

## JACKSON CITY COUNCIL

*Minutes from*

September 25, 2006

7:00 p.m.

Regular Session

Jackson City Council met in regular session on Monday, September 25, 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 – absent
- Mr. Reed – present
- Mr. Cary Brown – present
- Mr. Stewart – absent
- Mr. Heath – present

Mr. Heath made a motion to excuse Mr. Eric Brown and Mr. Stewart for being Being absent, seconded by Mr. Cary Brown.

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

### **VISITORS**

Shawn Sexton, visited council to ask for an alley closure at Harding Avenue and Veterans Drive. He has a contract to purchase the former feed mill and would like to demo the current structure and clean up the site. Would like to put in a business and possibly create a few jobs within the city. City also has a lien against the metal portion of the building. Would like to have the alleys vacated and turn the four lots into one large lot.

Mr. Heath asks if this included the house that had caught on fire. Mr. Sexton replied no. He would like to use the alley/easement for paved parking. He requested suggestions from Council. Would insure that no cars would be backing onto Veterans Drive. Entire site will be razed. The lien must be cleared up before the bank will close on the loan. Mrs. Colby stated that the alley runs parallel with the street. Mr. Reed said that was on the original plat layouts for the city, it is of no use to the city. Mr. Heath stated that Veterans drive came long after the alley.

Mr. Cary Brown ask if we give the alley/easement to them will we be expected to provide parking for the Farmers Sportsman also. President Humphreys noted that Mr.

Detty was preparing forms for vacating alleys. Also stating that Mr. Sexton needs to meet with Mr. Heath, Mr. Reed and Mr. Detty to discuss. A legal committee meeting may be necessary.

## COMMITTEE REPORTS

UTILITY -- No Report

BUDGET & FINANCE -- No Report

POLICE, FIRE & TRAFFIC -- No Report

SERVICE -- No Report.

RAILROAD -- No Report.

LEGAL -- No Report.

BUILDING -- No Report.

CITY AUDITOR

LAW DIRECTOR

MAYOR

Mayor Goodman discussed the following issues: 1) Budget training will be held Thursday with the state auditor and all department heads. 2) By request of the state, officials from Wellston and Marietta will also be present for the overview. 3) Meeting in regards to crime stoppers program. This program is based out of Chillicothe, 800-222-tips; tips are anonymous with rewards up to \$2000. 4) Maximus proposal request, for city owned utilities, copy will be given to the utility committee. 5) Request from Meridian, at this point there is no way the city can wave late fees without affecting many other programs. 6) Noticed Ordinance No. 225-06, Wastewater Treatment Loan, surprised no attachments included. Low interest loan at 1% interest. This will authorize agreements if the application is approved. May need to call a special meeting.

Mr. Reed ask when will request from EPA be due. Mayor Goodman was unsure, maybe as early as this week. President Humphreys stated the ordinance did not list the interest rate or amount. Mayor Goodman stated that Jones & Henry would be at the last meeting in October to give final numbers. The meeting on Thursday starts at 1:00.

**SERVICE DIRECTOR/CITY ENGINEER -- No Report**

CHIEF OF STAFF -- No Report

ORDINANCES AND RESOLUTIONS

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ORDINANCE NO. 191-06

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

THIRD READING

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

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

ORDINANCE 191-06 DEFEATED

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ORDINANCE NO. 192-06

AN ORDINANCE TRANSFERRING APPROPRIATIONS.

THIRD READING

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

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

ORDINANCE 192-06 DEFEATED

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ORDINANCE NO. 202-06

AN ORDINANCE TRANSFERRING APPROPRIATIONS.



ORDINANCE NO. 221-06

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE  
GENERAL-GENERAL GOVERNMENT FUND.

FIRST READING

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

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ORDINANCE NO 222-06

AN ORDINANCE APPROVING THE ABOLISHMENT OF THE POSITION OF  
CHIEF OF STAFF.

FIRST READING

A motion was made by Mr. Heath to adopt the ordinance, seconded by Mrs. Colby. In a  
voice vote all Council agreed.

