

JACKSON CITY COUNCIL

Minutes from
February 26, 2007
7:00 p.m.
Regular Session

Jackson City Council met in regular session on Monday, February 26, 2007, at 7:05 p.m. at the Jackson City Council Chambers. President Speakman 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 – absent
- Mr. Stewart – present
- Mr. Heath – present

Mr. Heath made a motion to excuse Mr. Cary Brown, seconded by Mr. Reed.

Mr. Reed made a motion to approve the minutes from February 12, 2007 and February 20, 2007 seconded by Mrs. Colby.

VISITORS

Marvin Ross and Katie, Seasongood and Meyer were scheduled to address Council, but did not show.

Greg Ervin, Friends of the Trail. Mayor Goodman invited members to give an update on the work to be done. Mr. Workman passed out maps and budget breakdown (see attached) on this project. No action will be needed tonight, just an update of funding and timeline. The two phases would now become three, Harding to Westview, Harding to Adena, and Adena to Southview. Phase III will be the most costly. The project would start in 2007 and continue through 2009, with approximately 2.3 miles of path. We are seeking the majority of Council's approval.

Mr. Ervin stated that the community has shown support for this project that first started with a planning meeting on August 30, 2006. In October 2006 the group did a walking tour of the area to be developed. This has been a well thought out project. We have worked with the state to secure funds. This project offers options for our community and families. Mrs. Allison, a Chestnut Street resident spoke on the group's behalf, stating that her family looked to many areas before deciding to move to Jackson.

She values the quality of life and the opportunity of our community. She would like to see Council move forward with this project. Mr. Seth Stockmeister, concerned citizen, stated this would be a healthy activity with no cost to the residents. This gives our students a safe route to school. Many residents are excited to see this project continue.

Mr. Ervin further stated he would like to see this project started and done well, with the funds we have secured. This will take several years to complete. Mr. Reed stated Council has always supported the bike path, the problem laid in the funding. New proposal looks good. Mr. Heath stated he has always supported the path, the proposal tonight is much more reasonable. The major obstacles have been addressed. Mrs. Colby asks Mr. Ervin if he had the percentage of people who use the paths in neighboring cities. Mr. Ervin did not have that information, but stated he would gather. Mr. Reed asked the administration if we will use the red line outlined on the map. Mr. Workman stated he did not think this would be a problem. He has sent a letter to Columbus for final approval. Mr. Heath stated he was a member of the Clean Ohio stated the red line route gives better access to the Berridge property and this would give our residents access to enjoy nature. Mrs. Colby asked which specifications would be used for Phase II and Phase III. Mr. Workman stated that Mr. Benson would be responsible for engineering. Mrs. Colby asked the width of the path. Mr. Workman stated Phase I would be 14' and Phase II and III would be 10'. Mr. Heath asks if we follow the red line will we cross the creek. Mr. Workman stated yes. Mayor Goodman made modifications specific to concerns. We would like to move forward with the bids. Mr. Heath asked will the other projects currently in progress will the engineer have time to focus on this project. Mr. Benson stated this would not be a problem. Mr. Eric Brown asked how this would all tie in at Adena. Mr. Workman stated the drawing is out of proportion. Mr. Heath asked if we had secondary options.

COMMITTEE REPORTS

UTILITY - No Report

BUDGET & FINANCE – No Report

POLICE, FIRE & TRAFFIC – No Report

SERVICE – No Report

RAILROAD

Mr. Stewart stated there is a meeting scheduled for March 8, 2007 at 1:00 p.m. in the Mayor's office. Mayor Goodman stated any issues should be submitted in writing.

LEGAL

Mr. Heath reported that Mr. Shoemaker says arbitration has been postponed until March 14, 2007. With the current ordinance on the table, this could be resolved before this date.

BUILDING – No Report

CITY AUDITOR

Mr. Humphreys stated that Ordinance 24-07 is an emergency and needs approved. The Investment Board will be meeting February 28, 2006 to discuss reinvesting CD's. The Then & Now resolutions need passed. We have several, due to the fact that we are not getting the purchase requisitions in a timely fashion. We need a procedure in place. Per the state auditor, only Council can stop the Then & Now Certificates, these are unauthorized purchases. This should be a rarity and it happens weekly. Mr. Reed asked if there were more outstanding. Mr. Humphreys stated he had 5 more in his office. The state auditor stated that employees need to state their reason for failure to obtain proper documentation. Mr. Heath asks if this was in part to lack of planning. Mr. Stewart asked if the administration would state who's at fault. Mayor Goodman stated this is an issue, will be discussed tomorrow at the department meeting. We will accept responsibility and try to resolve this issue. Mr. Speakman stated if the department heads were made to pay the invoices, it would stop.

Mr. Humphreys stated the new time keeping system is in place and will help the supervisors track their employees.

LAW DIRECTOR

Mr. Detty passed out an article on the Ohio Revised Code, see attached.

