

JACKSON CITY COUNCIL

Minutes from
January 10, 2007
7:00 p.m.
Regular Session

Jackson City Council met in regular session on Wednesday, January 10, 2007, at 7:03 p.m. at the Jackson City Council Chambers. President pro tem Reed 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 – absent
- Mr. Eric Brown – present
- Mr. Reed – present
- Mr. Cary Brown – present
- Mr. Stewart – present
- Mr. Heath – present

Mr. Heath made a motion to excuse Mr. Hughes and President Speakman, seconded by Mrs. Colby. In a voice vote, all Council agreed.

Mrs. Colby made a motion to approve the minutes from December 11, 2006 special session, December 11, 2006 regular session, December 13, 2006 special session, December 14, 2006 special session, and December 18, 2006 special session, seconded by Mr. Eric Brown. In a voice vote, all Council approved.

VISITORS

COMMITTEE REPORTS

UTILITY

Mrs. Colby stated she had no report. Mr. Heath passed out a handout for Michelina's to be given to Jones & Henry. City attorneys thought this information would be helpful with the EPA. Recent study done, this would cost about \$1200 to calculate the loss according to this sheet. If we lose Michelina's, how would this affect the residential customers? Mrs. Colby ask why this information could not come from the utility department. Mr. Stewart stated he has the numbers from commercial, industrial and apartments. The rate structure needs to be fair. Mr. Heath stated Jones & Henry would also look at staffing and supply cost. Mr. Reed stated the administration would have to approve. Mrs. Colby stated this has been addressed. Mr. Stewart stated the issue of water has been addressed, not the waste, grease and sewer, this also affects these rates.

Mr. Heath does not want to spend unnecessary funds, but we need an independent study. Mr. Stewart stated their figures were not accurate, and at the last minute rates changed. Mr. Reed stated this would be discussed later.

BUDGET & FINANCE

Mr. Reed would like to set a meeting for Tuesday at 6:00 in Council Chambers. He requested the auditor be present to answer questions, in regards to the budget.

POLICE, FIRE & TRAFFIC

SERVICE

Mr. Eric Brown stated the public hearing held at 6:30 tonight led to no public concerns in regards to the alley closure at Harding and Veterans.

RAILROAD

LEGAL

Matters to be discussed in executive session.

BUILDING

CITY AUDITOR

Mr. Humphreys passed out his report, see attached. Lillian Jones funds moved into a fund at Oak Hill Bank. Ordinance for new time keeping system, must be in place before time change. Issues for executive session.

LAW DIRECTOR

See attached.

MAYOR

Fund projections, concur that numbers are in line and all parties agree. Mr. Benson, Mr. Workman, Mr. Reed and the auditor all worked together. Traditionally, State of the City address given at the first meeting, will be given at the January 22, 2006 meeting. Commended Larry Fisher for completing 500 hours of advanced training; this was a three year project. Certificate attached. Mayor Goodman met with the County Commissioners over jail space. Discussed the different studies. The space referred to has been given to Judge Michael. This is a concern and does need addressed. May step this project backwards. The city incurred \$135,000 in outside county jail expense. This problem will not get better. Mr. Heath ask if funds would come from sales tax revenue or from the general fund. Municipal Court Judge has offered to renovate the facility with

their funds. The main issue is staffing. He asked for them to price on bed space and give the municipalities; these rates could possibly pay for the staffing and keep funds in the county. Relocation of court chambers is not permanent but setback. Mr. Heath ask if this male or female. Mayor Goodman stated, both, female facilities are a priority. Discussions are continuing, contracts would be approved by Council. Mayor Goodman has seen a raise in serious medical procedure cost. The safety director has met with the fire chief and will be at the January22 meeting to discuss. Mayor Goodman stated the Seeman's study has been completed. They can attend a future meeting to discuss. Mayor Goodman stated that Ordinance No. 03-07 is an employee award program. This is part of the policy and procedure, only one applicant this year. The \$1000 award will be given to Lyn Speakman in regards to the cost savings with the Workers Compensation fund. She has gone above and beyond with savings to the city in the thousands. Would like to see council approve. Have items to discuss in executive session, litigation with Kida Newell, FOP contractual matters, EPA negotiations and other potential litigation.

SERVICE DIRECTOR/CITY ENGINEER

CHIEF OF STAFF

See Attached.

SAFETY DIRECTOR

POLICE CHIEF

ORDINANCES & RESOLUTIONS

ORDINANCE NO. 283-06

AN ORDINANCE TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

3rd Reading

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

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

ORDINANCE NO. 283-06 DEFEATED

ORDINANCE NO. 285-06

AN ORDINANCE AMENDING ORDINANCE NO. 268-06 AS TO THE LINE ITEM,
AND DECLARING AN EMERGENCY.

3rd Reading

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

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

ORDINANCE NO. 285-06 DULY ADOPTED

ORDINANCE NO. 02-07

AN ORDINANCE ESTABLISHING PERSONAL LEAVE/TIME OFF FOR THE
POLICE CHIEF AND ASSISTANT POLICE CHIEF.