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ORDINANCE NO. 223-06

AN ORDINANCE COMBINING THE POSITIONS OF SERVICE DIRECTOR AND  
SAFETY DIRECTOR INTO ONE POSITION, TO BE CALLED SERVICE-SAFETY  
DIRECTOR, AND SETTING THE COMPENSATION FOR THE POSITION.

FIRST READING

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

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ORDINANCE NO. 224-06

AN ORDINANCE SETTING THE COMPENSATION FOR THE POSITION OF  
MAYOR.

FIRST READING

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

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ORDINANCE NO. 225-06

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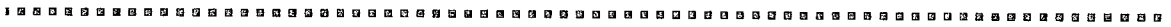


NEW BUSINESS

A motion was made by Mr. Heath to adjourn the meeting, seconded by Mrs. Colby.

ADJOURN

Meeting adjourned at 8:05 p.m.







Donovan Workman

**From:** Carl Barnett [cbarnett@jacksonohio.us]  
**Sent:** Tuesday, October 10, 2006 1:32 PM  
**To:** Donovan Workman  
**Subject:** Police Contract

Donovan,

Based on what you have given us your method of calculation for the total cost appears to be reasonable.

Carl Barnett

10/10/2006

## Donovan Workman

From: Wendy [wsexton@jacksonohio.us]  
 Sent: Tuesday, October 10, 2006 4:32 PM  
 To: 'Donovan Workman'; 'Carl Barnett'  
 Subject: RE: Effects of New FOP Contract

This appears to have included what we discussed earlier. Carl looked this over and said that it appears to be reasonable in the method of calculation based upon what he was given to look at.

From: Donovan Workman [mailto:dworkman@jacksonohio.us]  
 Sent: Tuesday, October 10, 2006 1:45 PM  
 To: 'Wendy'; 'Carl Barnett'  
 Subject: Effects of New FOP Contract

Take a look at the changes I made and let me know if this is okay  
 thanks  
 Donovan

	2006	2007	2008	2009
<b>Wages</b>	\$6,636.36	\$24,881.61	\$25,741.94	\$19,267.44
<b>Overtime/Courtime Expense 8.0%</b>	\$530.91	\$1,990.53	\$2,059.36	\$1,541.40
<b>Longevity</b>	\$1,820.00	\$8,320.00	\$9,568.00	\$11,024.00
<b>Shift Differential Increase (estimate)</b>	\$270.00	\$1,000.00	\$1,000.00	\$1,000.00
	<b>\$9,257.27</b>	<b>\$36,192.14</b>	<b>\$38,369.30</b>	<b>\$32,832.84</b>
<b>Workers Comp. 4.5%</b>	\$416.58	\$1,628.65	\$1,726.62	\$1,477.48
<b>Medicare 1.45%</b>	\$134.23	\$524.79	\$556.35	\$476.08
<b>Police &amp; Fire Pension 19.5%</b>	\$1,805.17	\$7,057.47	\$7,482.01	\$6,402.40
<b>PERS 13.75%</b>	\$1,272.87	\$4,976.42	\$5,275.78	\$4,514.51
<b>Uniforms</b>		\$1,400.00	\$1,400.00	\$1,400.00
<b>Education Incentives (estimate)</b>	\$1,400.00	\$1,400.00	\$1,400.00	\$1,400.00
<b>Insurance Buy Out (estimate)</b>	\$3,000	\$5,760	\$5,760	\$5,760
	\$17,286.12	\$58,939.46	\$61,970.06	\$54,263.31
<b>Already Budgeted in 06</b>	-12,886.12			
	4,400.00	58,939.46	61,970.06	54,263.31

10/10/2006

City of Jackson

Phone: 740-286-1112  
Fax: 740-286-8788  
E-Mail: jdetty@jacksonohio.us

John L. "Jack" Detty  
Law Director

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## Memorandum

TO: Jim Humphreys, Council President  
Council Member Brett Reed  
Council Member Cary Brown  
Council Member Wayne Stewart  
Council Member Randy Heath  
Council Member Marva Colby  
Council Member Eddie Hughes  
Council Member Eric Brown

FROM: John L. "Jack" Detty

Cc: Mayor Shane A. Goodman  
Chief of Staff Donovan Workman  
Service Director Steve Benson  
Safety Director Bryan Davis

DATE: September 25, 2006

SUBJECT: Council Meeting

Dear Council President, Council Members, and Administration:

I will be unable to be at the Council meeting when it starts at 7:00 p.m. I will attempt to arrive as soon as I can, but that will probably not be until around 9:00 p.m.

