

JACKSON CITY COUNCIL

Minutes from
May 14, 2007
7:00 p.m.
Regular Session

Jackson City Council met in regular session on Monday, May 14, 2007, at 7:00 p.m. at the Jackson City Council chambers. President Ron 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 – present
- Mr. Stewart – present
- Mr. Heath – present

Mr. Stewart made a motion to approve the minutes; this motion was seconded by Mrs. Colby. In a voice vote, all Council agreed.

VISITORS

AMP Ohio, Mike & Ryan, see attached presentation. They explained that the city has several contracts that will roll off in 2007 and this will place the city in the market. Mr. Heath stated that in 2008, our rates will be affected by an increase. Mike stated that the market is going up and the cheapest part of the purchase will end on December 31, 2007. Mr. Speakman stated that this needs referred to the utility committee for review and a recommendation. Mr. Reed asked when the rates and guarantee would go into effect. Mike stated the Meigs Co. project is looking good for completion in 2013. We are offering to fill in for 2008-2013, long and short term. Mr. Heath asked if the Meigs Co. plant was still moving forward. Mike invited members of Council and Administration to a meeting in Columbus to discuss all aspects of this project.

COMMITTEE REPORTS

UTILITY COMMITTEE – No Report

Mr. Heath stated tonight would be the third reading on the utility rate decrease.

BUDGET & FINANCE COMMITTEE – No Report

POLICE, FIRE & TRAFFIC – No Report

Mr. Heath asked if we were still in possession of the traffic speed indicator. Mayor Goodman stated yes, and that it would be placed through out the city in weeks to come.

SERVICE COMMITTEE – No Report

RAILROAD

Mr. Stewart had spoken with the Mayor and Mr. Hall (conference call) to discuss the proposal. A meeting will be scheduled in the next five days.

LEGAL

Mr. Heath stated the need to act on the attorney's contract. We need to respond to the Ohio EPA, they are on hold. The Attorney General's office is pressing for an answer. We need some type of agreement. Mr. Stewart stated the ordinance had been requested. Mr. Heath stated that is just for the payment. Mr. Stewart asked if there was a recommendation from the legal committee. Mr. Reed suggested an hourly rate for now and this would give Council time to discuss. Mr. Heath stated the next two months will be the busiest; the trail will be set with the EPA. Mr. Reed suggested a rate of \$180 per hour. Mr. Humphreys stated at the end of April, he had phoned Mr. Howarth and requested a final hourly rate. Further stating there was \$20,900 still in the fund after the April billing, but the contract had expired. Mr. Cary Brown asked have they ever won a case for the city. Mr. Heath stated no. Mr. Cary Brown asked if Mr. Detty could do these cases for the city. Mr. Detty stated he could not handle the EPA matter. Mr. Heath thinks it would be a bad idea to take them away from the EPA case. Mrs. Colby asked how long this EPA case could last. Mr. Heath stated possibly a year; the Attorney General makes this difficult. Could be one month to three years. Mr. Detty stated if a consent agreement was reached could be over in two months. Mr. Reed stated these attorneys have connections to reach a consent agreement. Mr. Stewart asked if we had an ordinance. Mr. Heath stated there are two ordinances for tonight, we can change the wording and approve tonight.

BUILDING – No Report

CITY AUDITOR

Mr. Humphreys wanted to clear the air on the Hodge case; I was not the auditor at the time. In the future the Auditor's office will complete all necessary forms with the law director.

Mr. Humphreys stated that Oak Hill Banks and National City Bank had given rates on investing the \$1.9 million in the electric fund and the \$1.5 million AMP Ohio reserve. He stated that they are still gathering receipts on the credit card bill, not sure how to figure the interest. He stated that a meeting had been held with Mr. Eric Brown

and the fire department to discuss the future of the Buckeye Community Service building, they will be applying for grants. Since 1998, they have \$212,000 that was not spent. They owe about \$175,000. The \$212,000 is in the General Fund. This project needs started. Mr. Eric Brown asked if Council needed to create a line item. Mr. Humphreys stated that an ordinance would need to be prepared to keep on track.

LAW DIRECTOR – No Report

Mr. Heath asked about ownership of the substation property. Mr. Detty stated we own it.

MAYOR

Mayor Goodman discussed the following projects: County wide broadband project, this is an economic development opportunity. Met with the Ross County Building Department, we are researching the possibility of doing our own commercial building inspections. Would like to review the electric fund analysis, in hopes of making an informed decision for a rate reduction. OAPSE union negotiations would like Council's input and would like Mr. Detty to sit in. Approximately 400 letters were sent out for the pool fundraiser.

