

JACKSON CITY COUNCIL

Minutes from
August 28, 2006
7:00 p.m.
Regular Session

Jackson City Council met in regular session on Monday, August 28, 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 Brett Reed.

A roll call was taken as follows:

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

Mrs. Colby made a motion to approve the minutes with the amendment, seconded by Mr. Hughes. By a voice vote the motion was approved.

VISITORS

COMMITTEE REPORTS

UTILITY – No Report.

BUDGET & FINANCE – No Report

POLICE, FIRE & TRAFFIC – No Report

SERVICE – No Report.

RAILROAD – No Report.

Mr. Stewart noted that Stone Consulting & Design had sent a quote; he will review with Mr. Benson and will schedule a committee meeting.

LEGAL

Mr. Heath stated he had two issues to discuss. The first being the unemployment of Mr. Hodge. Mr. Hodge has retained the services of Attorney Richard Lewis. Mr. Lewis stated that Mr. Hodge was not a policy maker, yet Mr. Hodge signed off on the

Policy and Procedure handbook for the city. Mr. Howarth has not received an affidavit. Mayor Goodman refuses to send to attorney. Attorneys have been asked to come up with a policy and procedure for terminated employees. Policy will include who is responsible for filling out claims. Mr. Heath stated that Mr. Hodge has every right to appeal and Mr. Howarth will inform Council of the date.

Mr. Howarth continues to work with the EPA.

Mr. Shoemaker is working on several employee issues.

Notified attorneys that communications must be better, they need all facts presented.

Mrs. Sexton noted that there is a policy in place for terminated employees and that all claims are addressed to the Auditor.

Mayor Goodman received a letter from the EPA and had forwarded it to Council. Could be possible litigation.

Mrs. Colby stated that Mr. Benson said he only received one page of the claim for Mr. Hodge. After contacting the Ironton office of unemployment, she found that all pages were returned, but only one filled out.

BUILDING – No Report.

CITY AUDITOR – No Report.

LAW DIRECTOR

Mr. Detty passed out a memo, Buckeye Community Services all information is now available. Weed Ordinance, the amendment has been made.

MAYOR

Mayor Goodman stated he had spoken to Mr. Ron Carter from the Jesus in the Hills program and they were requesting to use the Gibson lot during the Apple Festival would like input from Council.

SERVICE DIRECTOR/CITY ENGINEER – No Report

CHIEF OF STAFF – No Report

ORDINANCES AND RESOLUTIONS

AN ORDINANCE AMENDING JACKSON CODIFIED ORDINANCE CHAPTER 557,
RELATING TO WEED CONTROL.

THIRD READING

President Humphreys stated that the legal opinion had been rewritten.

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. 173-06 DULY ADOPTED.

ORDINANCE NO. 174-06

AN ORDINANCE APPROVING APPROPRIATIONS IN THE GENERAL –POLICE.

THIRD READING

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. 174-06 DULY ADOPTED.

ORDNIANCE NO. 175-06

AN ORDINANCE TRANSFERRING APPROPRIATIONS.

THIRD READING

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. 175-06 DULY ADOPTED.

ORDINANCE NO. 191-06

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE
GENERAL – POLICE FUND.

SECOND READING

ORDINANCE NO. 192-06

AN ORDINANCE TRANSFERRING APPROPRIATIONS.

SECOND READING

ORDINANCE NO. 196-06

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A REAL ESTATE
SALES AGREEMENT, AUTHORIZING THE PURCHASE OF REAL PROPERTY,
AND DECLARING AN EMERGENCY.

SECOND READING

Mr. Heath made a motion to amend the ordinance, to contain legal description, seconded
by Mr. Reed.

Mrs. Colby asked what fund would this come from. Mrs. Sexton stated the fire
department fund. Mr. Workman would like to set an up a meeting to discuss the funding.

Mr. Eric Brown ask if the rules could be suspended at the next meeting since this
amendment would revert the ordinance back to a second reading. Mr. Detty stated yes.

Mr. Reed stated that Mrs. Sexton could determine the funds that would be used and
update the appropriate people. Mr. Workman would like to discuss before depleting any
funds. Mrs. Colby asked if we had enough money to cover. Mrs. Sexton stated most
would come from the levy fund. Mr. Reed stated that the option was there; the fire
department was willing to pay for the building. A note will be taken from the general
fund. Mr. Eric Brown asked if they could finance. President Humphreys stated yes. Mr.
Reed stated it was easier to borrow from the general fund.

ORDINANCE 198-06

AN ORDINANCE ASSENTING TO THE DETACHMENT OF PROPERTY.

SECOND READING

Mr. Heath made a motion to suspend the rules, seconded by Mr. Eric Brown. In a voice vote, all Council agreed.

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

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

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

ORDINANCE NO. 198-06 DULY ADOPTED.

~~ORDINANCE 198-06~~

~~AN ORDINANCE ASSENTING TO THE DETACHMENT OF PROPERTY.~~

~~SECOND READING~~

~~Mr. Heath made a motion to suspend the rules, seconded by Mr. Eric Brown. In a voice vote, all Council agreed.~~

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

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

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

~~ORDINANCE NO. 198-06 DULY ADOPTED.~~

ORDINANCE 199-06

AN ORDINANCE FINDING THE LOWEST RESPONSIBLE AND RESPONSIVE BID, AWARDING THE CONTRACT FOR THE STRUCTURAL STEEL, BUS WORK, AND MISCELLANEOUS MATERIALS AT THE VETERAN’S DRIVE SUBSTATION PROJECT, TO PROFESSIONAL ELECTRIC PRODUCTS COMPANY (PEPCO), 7329 BOETTLER OAKS DRIVE, UNIONTOWN, OHIO 44685 AND DECLARING AND EMERGENCY.