MAYOR

Mayor Goodman reported that Kevin Meredith had contacted the city in regards to the cemetery by Hammertown Lake, requesting additional property. He stated that a meeting had been held to address the litter issue at the lake. The Mayor and Mr. Workman had attended a Launch and Jackson County Children's First meeting to support their activities. Several letters had been sent to nuisance properties, will wait the allotted time to enforce. The street and alley department are working on street repairs after the recent storms. There is a tourism meeting scheduled this week. Mr. Hughes has been the representative for Council on this board and they would like him to continue this role. Would like the utility committee to meet with Seiman's to further discuss their proposal. Mrs. Colby stated she was not present. Mayor Goodman stated he would like Mrs. Colby to schedule a meeting. Mr. Heath stated he would like to address the reading of the meters. Mayor Goodman stated that the utility committee should listen to this presentation.

Mr. Eric Brown made a motion for Mr. Hughes to represent Council on the Visitor and Convention Board, seconded by Mr. Stewart. In a voice vote, all Council agreed.

SERVICE DIRECTOR/CITY ENGINEER

Mr. Benson gave a brief report (see attached). Mr. Heath asked about the base load, is this opposite of the hydro plant, coal fired plant. Mr. Benson stated the cost would be built into the rates, 40-45 year financing. This plant is designed around the new regulations. Carbon dioxide is an issue, this is very complicated. Mr. Eric Brown stated the hydro plant; the base load is 6-8% of our usage. How much will this effect. Mr. Benson stated he copied the report and it is in their boxes. Mr. Heath asked is this plant being built to replace Gorsuch. Mr. Benson stated yes, we get 6% usage. Mr. Humphreys stated Seasongood & Meyer had sent several studies on the water treatment project. This is up for bid. Could come in lower and have lower interest rates. Katie will be here after bids are received.

CHIEF OF STAFF

Mr. Workman stated the bike path is a great opportunity, after the bids are received we will have an accurate cost. Ordinance No. 20-07 is for a replacement fence at the impound lot. We are storing the new equipment for substation at the impound lot. Please approve this tonight.

SAFETY DIRECTOR – No Report.

POLICE CHIEF - Absent

ORDINANCES & RESOLUTIONS

ORDINANCE NO. 17-07

AN ORDINANCE ESTABLISHING APPROPRIATIONS FOR JANUARY 1, 2007 THROUGH DECEMBER 31, 2007, AND DECLARING AN EMERGENCY.

Third Reading

Mr. Heath asked if project balances are revenue or money available. Mr. Reed stated that revenue is money earned; revenue is not from a loan. \$5.7 million is project money; we will be spending more than we bring in. Mr. Heath asked if the budget will ever be broke down to see only day to day operations. Mr. Reed this is a line item budget and it works, there are still ways to improve. Mr. Reed the operational cost is a break down to projects.

Mr. Heath asked if the 250,000 for the bike path is in the budget. Mr. Workman stated this is state capital funds. Mr. Heath asked if money was in the budget for sidewalks.

Mr. Workman stated that there were funds for sidewalks and paving. Mrs. Colby stated at the last meeting, the budget hand out, we would be spending \$4 million in surplus. Mr.

Reed stated that some funds are revenue versus expenses; \$150,000 for sidewalks, \$500,000 storm water, and \$750,000 waste water will come from the General Fund. Mrs. Colby stated we are still \$10 million more than three years ago. Mr. Reed after removing projects are budget is \$29 million. Mrs. Colby asked where the \$2.2 million come from last week. Mr. Reed this is in part to double up of the project expenses. Mr. Heath asked about park enhancement. Mr. Workman stated we have received a grant for the softball field. Nature works Grant for repaving of basketball court. Tree Harvest fund \$40,000 for Skate Park. Mr. Heath asked how much was a grant. Mr. Workman the grant was for \$25,000.

Mr. Reed made a motion to amend the skate park budget to \$25,000, seconded by Mr. Heath. In a voice vote, all Council agreed. Mr. Heath made a motion to amend page 7, 223 funds, \$8,000 was not added into the total, seconded by Mr. Eric Brown. In a voice vote, all Council agreed.

Mr. Heath asks if the 700 hours for part time positions be used. Mayor Goodman replied, yes for the pool and athletics. Mrs. Colby asked when Council approves this budget, will Council and the administration live within the budget. Mr. Reed stated he would hope so.

Mrs. Colby stated we had over 300 ordinances last year, most were requesting more funding. Mr. Heath commended Mr. Reed for his dedication to the preparing the budget.

ORDINANCE 19-07

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO, AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. AND DECLARING AN EMERGENCY.