41st Reading

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

Mr. Humphreys stated that the chief and assistant only get 32 hours verses 40 hours of other employees. Would like to see everyone in unison. Without this, it creates double the work. Will cost the city approximately \$300 per year.

ORDINANCE NO. 03-07

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE
GENERAL FUND, AND DECLARING AN EMERGENCY.

1st Reading

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

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

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

ORDINANCE NO. 03-07 DULY ADOPTED

ORDINANCE NO. 04-07

AN ORDINANCE VACATING THE ALLEY RUNNING IN A GENERAL EAST AND WEST DIRECTION, EXTENDING FROM VETERANS DRIVE IN AN EASTERLY DIRECTION, AND LYING BETWEEN LOT 81 AND LOT 82 IN THE JAMESTOWN ADDITION OF THE CITY OF JACKSON, OHIO

1st Reading

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

Mr. Detty noted that the emergency clause had been left out. Mr. Eric Brown stated this alley is under an existing structure. Purchaser would like to proceed with cleanup.

Mr. Heath made a motion to add the emergency clause, seconded by Mr. Stewart. In a voice vote all Council agreed.

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

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

ORDINANCE NO. 04-07 DULY ADOPTED

RESOLUTION NO. 01-07

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF JACKSON, OR HIS DESIGNATED REPRESENTATIVE, TO FILE AN APPLICATION, AND EXECUTE ANY AND ALL AGREEMENTS OR DOCUMENTS WITH THE OHIO DEPARTMENT OF NATUREAL RESOURCES FOR THE NATURE WORKS GRANT, AND DECLARING AN EMERGENCY.

1st Reading

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

Mr. Workman ask Council to pass this resolution tonight. Further stating we apply for these yearly. Last year funds were used for the pool project.

Mr. Stewart made a motion to suspend the rules, seconded by Mr. Reed. In a roll call vote, Council voted as follows:

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

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

Mrs. Colby – yes
Mr. Hughes – absent

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

RESOLUTION NO. 01-07 DULY ADOPTED

RESOLUTION NO. 02-07

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF JACKSON, OR HIS DESIGNATED REPRESENTATIVE, TO FILE AN APPLICATION, AND EXECUTE ANY AND ALL AGREEMENTS OR DOCUMENTS WITH THE BASEBALL TOMORROW FUND, AND DECLARING AN EMERGENCY.

1st Reading

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

Mr. Heath asked if this required a match. Mr. Workman stated yes, but this can be in kind.

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

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

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

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

RESOLUTION NO. 02-07 DULY ADOPTED

RESOLUTION NO. 03-07

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF JACKSON, OR HIS DESIGNATED REPRESENTATIVE, TO FILE AN APPLICATION, AND EXECUTE ANY AND ALL AGREEMENTS OR DOCUMENTS WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE LAND WATER CONSERVATION GRANT, AND DECLARING AN EMERGENCY.

1st Reading

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

Mr. Stewart ask if this was a 50/50 grant, and will it be used for a shelter house and picnic tables at the pool. Mr. Workman stated this will be inside the pool area. Estimated cost is \$12,000, mostly in kind match.

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

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

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

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

RESOLUTION NO. 03-07 DULY ADOPTED

RESOLUTION NO. 04-07

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF JACKSON, OR HIS DESIGNATED REPRESENTATIVE, TO FILE AN APPLICATION, AND EXECUTE ANY AND ALL AGREEMENTS OR DOCUMENTS WITH THE OHIO

DEPARTMENT OF TRANSPORTATION FOR THE TRANSPORTATION
ENHANCEMENT FUNDING, AND DECLARING AN EMERGENCY.

1st Reading

Mr. Stewart made a motion to adopt the ordinance, seconded by Mr. Eric Brown. In a voice vote, all Council did not agree, with Mr. Heath casting a nay vote. In a roll call vote, Council voted as follows:

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

Mr. Heath stated he had a problem with timing, this grant poses that same questions as the last, should have all questions answered before proceeding. Mr. Workman stated that ODOT encouraged us to apply for this grant, 80/20 match. Mr. Reed stated this will not go as an emergency. Mr. Stewart stated the 20% match; do we have an approximate cost? Mr. Workman stated that Mr. Heath states he is not sure, but all questions have been answered. He asked that all questions be given to him in writing and that he will answer. Mr. Heath spoke Senator Carey in regards to funding, still has some unanswered questions. He would like to see the projected cost. Not against applying, just feels there is a lack of communication. Mayor Goodman stated that he spoke with Margene Kennedy at the Governor's office and further stated that all questions have been answered. Mr. Heath asked if the ODOT funds were state or federal. Mayor Goodman replied federal. Mr. Eric Brown stated that we do not want to lose funds we have secured. He feels the school board needs to be involved; they also have access to grant funding. Mayor Goodman stated this was a good point and would make arrangements to meet with the schools. With state funds, the project can be completed with out using city funds. The city's match will go through the state funds. This allows for future matches. We currently have tree harvest funds available also. Mrs. Colby can we use this for the phase 1 match. Mayor Goodman stated yes, he will provide documents if necessary.

