

JACKSON CITY COUNCIL

Minutes from

April 9, 2007

7:00 p.m.

Regular Session

Jackson City Council met in regular session on Monday, April 9, 2007, at 7:00 p.m. at the Jackson City Council Chambers. President Speakman called the meeting to order. The Pledge of Allegiance was led by President Speakman and followed by prayer, 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. Heath made a motion to amend the agenda and add Dawn Taylor to the visitors and Treasurer to the committee reports, seconded by Mr. Reed. In a voice vote, all Council agreed.

Mr. Stewart made a motion to approve the minutes from March 26, 2007 seconded by Mr. Cary Brown. In a voice vote, all Council agreed.

VISITORS

Brad Burnside, Jackson County Apple Festival, requesting the streets of Jackson for the 2007 Jackson County Apple Festival (see attached memo). Mr. Heath made a motion to grant use of the streets for the 2007 Jackson County Apple Festival, seconded by Mr. Reed. In a voice vote, all Council agreed.

Dawn Taylor, Tender Fluff Donuts owner. Mrs. Taylor stated that in November 2006 that Paul Ward of the City Electric Department was working on a three phase transformer located outside her business and that her husband Mr. Mike Taylor told them that his building was not three phase. The next day the transformer was replaced and turned on around 1:00 p.m. At approximately 4:00 p.m. her employees phoned her from their cell phone to notify her that the phones no longer worked. She brought in electrician Mark Wyant to test the circuits and discovered that 220V were running through 110V lines, the city crews had crossed the wires. The city was at fault. Mr. Ward from the city came to inspect and told Mrs. Taylor to obtain a list of the items damaged and they would replace. Mr. Benson later told them to turn the list into their

insurance company and the city would reimburse the deductible. Mrs. Taylor stated there were witnesses to Mr. Ward's statement that the city would pay for everything. On December 19, 2006 the city filed immunity, except for the deductible. She tried to contact Mr. Benson and he never returned her calls. Mrs. Taylor went to Mr. Benson's office, and stated when she walked in he asked her "what is it now." Mr. Benson explained to her that this was policy. She further stated that Mr. Benson used profanity toward her and that her son was present. She left his office and went to the Mayor's office; he took her information and stated he would contact her. He did not apologize for Mr. Benson's behavior. Mrs. Taylor stated to date she has heard no response from the Mayor. She further stated that her premiums have risen due to the fact she turned in the damages caused by the city.

Mrs. Colby asked the Mayor if Mr. Benson had been reprimanded. Mayor Goodman stated that this matter had been taken care of, but it was a personnel matter and could not be discussed. Mrs. Colby stated the city is responsible for the damages. Mr. Speakman stated this should go before the Utility Committee for investigation. Mrs. Colby stated that others had damage done to their property by the city in the past and the city had paid to have the items repaired. Mr. Reed asked who those others were. Who knew of Pete Bopp. Mrs. Colby stated that she remembers David Delay, the Zone, and Luigino's.

COMMITTEE REPORTS

UTILITY

Mrs. Colby stated that the Utility Committee had met on Thursday and discussed the rate reduction proposal. They had a good discussion; however there are more figures to be reviewed. Mrs. Colby stated there will be a meeting next week to review AMP Ohio and the Seaman's proposal. This meeting will be held on April 19, 2006 at 6:00.

BUDGET & FINANCE – No Report

Mr. Reed scheduled a Budget & Finance meeting for April 19, 2006 at 6:00.

POLICE, FIRE & TRAFFIC

Mr. Eric Brown reported that a meeting was held on April 3, 2006 to discuss the one-way street by the middle school. At the time of the meeting the school had not responded to this action. Later they notified Mr. Eric Brown of a concern with the bus traffic. The committee also discussed vacating the alley by the Methodist Church. There recommendation was to make this one way from Portsmouth Street to Broadway Street and that no through traffic signs could be put in place during services and special events. The traffic signal at West, State and Bridge Streets will be changed to LED. He stated that the light by CVS had been looked at and was working much better. ODOT is conducting a study and more changes may be made.

SERVICE

Mr. Eric Brown reported that the Service Committee had met and the following was discussed. Atomic Drive submitted bore samples; they would recommend making

this a city street. Street paving was discussed and the list of streets was reviewed, a final decision will be made after the bids are returned. The flood committee met and recommends the bridge at Manpower Park be corrected. Ownership of the parking is in question. Mayor Goodman stated that the future of the parking area is of no concern. Mr. Cary Brown stated that the corrugated pipe was blocked by concrete. Mrs. Colby asked if Atomic Drive was a dead end street. Mr. Eric Brown stated it goes to the corner and ends; there is another street that goes to the right. Mr. Humphreys asked if we gave the church what they ask for. Mr. Eric Brown stated we did not want to vacate this alley; we only gave them permission to close during events. Mr. Heath stated that the church officials were only concerned with safety.