I am aware of the following matters:

1. All ordinances and resolutions have been placed in the council packets. Two ordinances of note:
  - A. Ordinance 226-06 - FOP Contract – Council needs to take action within 30 days. I have discussed with Mr. Heath when that 30 days begins to run, and Mr. Heath has touched base with the City's attorneys. Mr. Heath can fill you in on the time table in this matter.
  - B. Ordinance 225-06 – This has been prepared. There was a resolution passed in 2005 giving the Mayor the authority to execute necessary documents. The problem I have with this Ordinance is the exhibits are not attached, and I have not reviewed

them. This does need some quick action, but I have concerns since not all the pages are attached.

If you have any questions I would request that you bring them to my attention once I arrive at the meeting.

Sincerely,

John L. "Jack" Detty  
Jackson City Law Director

	2005 Gross	1.45% Employer Share Medicare	19.50% Employer Share OPF Pension	13.75% Employer Share PERS Pension	Employer Share Health Insurance
<b>OFFICERS</b>					
Aldrich	\$ 43,278.97	\$ -	\$ 8,056.89	\$ -	
Bissell	\$ 44,158.10	\$ 626.84	\$ 8,320.99	\$ -	
Callahan	\$ 52,844.31	\$ 766.26	\$ 9,039.97	\$ -	\$ -
Conley	\$ 44,518.24	\$ 627.40	\$ 8,113.37	\$ -	
Grimes	\$ 48,009.72	\$ 682.68	\$ 8,481.28	\$ -	
Jordan	\$ 45,990.05	\$ 635.00	\$ 8,457.00	\$ -	
Lewis	\$ 41,986.97	\$ 595.33	\$ 8,070.46	\$ -	
Music	\$ 48,579.47	\$ 683.93	\$ 7,476.00	\$ -	
Potter	\$ 45,675.95	\$ 648.81	\$ 8,321.71	\$ -	
Sprague	\$ 46,896.81	\$ 671.42	\$ 8,365.85	\$ -	\$ -
Taylor	\$ 44,948.00	\$ 648.69	\$ 8,517.60	\$ -	\$ -
Walls	\$ 45,458.68	\$ 648.60	\$ 7,657.98	\$ -	
Masters	\$ 46,637.76	\$ 654.12	\$ 7,328.44	\$ -	
Masters	\$ 42,998.92	\$ 600.44	\$ 7,257.82	\$ -	
Totals	\$ 641,981.95	\$ 8,489.52	\$ 113,465.36	\$ -	\$ -
Average	\$ 22.05	\$ 0.29	\$ 3.90		
	\$ 26.23				

Tera King  
Tera King  
Clerk  
Date 10/23/06

Jim Humphreys  
Jim Humphreys  
Council President  
Date Oct 23-06

City of Jackson

Phone: 740-286-1112

Fax: 740-286-8788

E-Mail: jdetty@jacksonohio.us

John L. "Jack" Detty

Law Director

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## Memorandum

TO: Jim Humphreys, Council President  
Council Member Brett Reed  
Council Member Cary Brown  
Council Member Wayne Stewart  
Council Member Randy Heath  
Council Member Marva Colby  
Council Member Eddie Hughes  
Council Member Eric Brown

FROM: John L. "Jack" Detty

Cc: Mayor Shane A. Goodman  
Chief of Staff Donovan Workman  
Service Director Steve Benson  
Safety Director Bryan Davis

DATE: September 11, 2006

SUBJECT: Council Meeting

Dear Council President, Council Members, and Administration:

Due to family obligations I will be unable to be at the Council meeting when it starts at 7:00 p.m. I will be getting to tonight's council meeting late, hopefully by 8:30 – 9:00 p.m.

I am aware of the following matters:

1. Newell v City – This is the case in which Ms. Newell has file a suit against the City over the Fire Chief's examination. Kevin Shoemaker is handling this matter for the City. Last week Mr. Shoemaker filed a Motion to Dismiss with the Court. If anyone would like a copy of this pleading please see me or Mr. Heath, as I believe he has a copy also.

