TO SOUTH STREET; WALNUT FROM PORTSMOUTH TO CHURCH STREET; CHURCH STREET FROM WALNUT STREET TO THE ALLEY BETWEEN COLL AUTO AND SPERRY FUNERAL HOME. WE THANK YOU FOR YOUR TIME AND CONSIDERATION.

and Pairl TO WALDUT