Mr. Speakman stated that the Budget and Finance committee should work with the Mayor on contract negotiations. Mr. Reed stated we may need an executive session. Mayor Goodman stated this needs discussed monthly until contracts are signed.

SERVICE DIRECTOR

Mr. Benson (see attached memo) stated that the Prairie State Project is a golden opportunity. The May 24th meeting needs to be attended by our people. Mr. Speakman stated that he has been involved in this for the past 30 years, and would like to attend this meeting. Mr. Benson further stated that this could stabilize rates for the next 40 years, we need to be educated. Mr. Reed asked if he was leaning toward this now. Mr. Benson stated, yes it is a slam dunk. Council needs to be involved. Mr. Speakman stated the Service committee should look at the Durapatch purchase. Mr. Eric Brown asked if Cox Paving would do milling. Mr. Benson stated no, we will lose a little bit of the curb. Mr. Speakman stated that in the past there had been problems with the commercial building inspections. Mayor Goodman stated that this could be discussed at a later date. Mrs. Colby asked if Mr. Benson would be doing the surveying. Mr. Benson replied yes all equipment had been purchased. Mr. Cary Brown asked what had happened to the bridges on Chillicothe and Bridge Streets. Mr. Benson stated they had dropped. Mr. Cary Brown asked the status of the Liberty Township property request. Mayor Goodman stated an ordinance will be prepared.

CHIEF OF STAFF

Mr. Workman stated that approximately 25-30 nuisance letters had been mailed last week. 15 have not responded. Another 25-30 mailed today, they have 5 days to respond. Mr. Heath asked if they were repeat offenders. Mr. Speakman stated he had received complaints in regards to the empty Eagles Lodge building.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 59-07

AN ORDINANCE AMENDING JACKSON CODIFIED ORDINANCE SECTIONS 921-06, RELATING TO ELECTRIC SERVICE – DOMESTIC, COMMERCIAL, ELECTRIC HOME RATES.

Second Reading

Mr. Heath noted that rates will be going up next year; this may affect the fuel adjustment charges.

ORDINANCE NO. 63-07

AN ORDINANCE PROVIDING FOR AND ENTERING INTO AN AGREEMENT AND RETAINING SHOEMAKER, HOWARTH & TAYLOR, LLP, ATTORNEYS AT LAW, 471 EAST BROAD STREET, SUITE 2001, COLUMBUS, OHIO 43215, FOR ALL OUTSIDE LEGAL SERVICES FOR THE PERIOD FROM MAY 1, 2007 THROUGH APRIL 30, 2008, AND DECLARING AN EMERGENCY.

Second Reading

Mr. Heath would like to entertain a discussion on what Council wishes to do, preferring the hourly rate is favorable. Mr. Howarth spoke with the Mayor and Mr. Heath and this is an urgent matter. There will be no problem to add a clause if there are no cases in the next 30 days. Mrs. Colby would prefer to vote down and Ordinance No. 64-07 and bring new ordinance for yearly rates. Mr. Eric Brown stated his gut feeling was to go with the yearly contract, only trying the hourly for one month. Mr. Reed agreed but would like to use the hourly for two months. Mr. Heath noted that this was the last Council meeting for May and suggested the contract should be an hourly rate for two months. Mr. Detty stated that Ordinance 63-07 should be a second reading and modify Ordinance No. 64-07.

ORDINANCE NO. 64-07

AN ORDINANCE PROVIDING FOR A TWO MONTH EXTENSION IN THE AGREEMENT BETWEEN SHOEMAKER, HOWARTH & TAYLOR, LLP, ATTORNEYS AT LAW, 471 EAST BROAD STREET, SUITE 2001, COLUMBUS, OHIO 43215, WHICH PROVIDED FOR ALL OUTSIDE LEGAL SERVICES FOR

THE PERIOD MAY 1, 2007 THROUGH JUNE 30, 2007, AND DECLARING AN EMERGENCY.

Second Reading

Mr. Humphreys stated that we did not have a purchase order. Mr. Reed asks what we have spent. Mr. Humphreys stated none, but it should be a then & now resolution. Mrs. Colby stated as long as the purchase order is done before the bill arrives it should be fine. Mr. Detty stated we have not spent any money yet, money will be in the fund by then. Mr. Cary Brown asks why we should reward them, if they have never won a case. Mrs. Colby stated this needs amended.