RESOLUTION NO. 05-07

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF JACKSON, OR HIS DESIGNATED REPRESENTATIVE, TO FILE AN APPLICATION, AND EXECUTE ANY AND ALL AGREEMENTS OR DOCUMENTS WITH THE TONY HAWK FOUNDATION FOR A GRANT TO ASSIST IN THE CONSTRUCTION OF A SKATE PARK, AND DECLARING AN EMERGENCY.

1st Reading

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

Mrs. Colby ask about stipulations, matching funds and experienced contractor. Mr. Workman stated there are no matching funds, cannot restrict use, but can set hours. Mr. Eric Brown noted that the skate park in Athens was funded by Tony Hawk. The Tony Hawk grant will demand professional construction; they want these parks to build once. Mrs. Colby ask the amount of the grant. Mr. Workman stated there is a \$25,000 limit, stating that tree harvest funds could also be used. He would also like to see the skate park committee raise additional funds. He would like to initially spend \$50,000. Mr.

Reed feels this would be a great asset, but professionals need to be involved in construction. Mr. Workman stated that Mr. Southward and the committee will come to a future meeting. He further stated that the city is covered according to there insurance agent.

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

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

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

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

RESOLUTION NO. 05-07 DULY ADOPTED

RESOLUTION NO. 06-07

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF JACKSON, OR HIS DESIGANATED REPRESENTATIVE, TO FILE AN APPLIFOR THE SAFE ROUTES TO SCHOOL GRANT, AND DECLARING AN EMERGENCY.

1st Reading

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

Mr. Stewart made a motion to suspend the rules, seconded by Mr. Reed. In a roll call vote, Council voted as follows:

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

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

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

RESOLUTION NO. 06-07 DULY ADOPTED

CORRESPONDENCE

Mr. Heath made a motion to move into executive session to discuss potential litigation with Kida Newell, contractual negotiations with the FPB, negotiations with the FOP, and potential litigation involving employees, seconded by Mr. Eric Brown. In a roll call vote Council voted as follows:

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

Council moved into executive session at 8:10 p.m.

Mr. Heath made a motion to return to regular session, seconded by Mr. Eric Brown. In a voice vote, all Council agreed.

Council returned to regular session at 9:35 p.m.

Mr. Cary Brown excused himself at 8:30 p.m. during executive session.

OLD BUSINESS

NEW BUSINESS

Mr. Heath discussed the sheet to be given to Jones & Henry to fill out rates. Mr. Reed asked the timeframe for the information. Mr. Heath stated we need these numbers by January 19th, could possibly use old water rate study. Mr. Stewart stated that they need to go to the utility office to get the numbers. We have the data to work with. Mr. Humphreys asked why we could not obtain the numbers. Mr. Heath stated we need an independent rate study. Mrs. Colby stated we paid \$19000 for a water study that told us nothing. She is against this proposal. Mr. Stewart, the operation of our facility is a fixed cost. Get the information needs, so they can calculate. Mr. Reed stated we cannot cut employees to run the plant, could possibly have Jones & Henry sign off on figures we come up with. Mr. Heath stated we have twelve days to get these numbers. Mayor Goodman stated we will work on getting these numbers. Mr. Reed stated we need get an estimated cost on electric and chemicals. Mr. Heath stated the study will cost \$1200 and show the overall affect, if we lose Michelina's. Mr. Stewart stated the utility office can give a detailed breakdown of this information. Mr. Eric Brown stated the time line is crucial. Mr. Stewart with the administrations blessing, he will gather the information and have the final numbers by Friday. Mr. Reed stated the only concern of the EPA is sewer fund. Mr. Stewart stated the Michelina's problem is resolved, and our attorneys stated we have a good case. Mr. Reed stated that a motion needs to made, let administration make the final decision. We need this information ASAP. Mr. Eric Brown as Mr. Detty to take over as President so Mr. Reed could vote.

Mr. Eric Brown made a motion to let Jones & Henry obtain information from the city to get information needed on sewer rates only, per Randy's request. Motion died due to lack of second. Mr. Heath ask if Jones & Henry had this information. Mayor Goodman could not say for sure, stating he could have taken care of this with out Council. Mr. Heath stated this information might be useful, Mr. Benson felt this was a good idea. Jones & Henry called Mr. Benson with the cost of this study. We did not think there would be an additional cost.

Mr. Heath made a motion to direct administration to obtain these numbers by Monday, January 22, 2007 for Jones & Henry, seconded by Mr. Eric Brown. In a voice vote, all Council did not agree with Mrs. Colby casting the nay vote. In a roll call vote, Council voted as follows:

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

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

ADJOURN

Mr. Stewart made a motion to adjourn, seconded by Mr. Heath. Council adjourned at 10:00 p.m.