RAILROAD – No report.

LEGAL

Mr. Heath reported that the Mr. Hodge unemployment hearing had been held dealing with the second appeal filed. He covered the events, in May 2006 we were given three weeks to respond, this was turned over to the administration. Mr. Howarth was unaware of the deadline. He filed a motion of reconsideration. Attorney Richard Lewis had filed an appeal for Mr. Hodge. This hearing lasted approximately 30 minutes, and a decision will be rendered in 30 days. The Legal Committee will meet on April 17, 2006 at 6:00; this will be open session with some portions going into executive session. The city's attorneys will be there to update on all pending cases and their contract.

BUILDING – No Report

CITY AUDITOR

Mr. Humphreys stated that a check in the amount of \$15,000 from Time Warner Cable was received today for 2007. He noted that the lawyer funds are depleted; we need to make sure we have the funds to cover the remainder of their contract. He needs a signed copy of the police contract; the PERS and retirement fund must be paid on time. The credit card situation is being discussed with the state, we would like to pay this and stop paying the monthly interest. Recently an employee in the Auditor's office was terminated, this position has been eliminated. Requested an executive session to discuss Mr. Hodge's request for sick time and vacation time. Mr. Detty stated this could be pending litigation. Mr. Speakman requested the total amount and breakdowns of fees paid to outside attorneys over the past six years.

TREASURER

Mr. Perry has been acting treasurer for the past 15 months and he disagrees that the city is broke. Through the past and present administrations along with the investment board, these funds (liquid, short term, etc.) are monitored. We are currently at an average of 5% interest being paid, with a projected interest gain of \$870,000 this year. 2/3 of those funds will go to the general fund, with 1/3 going to dedicated funds. We are doing everything to make sound and wise investments for the city. Mr. Heath stated they had done well on investments but the city's finances were two fold. Mr. Perry stated that any funds that can be invested will be. Mrs. Colby stated you do not run the city; we are

spending more than we are bringing in. Mr. Humphreys states he will concur with the treasurer to continue investing wisely. The bond agreement for the substation puts \$1.9 million in untouchable funds. These funds will be placed in Star Ohio. Amp Ohio requires us to keep more or less 3 months in reserve. Approximately \$1.5 million will be placed in Star Ohio. He went on to say that the ORC requires all banks to protect the cities investments.

LAW DIRECTOR

Mr. Detty stated that the lien on the Buckeye Community Services building has been resolved, we now have full title. Gave some insight on pending adult entertainment a regulation, Jackson is ahead of the game. Opinion on the new Attorney Generals regulations on open records and open meetings. Mr. Heath asked the new substation land, who has ownership? Mr. Detty stated that an ordinance came before Council, on how property will be purchased. Mr. Heath asked who was paying the property taxes. Mr. Detty stated he would research. Mrs. Colby stated this property has not been paid for. Mr. Detty stated it was agreed on \$50,000 an acre. Mrs. Colby stated that we may never sell any of that land, and we have constructed a substation on 2-1/2 acres. Mr. Heath stated he would like to move forward. Mr. Heath made a motion to grant Mr. Detty permission to prepare an ordinance for the purchase of 2-1/2 acres of land for the Veteran's Drive Substation, seconded by Mrs. Colby. In a voice vote, all Council agreed.

MAYOR

Mayor Goodman stated that on June 12, 2006 the matter of Mr. Hodge was brought to Council in the form of an ordinance and has the taped meeting. In regards to the attorneys not being notified, they were notified by email on May 26, 2007. The proper information was made available before the deadline. Mr. Reed stated he does not feel Mr. Hodge is entitled to unemployment since he was illegally employed. Further stating that the administration did not handle this properly and if it gets too costly we should drop the issue. Mayor Goodman stated that Liberty Township has requested additional property at the Hammertown Cemetary. Mr. Speakman stated this should be forwarded to the Service Committee. Mayor Goodman stated that Seaman's will give information to Mrs. Colby before the next Utility Committee meeting. He stated that the Utility Committee had a good discussion in regards to the proposed rate reduction in electric. In regards to insurance (see attached memo) United Healthcare raised premiums 56%, with Anthem increasing 34%. Anthem will be the new provider. Would like to reduce cost to employees by using the Max 105 program, current reserve is \$823,000, would like to give a 10% reduction. Noted that Mr. Benson had left a memo (see attached). Mr. Eric asked if Mr. Reigel had sit in on negotiations. Mr. Humphreys stated this needs to be done by Friday. Mr. Eric Brown asks if the deciding committee were satisfied. Mayor Goodman stated yes, union and department representatives were involved.

