

## **JACKSON CITY COUNCIL**

*Minutes from*  
June 11, 2007  
7:00 p.m.  
Regular Session

Jackson City Council met in regular session on Monday, June 11, 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 – absent
- Mr. Reed – present
- Mr. Cary Brown – present
- Mr. Stewart – present
- Mr. Heath – present

Mr. Heath made a motion to excuse Mr. Eric Brown and Council Clerk Ms. Brown, seconded by Mr. Reed. In a voice vote, all Council agreed.

There were no minutes to approve.

VISITORS - None

COMMITTEE REPORTS

UTILITY COMMITTEE

Mrs. Colby stated there was a meeting this evening prior to the Council meeting, with CT Consultants present.

BUDGET & FINANCE COMMITTEE – No Report

POLICE, FIRE & TRAFFIC – No Report

SERVICE COMMITTEE – No Report

RAILROAD

Mr. Stewart stated that he had heard from Mr. Hall of US Rail about some type of extension, this will be looked into.

## LEGAL

Mr. Heath stated he will be asking for an executive session later to discuss the Sexton verses City and EPA.

Mr. Heath stated the state has ruled in the Dennis Hodge is entitled to receive unemployment compensation. Mr. Heath stated the reason why this happened as the attorneys in Columbus were not notified and the City lost on a timing issue. Mr. Heath stated the next step would be Common Pleas Court, but it would be based on the technical issues. Mr. Heath stated City will be out \$5000-\$10000 on the matter. Mrs. Colby stated the Legal Committee would recommend not going any further with the Hodge issue. Mr. Heath stated that was what the committee decided, but this is up to Council whether to proceed with an appeal, or just pay the money. Mrs. Colby asked if there were any other avenues being considered to try and get the money from Mr. Hodge. Mr. Heath stated he had discussed this with Mr. Howarth. Mr. Heath requested this be discussed in executive session.

BUILDING – No Report

## CITY AUDITOR

Mrs. Sexton stated Mr. Humphreys is doing well and hopes to be back to work by the end of the month. Mrs. Sexton stated the appeal on Wheelers worker's compensation was denied.

LAW DIRECTOR – No Report

## MAYOR

Mayor Goodman requested executive session to include the sale of real property.

## SERVICE DIRECTOR

Mr. Benson reported on the following: Mr. Benson reported he had attended the base load meeting. He reported on various projects that AMP Ohio is looking at, including some hydro products the might be able to get in on. Mr. Benson discussed the four AMP Ohio ordinances before Council this evening. He stated Ordinance 82-07 really needs passed this evening, if possible. AMP Ohio needs this by June 23, 2007. Mr. Benson stated Ordinance 78-07 is the AEP agreement, because of the deregulation we do not have an agreement with AEP. He stated that this does not get us anything, but gives us an agreement to wheel power over AEP lines. Mr. Benson stated CDO is on schedule on rehab projects. Mr. Benson stated the water treatment plant project is being held up to get a budget. The city will talk to at least one other financier. He reported on this process, but the current price is too much. He needs more before we begin. Mr. Benson stated ordinance no. 74-07 is for manhole rehab. Six old manholes need

rehabbed. There is a new process that fixes the manholes. This is in the budget. Mr. Benson reported the pavers showed up today. Mr. Benson stated commodity charges on the Lick substation may be as much as \$50000; this is being negotiated down as they are slipping on their schedule. Mr. Benson reported on the ODOT traffic study on Main Street. Some of the updates have already been done. There are some other ideas. One of the ideas is being pursued is reverse angle parking. Mr. Benson stated the water plant contract project has been signed. Mr. Benson stated that ordinance no. 77-07, this is for the St. Rt. 93 project, and 80% is being reimbursed to the city. This needs passed as soon as possible. Mr. Benson stated the day care electric project is completed. Mr. Benson state there are water pressure problems in the Pattonsville area, this is being looked at. Mr. Benson stated ordinance no. 73-07, CT Consultants was discussed, he recommends a first reading, and the EPA is not giving the city much time to implement this.