FIRST READING

Mr. Heath questioned the need to act quickly on this ordinance. Mayor Goodman stated this was priority.

Mr. Heath made a motion to adopt the ordinance, seconded by Mr. Reed. In a voice vote, all Council agreed.

Mr. Reed made a motion to suspend the rules, seconded by Mr. Heath. In a voice vote, all Council agreed.

- 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 – yes
- Mr. Hughes – yes
- Mr. Eric Brown –yes

Mr. Reed – yes
Mr. Cary Brown – yes
Mr. Stewart – yes
Mr. Heath – yes

ORDINANCE NO. 199-06 DULY ADOPTED.

ORDINANCE 200-06

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE
WATER DISTRIBUTION DEPARTMENT FUND.

FIRST READING

Mr. Reed made a motion to adopt the ordinance, seconded by Mr. Hughes. In a voice vote, all Council agreed.

Mr. Stewart made a motion to suspend the rules, seconded by Mr. Reed. In a voice vote, all Council agreed.

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

ORDINANCE NO. 200-06 DULY ADOPTED.

ORDINANCE 201-06

AN ORDINANCE TRANSFERRING APPROPRIATIONS.

FIRST READING

Mr. Reed made a motion to adopt the ordinance, seconded by Mr. Heath. In a voice vote, all Council agreed.

Mr. Stewart made a motion to suspend the rules, seconded by Mr. Heath. In a voice vote, all Council agreed.

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

ORDINANCE NO. 201-06 DULY ADOPTED.

RESOLUTION NO 26-06

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

FIRST READING

Mr. Stewart made a motion to adopt the resolution, seconded by Mr. Heath. In a voice vote, all Council agreed.

Mr. Stewart made a motion to suspend the rules, seconded by Mr. Heath. In a voice vote, all Council agreed.

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

RESOLUTION NO. 26-06 DULY ADOPTED.

ORDINANCE NO. 185-06 VETOED BY MAYOR GOODMAN

Mr. Heath asked where the money should have come from for Mr. Benson's training. Mr. Taylor's opinion could be correct to take money from the appropriate funds. These are unplanned expenses, should be cost allocations. His budget was set to fill his needs Council can better monitor his expenses. Does not feel Mr. Taylor was given all of the facts. Money was spent from a line item with insufficient funds. Mr. Benson left the funds short for the employees of certain departments. Manipulating the budget by Mr. Benson. Employees should have waited until fund was replenished before going to training. Need to set forth a standard. We cannot be forced to give money to budgets. If we support, union demands may cost the city more money.

President Humphreys stated this would not work. Water plant and wasted water plant must have training to uphold licenses. Mr. Reed stated money was there and Mr. Benson can use these funds. Mrs. Colby stated she has copies of all memos sent by Mayor Goodman to the attorneys. Service Director position is just an add on to the engineer there are no benefits to go along with this title. May be allowable, may be legal, but this needs stopped. We are using Mr. Benson's license, Abbott Stevens from the EPA says this is not necessary. She gave recommendation that Mr. Wilson's license be used. She asks for statements in writing from the EPA in regards to the 6 hours at the waste plant. Mrs. Stevens stated that she couldn't make that decision. Sara Wallace makes determinations for the water department. Mrs. Colby also asked what Mr. Ray Rasp position was, Supervisor over the Water Plant. She stated that Mrs. Stevens says his description is office manager. Mrs. Colby wants to see his job description. Mr. Eric Brown would like the chair to control his meeting, discuss only matters at hand. Members were discussing matters that did not pertain to this ordinance. Mrs. Colby stated that all issues did pertain to Mr. Benson.

In a roll call to override the Mayor's veto, Council voted as follows:

Mrs. Colby – yes
Mr. Hughes – yes
Mr. Eric Brown –no

Mr. Reed – yes
Mr. Cary Brown – no
Mr. Stewart – yes
Mr. Heath – yes
Vote Overriden
ORDINANCE NO 185-06 DULY ADOPTED.

CORRESPONDENCE

President Humphreys asked if Council needed to go into executive session to discuss the letter from the EPA. Mr. Heath stated no.

Mr. Stewart made a motion to go into executive session to discuss possible litigation, issues addressed by the Ohio EPA; any and all matters dealing with the Ohio EPA, seconded by Mr. Heath. In a roll call, 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

Council went into executive session at 7:55 p.m.

Mr. Heath made a motion to return to regular session, seconded by Mr. Eric Brown.

Council returned to regular session at 8:17 pm.

OLD BUSINESS – None

NEW BUSINESS

Mr. Eric Brown made a motion to address the Gibson lot. Mayor Goodman stated that concessions and videos to outline the group would be set up; he further stated that the administration and council should agree on this matter.

President Humphreys stated that the Jaycees were over the festival. Mr. Reed stated that the streets are given to the Jaycees; this group wants use of the vacant lot. Mayor Goodman wants to use caution; further stating this was a great group supporting a great cause. Mr. Stewart stated that many groups would like to use the lot.

Mr. Heath made a motion to adjourn, seconded by Mr. Eric Brown.

Council adjourned at 8:20 p.m.

Tera King

Tera King

Clerk

Date

9-11-06

Jim Humphreys

Jim Humphreys

Council President

Date

SEPT. 11, 2006