Mayor Goodman stated he had met with the Jackson County Economic Development Board and a project review committee. They discussed the McCarty Lane interchange and Veterans Drive extension. Mayor Goodman states that in his opinion the McCarty Lane interchange is the most important, this is vital. The Veterans Drive

extension would be valuable; ODOT has stopped business development on State Route 93 near Wal-Mart due to access issues. This extension could relieve traffic congestion, and spur new development. The FOP contract has been delivered to the Mayor and will be signed tomorrow.

Mayor Goodman received a letter from Pam at Exline Relay for Life, (see attached) for Council's approval to solicit funds for their team. Mr. Reed asked if this was for the Relay for Life or an individual team. Mayor Goodman stated this was for their team; Council should review, noting that protective clothing and safety are required. Mr. Eric Brown stated he did not have a problem, further stating that safety vests are required and no children are permitted in the streets. Mr. Eric Brown made a motion to grant permission to Exline Relay for Life to solicit donations with safety vests worn and no children permitted to participate, seconded by Mr. Cary Brown. In a voice vote, all Council agreed.

Mayor Goodman stated he sent a letter of support to create 10 new jobs at an existing business in the city. The administration had been notified of a company seeking to develop in Southeast Ohio, with a possible 150 jobs, \$11.00 per hour pay range. We are potential; we have the area and resources. There are many other communities competing for this company.

Mayor Goodman requested executive session to discuss the following, proposed attorney agreement (contractual matters), proposed lease with US Rail (contractual matters) and pending Hodge litigation (potential litigation).

SERVICE DIRECTOR/CITY ENGINEER – See attached.

CHIEF OF STAFF

Mr. Workman stated that the Youth Basketball program was enjoyed by 200 kids and to date 400 kids had signed up for Youth Baseball. The Kiwanis Club has donated \$1050.00 to the Skate Park, including a purchase of a brick. The after school program for the year has 25 children participating. The tennis court repairs are under way at Eddie Jones Park. The city is currently preparing for Freedom Festival 2007. Mr. Workman thanked the Kiwanis Club and Launch for the mulching of the downtown trees. The sidewalk repairs have begun on Huron Street. Mr. Workman noted he had made an error in the Workers Compensation line item in the budget, the money needs transferred. He further noted that thanks to Mrs. Spreakman's hard work the city had a cost saving of \$73000 in this fund. Mayor Goodman extended an invitation to the Tree City USA celebration at Hammertown Lake on Wednesday, April 18, 2007 at 11:00 a.m., please let Susan know so she can reserve a spot. Many speakers will be present.

SAFETY DIRECTOR – No Report.

POLICE CHIEF – No Report

ORDINANCES & RESOLUTIONS

ORDINANCE 23-07

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

Third Reading

In a roll call vote, Council voted as follows:

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

ORDINANCE 23-07 DULY ADOPTED

ORDINANCE NO. 25-07

AN ORDINANCE APPROVING REDUCTIONS IN APPROPRIATIONS IN THE
PARK ENHANCEMENT FUND, AND DECLARING AN EMERGENCY.

Third Reading

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 – yes
Mr. Stewart – yes
Mr. Heath – yes

ORDINANCE 25-07 DULY ADOPTED

ORDINANCE NO. 51-07

AN ORDINANCE ACCEPTING REAL PROPERTY FOR THE PURPOSES OF A
PUBLIC STREET, DEDICATING THE REAL PROPERTY AS A PUBLIC STREET,
AND NAMING THE STREET ATOMIC AVENUE.