Mr. Reed asked about the St. Rt. 93 project, he asked if the city had to move all utilities and he asked about the pump station for Oak Hill banks. Mr. Reed stated it is his understanding the bank is expanding again and may exceed the capacity of the station. Mr. Reed was wondering if we need to look at these matters, since we are moving the utilities of the proposed St. Rt. 93 right of way. Steve stated to do a projects in this part of town would cost about \$600000, but there is not much incentive for the city to pursue this. Mr. Heath asked about other buildings in the area. Mr. Benson stated there is going to be a private lift station which the city will not maintain. Mr. Speakman asked about how soon Council needs to look into the hydro projects. Mr. Benson stated it is almost too late. Mr. Speakman stated he supports the hydro project. Mr. Reed moved a letter be sent to AMP Ohio stating the city's interest in the hydro project. Mr. Heath seconded, in a voice vote all Council approved.

Mr. Heath asked about the Huron Street sidewalk project, he asked when we will be going west towards David Avenue and he asked about curbs. Mr. Benson stated each section is being looked at individually and ready if answers are needed. Mr. Benson stated going west will be bid out. The sidewalk project will be done in sections, with contractors having opportunities to be involved. Mr. Heath stated he would like to see the sidewalks be focused to the west, as he believes more children live to the west, and the sidewalks would provide access to the schools.

CHIEF OF STAFF – No report.

SAFETY DIRECTOR – No report.

CHIEF OF POLICE – No report.

ORDINANCES AND RESOLUTIONS

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ORDINANCE NO. 59-07

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

Third Reading

Mr. Heath stated if Council wished to table this ordinance that would be fine. Mr. Heath stated his position as to his opposition. Mr. Heath stated he has concerns as to what the city will have to pay for electric will be increasing. Mr. Heath stated a rate reduction should be for all customers, not some.

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

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

ORDINANCE NO. 59-07 DEFEATED

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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.

Third Reading

Mr. Heath moved to amend the ordinance and to add clause, there is an agreement to 30 day cancellation clause by either party, seconded by Mr. Reed. In a voice vote, all Council agreed.

Discussion followed as whether to do retainer, with an hourly fee of \$180, or straight hourly rate fee of \$200. Mrs. Colby stated she will support hourly fees only. Mr. Heath moved to amend the ordinance to be an hourly rate of \$200 per hour, seconded by Mrs. Colby. In a voice vote, all Council agreed. Reverting to a second reading.

Mr. Heath moved to amend to make the contract from July 1, 2007 to June 30, 2008, 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 – absent  
Mr. Reed – yes  
Mr. Cary Brown – no  
Mr. Stewart – yes  
Mr. Heath - yes

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ORDINANCE NO. 66-07

AN ORDINANCE TRANSFERRING APPROPRIATIONS.

Second Reading

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ORDINANCE 72-07

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.

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ORDINANCE NO. 73-07

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO, AND CT CONSULTANTS, 35000 KAISER COURT, WILLOUGHBY, OHIO 44094, FOR ENGINEERING SERVICES IN RESPONSE TO A CONSENT ORDER FROM THE STATE OF OHIO, 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.

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ORDINANCE NO. 74-07

AN ORDINANCE FINDING THE LOWEST RESPONSIBLE AND RESPONSIVE BID, AWARDED THE CONTRACT FOR THE MANHOLE REHABILITATION PROJECT, TO FEECORP MUNICIPAL PIPELINE/SEWER SERVICES, 7995 ALLEN

ROAD, CANAL WINCHESTER, OHIO 43110, 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.

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ORDINANCE NO. 75-07

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

ORDINANCE NO. 75-07 DULY ADOPTED

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ORDINANCE NO. 76-07

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE  
GARBAGE UTILITY OFFICE 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 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 – absent  
Mr. Reed – yes  
Mr. Cary Brown – yes  
Mr. Stewart – yes  
Mr. Heath - yes

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

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

ORDINANCE NO. 76-07 DULY ADOPTED

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ORDINANCE NO. 77-07

AN ORDINANCE FINDING THE LOWEST RESPONSIBLE AND RESPONSIVE BID, AWARDING THE CONTRACT FOR ELECTRIC EQUIPMENT, TO WESCO DISTRIBUTION, 1255 DANNER DRIVE, AURORA, OHIO 44202, 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. Reed. In a roll call vote, Council voted as follows:

Mrs. Colby – yes  
Mr. Hughes – yes

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

ORDINANCE NO. 77-07

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ORDINANCE NO. 78-07

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO AND AMERICAN ELECTRIC POWER SERVICE CORPORATION, FOR A SERVICE AGREEMENT FOR INTERCONNECTION AND LOCAL DELIVERY, AND DECLARING AN EMERGENCY.