Second Reading

ORDINANCE NO. 20-07

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

1st Reading

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

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

Mrs. Colby – yes
Mr. Hughes –yes
Mr. Eric Brown – yes
Mr. Reed – yes

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

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

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

ORDINANCE NO. 20-07 DULY ADOPTED

ORDINANCE NO. 21-07

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT
BETWEEN THE CITY OF JACKSON, OHIO, AND THE BOARD OF
COMMISSIONERS OF JACKSON COUNTY, OHIO, FOR THE PROVISION OF A
PUBLIC DEFENDER FOR INDIGENTS, AND DECLARING AN EMERGENCY.

1st Reading

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

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

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

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

Mr. Stewart – yes
Mr. Heath – yes

ORDINANCE NO. 21-07 DULY ADOPTED

ORDINANCE NO. 22-07

AN ORDINANCE REVOKING AND ANNULLING ORDINANCE NO. 276-06,
RELATING TO SEWER RATES, SO AS TO ELIMINATE THE SEWER RATE
INCREASES SET FORTH IN ORDINANCE NO. 276-06, AND DECLARING AN
EMERGENCY.

1st Reading

Mr. Heath stated that this information was brought forward at the last meeting and this needs passed tonight. Mrs. Colby asked if we get a new study, how this will affect the residents. Mr. Heath stated this is not fair to business and industry. Mr. Reed stated that in a conversation with Jones & Henry, if we pass rates we would be building cash, we have two years to address this issue. Mrs. Colby asked if this needed done now. Mr. Benson stated that Council is looking for a different rate study. Mrs. Colby is afraid if we wait until 2009 it will have a negative impact on residents. Mr. Heath stated that the rate study was flawed; we were rushed to please the EPA. Further stating this needs done tonight, to save the utility department a lot of work. Mr. Eric Brown stated that when Jones & Henry were here they presented three rate structures. Must be a straight line charge. The ordinance passed in December was multi tier and would like to find a happy medium, we do not want to over inflate rates. Mr. Eric Brown stated we do not want to lower rates for some and raise rates for others. Mr. Reed stated this needs kicked out until we have a fair rate structure. We never had any intention of keeping this structure.

Mr. Heath stated that structure was passed quickly and we knew this would be readdressed.

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 roll call vote, Council voted as follows:

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

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

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

ORDINANCE NO. 22-07 DULY ADOPTED

ORDINANCE 23-07

AN ORDINANCE SETTING CERTAIN POLICIES FOR THE CITY CONTROLLED
CABLE CHANNEL 24, AND DECLARING AN EMERGENCY.

First Reading

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

Mrs. Colby has concerns with the channel, Mr. Woltz first ask if any Council person would like their pictures on the channel, then when election time rolled around, he removed Mrs. Colby and Mr. Heath. She would like to know why the Mayor's picture has not been removed, since he is running for reelection. Mr. Heath stated this was mentioned several years ago, could care less whose picture is on there, but the option should be there. Mr. Stewart asked Mr. Detty since this does not involve funds, can Council act upon this. Mr. Detty stated picture or no picture, should be no special treatment. He has not determined whether this is legislation. Mr. Reed stated the channel is provided by the cable provider, income issue, we should have the authority. Mrs. Colby stated the FCC does not govern; all should be removed during an election year.

ORDINANCE NO. 24-07

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

1st Reading

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

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

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

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

ORDINANCE NO. 24-07 DULY ADOPTED

RESOLUTION NO. 13-07

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

1st Reading

Mrs. Colby stated that everyone knows how I feel, I will vote tonight, but never again.
Mr. Reed stated this should be a consensus with Council.

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

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

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

Mrs. Colby – yes

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

RESOLUTION NO. 13-07 DULY ADOPTED

RESOLUTION NO. 14-07

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

1st Reading

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

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

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

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

RESOLUTION NO. 14-07 DULY ADOPTED

RESOLUTION NO. 15-07

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

1st Reading

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

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

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

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

RESOLUTION NO. 15-07 DULY ADOPTED

RESOLUTION NO. 16-07

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

1st Reading

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

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

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

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

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

RESOLUTION NO. 16-07 DULY ADOPTED

RESOLUTION NO. 17-07

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

1st Reading

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

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

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

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

RESOLUTION NO. 17-07 DULY ADOPTED

RESOLUTION NO. 18-07

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

1st Reading

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

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

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

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

RESOLUTION NO. 18-07 DULY ADOPTED

RESOLUTION NO. 19-07

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

1st Reading

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

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

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

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

RESOLUTION NO. 19-07 DULY ADOPTED

Mr. Heath made a motion to move into executive session to discuss property acquisition, former employee litigation and contractual issues, seconded by Mr. Eric Brown. In a roll call vote, Council voted as follows:

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

Council went into executive session at 9:15 p.m.

Mr. Heath made a motion to return to regular session, seconded by Mr. Eric Brown.
Council returned to regular session at 9:35 p.m.

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

ADJOURN

Mr. Heath made a motion to adjourn, seconded by Mr. Eric Brown. Council adjourned at 9:36 p.m.

APPROVAL

Tera L. Brown
Clerk

Date _____

Ronald Speakman
President

Date _____