Second Reading

ORDINANCE NO. 52-07

AN ORDINANCE FINDING THE LOWEST RESPONSIBLE AND RESPONSIVE BID
AWARDING THE CONTRACT FOR HEALTH INSURANCE COVERAGE, TO
ANTHEM, THROUGH OAK HILL FINANCAIL INSURANCE AGENCY, 135 E.
HURON STREET, JACKSON, OHIO 45640, AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Reed 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 – yes
Mr. Stewart – yes
Mr. Heath – yes

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

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

ORDINANCE NO. 52-07 DULY ADOPTED

ORDINANCE NO. 53-07

AN ORDINANCE FINDING THE LOWEST RESPONSIBLE AND RESPONSIVE
BID, AWARDING THE CONTRACT FOR DENTAL AND VISION INSURANACE
COVERAGE, TO GUARDIAN INSURANCE CO., THROUGH OAK HILL
FINANCIAL INSURANCE AGENCY, 135 E. HURON STREET, JACKSON, OHIO
45640 AND DECLARING AN EMERGENCY.

First 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 – yes
Mr. Stewart – yes
Mr. Heath – yes

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

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

ORDINANCE NO. 53-07 DULY ADOPTED

ORDINANCE 54-07

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS OF WASHINGTON COUNTY, OHIO AND THE CITY OF JACKSON, OHIO, FOR THE HOUSEING OF PRISIONERS, AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Reed 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 – yes
Mr. Stewart – yes
Mr. Heath – yes

In a roll call vote 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. 54-07 DULY ADOPTED

ORDINANCE NO. 55-07

AN ORDINANCE TRANSFERRING APPROPRIATIONS, AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Heath made a motion to suspend the rules, seconded by Mr. Eric Brown. In a roll call vote, 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

ORDINANCE NO. 56-07

AN ORDINANCE TRANSFERRING APPROPRIATIONS, AND DECLARING AN EMERGENCY.

First Reading

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

Mrs. Colby stated this was all an error, should not be happening, this was not the auditor's fault. Mr. Workman stated I took the blame, we are just moving the funds, this is actually a reduction, could possibly receive another discount. Mrs. Colby asked if this was something that needed paid. Mr. Humphreys stated this should be considered an emergency.

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

In a roll call vote 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. 56-07 DULY ADOPTED

ORDINANCE NO. 57-07

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE FIRE TAX LEVY FUND, AND DECLARING AN EMERGENCY.

First 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. Eric Brown. In a roll call vote, 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

In a roll call vote 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

ORDINANCE NO. 57-07 DULY ADOPTED

RESOLUTION NO. 20-07

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

Second Reading

RESOLUTION NO. 22-07

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

First Reading

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

CORRESPONDENCE

OLD BUSINESS

Mr. Reed stated that the light at CVS was working much better. Mr. Heath stated that he had seen the Hammocks of Coffman Street were in the audience earlier, asking the status of cleanup efforts on Mitchell Street. Mayor Goodman stated that little progress has been made due to the weather. This matter has not been forgotten. Mr. Speakman stated that additional items have been dumped at the sight. Mr. Eric Brown stated that he knows Mr. Phipps made an effort to start cleanup, due to the fact that Osborne Equipment had to repair his backhoe after it sunk several feet in the mud. Mayor Goodman stated he did not feel the property owner was continuing to dispose of

waste on this site. Mrs. Colby asked why the tires had not been removed. Mr. Cary Brown noted that the tires are on city property. Mayor Goodman stated when the weather is right it will be cleaned up. Mrs. Colby stated that Mr. Phipps had dumped several loads of concrete from Osco on his lot. Mr. Cary Brown asked if she was for sure this was from Osco. Mrs. Colby stated there were three loads of concrete, dust, etc. Mr. Cary Brown stated that a company from Lucasville hauls hazardous waste from Osco. Mrs. Colby stated this issue needs to be dealt with.

NEW BUSINESS

Mr. Reed asked for direction on executive session. Mr. Humphreys stated he had four letters from Mr. Hodge's attorney in regards to vacation time and sick leave time. Mr. Detty stated there is a good chance of pending litigation. Mr. Detty stated that we cannot discuss contracts in executive session, a meeting will be arranged to discuss the Railroad contract. Mr. Stewart made a motion to go into executive session to discuss potential litigation, 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 – yes
Mr. Stewart – yes
Mr. Heath – yes

Council went into executive session at 8:45.

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

Council returned to regular session at 9:05 p.m.

Mr. Reed made a motion to allow Mr. Detty to reply to the request for payment to Mr. Hodge, denying due to past practices, seconded by Mr. Heath. In a voice vote, all Council agreed.

ADJOURN

Mr. Heath made a motion to adjourn, seconded by Mr. Colby. Council adjourned at 9:10 p.m.

APPROVAL

Tera L. Brown

Ronald Speakman

Clerk

Date_____

President

Date_____