2. Sometimes I believe it is a good thing to have reminders as to some procedures. Attached is a summary of the law as it relates to executive sessions. Although executive sessions are generally frowned upon, please review the summary so you are aware of the law on this subject, and address appropriate matters in executive session.

3. On the Ordinance to purchase the Buckeye Community Services property, there is an email in your packet with the line items the purchase price is to come from. This needs to be made in the form of an amendment. If you want to pass the ordinance on 9/11, the rules will need to be suspended, as once the amendment is made, it will revert back to a second reading. There is also an ordinance appropriating these moneys into the appropriate funds. This may need to be amended to include an emergency clause, if council believes there is indeed an emergency.

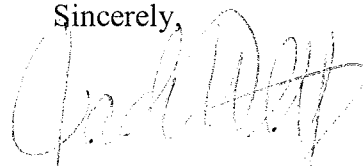
4. During the recent audit I was provided an opportunity to respond to the annual inquiry as to emergency clauses being used in ordinances. I will bring a copy of my response to the council meeting and pass it out there, as I believe this document would be a privileged communication between attorney and client and should not be shared with any other person at this time, due to the fact the audit is ongoing and is not yet final.

5. Also during the recent audit the question which has been raised in the past as to council setting limits on purchase orders was raised. I will bring a copy of my response to the council meeting and pass it out there, as I believe this document would be a privileged communication between attorney and client and should not be shared with any other person at this time, due to the fact the audit is ongoing and is not yet final. I would suggest that the Council President may wish to have the appropriate council committee to meet to address this matter to determine if any limit should be set and enacted by council.

If you have any questions I would request that you bring them to my attention once I arrive at the meeting.

I will see you sometime Monday evening.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Detty", written over a horizontal line.

John L. "Jack" Detty  
Jackson City Law Director



## EXECUTIVE SESSIONS

An executive session occurs when members of a public body exclude the public from a portion of a public meeting.<sup>459</sup> Executive sessions may be held exclusively to discuss limited matters. Only persons invited by the public body to join the executive session may attend. The public body may permit anyone it chooses to attend and, likewise, may exclude anyone it so chooses.

There are seven valid reasons for a public body to adjourn into executive session, as summarized below:

### 1. Personnel

A public body may adjourn into executive session to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official, or to consider the investigation of charges or complaints against a public employee, official, licensee or regulated individual, unless the employee, official, licensee or regulated individual requests a public hearing. However, the law does not allow a public body to hold an executive session to consider the discipline of an elected official for conduct related to the performance of the elected official's duties or to consider that person's removal from office.

There are restrictions associated with this exception. First, it does not give a person a substantive right to a public hearing. The right must already exist in Ohio or federal law before a person may demand one under this personnel exception. Second, some courts have determined that this exception may not be used unless the matters to be discussed directly affect specific personnel or regulated individuals. These decisions may also indicate that it is inappropriate to use this exception to discuss the creation of a new position.

### 2. Property

A public body may adjourn into executive session to consider the purchase of property (real property and personal property, whether it is tangible or intangible). A public body may also adjourn into executive session to consider the sale of property by competitive bid (real or personal property) if disclosure of the information would result in a competitive advantage to the other side.

No member of a public body may use this exception as subterfuge for providing covert information to prospective buyers or sellers.

### 3. Court Action

A public body may adjourn into executive session with the public body's attorney to discuss pending or imminent court action. Court action is pending if a lawsuit has been commenced. Court action is imminent if it is on the point of happening or is impending.

A public body may not use this exception to adjourn into executive session for discussions with a board member who also happens to be an attorney — the attorney should be the duly appointed counsel for the public body.

### 4. Collective Bargaining

A public body may adjourn into executive session to prepare for, conduct or review collective bargaining strategy.

### 5. Confidential Matters

A public body may adjourn into executive session to discuss matters required to be kept confidential by federal law, federal rules or state statutes.

### 6. Security Arrangements

A public body may adjourn into executive session to discuss details of security arrangements and emergency response protocols where disclosure could be expected to jeopardize the security of the public body or public office.