Mr. Stewart made a motion to amend the ordinance, reading May 1, 2007 through June 30, 2007, 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 – no
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 – no
Mr. Stewart – yes
Mr. Heath – yes

ORDINANCE NO. 64-07 DULY ADOPTED

ORDINANCE NO. 65-07

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

Mr. Stewart made a motion to amend the amount to \$50,000, seconded by Mr. Heath. In a voice vote, all Council agreed.

Mrs. Colby asked if we are going to do a year, should we put the full amount in the fund. Mr. Heath asked Mr. Reed his opinion. Mr. Reed preferred to leave in the full amount for attorney fees. We have too many pending cases.

Mr. Stewart and Mr. Heath withdrew their amendment.

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

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

ORDINANCE NO. 65-07 DULY ADOPTED

ORDINANCE NO. 66-07

AN ORDINANCE TRANSFERRING APPROPRIATIONS.

First Reading

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

Mr. Eric Brown made a motion to amend the ordinance, removing and declaring an emergency, seconded by Mr. Heath. In a voice vote, all Council agreed.

ORDINANCE NO. 67-07

AN ORDINANCE FINDING THE LOWEST RESPONSIBLE AND RESPONSIVVE
BID, AWARDDING THE CONTRACT FOR THE WATER TREATMENT PLANT
SCADA SYSTEM TO CRACE CONSTRUCTION, 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.

Mr. Stewart asked if we need to move on this now. Mr. Benson stated yes, this needs
done. Mrs. Colby asked if we already had this money. Mr. Benson stated yes.

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

ORDINANCE NO. 67-07 DULY ADOPTED

ORDINANCE NO. 68-07

AN ORDINANCE FINDING THE LOWEST RESPONSIBLE AND RESPONSVIE
BID, AWARDDING THE CONTRACT FOR THE CITY OF JACKSON STREET
PAVING PROJECT TO COX PAVING, INC., 11741 STATE ROUTE 72, LEESBURG,
OHIO 45135, AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Speakman asked if this company was financially stable. Mr. Benson stated yes, they had checked with the state auditor.

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

ORDINANCE NO. 68-07 DULY ADOPTED

ORDINANCE NO. 69-07

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.

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

ORDINANCE NO. 69-07 DULY ADOPTED

ORDINANCE NO. 70-07

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

Mr. Heath – yes

ORDINANCE NO. 70-07 DULY ADOPTED

ORDINANCE NO. 71-07

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE WATER PLANT IMPROVEMENT PROJECT FUND, 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.

Mr. Heath made a motion to amend the ordinance from \$6,000,000 to \$600,000, 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 – 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. 71-07 DULY ADOPTED

RESOLUTION NO. 22-07

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

Third Reading

Mrs. Colby stated that we have discussed this, the Board of Control approved over \$28,000, what is Mr. Detty's opinion. Mr. Detty stated he would have to review; part of what was approved was through a contract. Mrs. Colby stated that the Mayor had received the invoice on January 26, 2007 and a purchase order was not generated until March. Mr. Cary Brown stated that maybe we can get the attorneys down here from Columbus to solve this case or maybe Jim Petro.

In a roll call vote to adopt the resolution, 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

RESOLUTION NO. 22-07 DULY ADOPTED

RESOLUTION NO. 23-07

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 FEMA FOR THE FY 2007 FEMA ASSISTANCE FIREFIGHTERS GRANT, AND DECLARING AN EMERGENCY.

First Reading

Mr. Reed 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. Cary 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 resolution, 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. 23-07 DULY ADOPTED

CORRESPONDENCE

OLD BUSINESS

Mr. Heath asked if Ordinance 63-07 should be amended tonight.

Veto Vote Ordinance 23-07:

Mr. Heath stated that it is only fair that all elected officials be treated fairly. Mr. Stewart stated he does not think this station has ever been used politically. Mr. Heath stated that the pictures were on there for three years and then taken off. Mr. Stewart how long ago. Mrs. Colby stated that Mr. Woltz asked for the pictures three years ago. Mr. Cary Brown stated that he requested that the pictures be removed, not the Mayor. Mr. Heath stated it was a matter of principle and fairness.

ORDINANCE NO. 23-07

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

VETOED BY MAYOR GOODMAN ON APRIL 19, 2006

In a roll call vote to overturn the veto, 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

VETO SUBSTAINED, ORDINANCE DEFEATED.

NEW BUSINESS

Mayor Goodman stated anyone who wants a picture on television will have them on Channel 24.

ADJOURN

Mr. Heath made a motion to adjourn, seconded by Mr. Eric Brown. In a voice vote, all Council agreed. Council adjourned at 8:50 p.m.

APPROVAL:

Tera L. Brown
Clerk

Date _____

Ronald Speakman
President

Date _____