### 7. County Hospitals' Trade Secrets

A public body may adjourn into executive session to discuss trade secrets of a county hospital organized under Ohio Rev. Code Chapter 339.478

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THE ABOVE INFORMATION IS TAKEN FROM THE  
PUBLICATION:

***2006 OHIO SUNSHINE LAWS UPDATE  
THE PUBLIC RECORDS ACT – OPEN MEETINGS LAW***

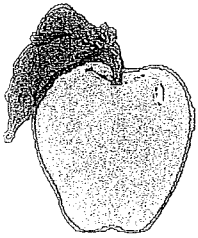
AS PUBLISHED AND ISSUED BY JIM PETRO,  
ATTORNEY GENERAL, STATE OF OHIO.

ALL FOOTNOTE REFERENCES AND CITES HAVE BEEN  
OMITTED.

## Report of the Mayor – September 11, 2006

- I received a request earlier today from the United Steel Workers Union. The union operates a program that is helping to pay the utility bills of locked-out Meridian workers. The board that awards the assistance only meets once a week and then cuts checks the following Monday. The union is concerned that their members will be late while waiting on these checks. They have asked us to waive late fees for participants in their program. I'd like for this to be considered by City Council for discussion, I told them that I would get back to them tomorrow.
- In a letter dated August 29<sup>th</sup>, I have been notified that the City has successfully competed for a Community Housing Assistance Program (CHIP) grant. We will complete documents that have been requested prior to receiving the official grant agreement.
- Starting today, we began a program in conjunction with the Jackson County Jail and the Jackson County Municipal Court. A crew of five or six inmates will be cleaning litter from the streets eight hours a day this week.
- Cinda Walker request – power to garage. See attached letter.
- I have appointed Hayden Oiler to serve on the board of the Metropolitan Housing Authority. He will complete the unexpired term of Rocky Sturgill.
- I've asked Jackson County Economic Development Director Kara Willis to attend the September 25<sup>th</sup> meeting of City Council. Kara will give a brief update on the status of Economic Development projects and objectives. I'd like to request that she be added to the meeting agenda.





# CITY OF JACKSON

145 Broadway Street • Jackson, Ohio 45561

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Mayor  
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WORLD WIDE WEB:  
[www.jacksonohio.us](http://www.jacksonohio.us)

FAX:  
740-286-3492

September 8, 2006

Mayor Shane Goodman,

Cinda Walker was in on the 7<sup>th</sup> of September to pay for an electric tap of \$400.00 for a garage at 396 Sunnysdale Rd. This is outside the City limits and needs an approval from Council for hook up....

Thank you,

Nancy Kunz

Jack,

The line items for the purchase of the fire dept property are as follows:

332-7920-54003 Fire Tax Levy Fund: Building & Other Structures

\$28,155.91

333-7930-54003 Fire Tax Levy 1995 Fund: Building & Other Structures

\$132,014.16

110-7750-54003 General Fund: General Government: Building & Other Structures

\$36,329.93

These are the line items that should be put on Ord # 196-06. We will also need to have an ordinance that appropriates these amounts in each line item. If you would please prepare that from this email. None of these line items have had appropriations in them this year.

I apologize for this just getting to you today. I got busy yesterday and it completely slipped my mind, so I came in today from a vacation day to get this to you. I know that Council was wanting this information at the next meeting.

Thanks,  
Wendy

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**From:** Eric Brown [mailto:egbrown@magicohio.com]

**Sent:** Thursday, September 07, 2006 8:52 AM

**To:** wsexton@jacksonohio.us

**Cc:** Brett Reed; Jack Detty

**Subject:** Finance Ordinance

Wendy,

I spoke with Dave Channel yesterday. Fire Dept would like to finance the remaining \$36,000 that they need to purchase the Pearl St property from the General Fund. They would like to spread it over 3 years (12,000 / yr ). Would you send Jack Detty needed line item for this so he can prepare an ordinance as needed.

Also, would you forward to Jack the lines, three I think, that we will be taking the majority of money from Fire Dept to purchase property so that he will have it ready to plug in and amend the existing ordinance. We will do this during Monday's regular Council meeting. Jack determined a separate meeting wasn't needed.

Thanks,  
Eric Brown