First Reading

Mr. Heath made a motion to adopt, 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 – absent  
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 – absent  
Mr. Reed – yes  
Mr. Cary Brown – yes  
Mr. Stewart – yes  
Mr. Heath - yes

ORDINANCE NO. 78-07 DULY ADOPTED

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ORDINANCE NO. 79-07

AN ORDINANCE TO AUTHORIZE THE EXECUTION OF THE PJM POWER POOL SCHEDULE.

First Reading

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

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

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ORDINANCE NO. 80-07

AN ORDINANCE TO AUTHORIZE THE EXECUTION OF THE ONE OR MORE NON-POOL POWER SALES SCHEDULE(S) 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.

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ORDINANCE NO. 81-07

AN ORDINANCE TO AUTHORIZE THE EXECUTION OF THE 2007-2008 POWER SALES SCHEDULE.

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, adding an emergency clause, seconded by Mr. Stewart. In a voice vote, all Council agreed.

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ORDINANCE NO. 82-07

AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A POWER SCHEDULE  
WITH AMERICAN MUNICIPAL POWER-OHIO INC., 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. Stewart. In a roll call  
vote, Council voted as follows:

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

ORDINANCE NO. 82-07 DULY ADOPTED

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ORDINANCE NO. 83-07

AN ORDINANCE AMENDING JACKSON CODIFIED ORDINANCE, SECTIONS  
177.02, RELATING TO VISITORS AND CONVENTIONS COMMISSION,  
MEMBERSHIP.

First Reading

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

Mayor Goodman stated the idea was to expand the Visitor and Convention Commission  
by adding the Auditor and two members from the business community. Mr. Heath stated  
perhaps one from the motel business would be a good member.

Mr. Stewart made a motion to add the emergency clause, seconded by Mr. Cary Brown.  
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 – absent  
Mr. Reed – no  
Mr. Cary Brown – yes  
Mr. Stewart – yes  
Mr. Heath - yes  
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RESOLUTION NO. 24-07

A RESOLUTION APPROVING THE 2008 JACKSON CITY LIBRARY BUDGET.

First Reading

Mr. Heath made a motion to adopt the resolution, 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 – absent  
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 – absent  
Mr. Reed – yes  
Mr. Cary Brown – yes  
Mr. Stewart – yes  
Mr. Heath - yes

RESOLUTION NO. 24-07 DULY ADOPTED

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RESOLUTION NO. 25-07

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

First Reading

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

Mr. Stewart stated this was medical bills for prisoners.

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 – yes  
Mr. Eric Brown – absent  
Mr. Reed – yes  
Mr. Cary Brown – no  
Mr. Stewart – yes  
Mr. Heath - yes  
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Mr. Speakman read a prepared statement concerning the proposed electric rate reduction, copy attached.

CORRESPONDENCE

The liquor commission requests a permit for Revco/CVS. Mr. Stewart moved to not request a hearing, seconded by Mr. Cary Brown, in a voice vote all Council agreed.

OLD BUSINESS

Mrs. Colby stated we keep adding emergency clauses, she stated her concerns.

NEW BUSINESS

Mr. Speakman stated he will not be at the next Council meeting.

Mr. Heath moved to go into executive session to discuss potential, current, or pending litigation concerning Mr. Hodge, Mr. Sexton and EPA and to discuss the potential sale of real property, seconded by Mr. Reed. In a roll call vote, Council voted as follows:

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

Council went into executive session at 8:11 p.m.

Mr. Stewart moved to return to regular session, seconded by Mrs. Colby, in a voice vote, all Council agreed. Council returned to regular session at 9:11 p.m.

Mr. Stewart moved to settle the Paul Sexton case and all matters with a figure of \$140,000, seconded by Mrs. Colby. In a voice vote, all Council agreed.

ADJOURN

Mr. Heath made a motion to adjourn, seconded by Mr. Reed. In a voice vote, all Council agreed. Council adjourned at 9:12 p.m.

APPROVAL:

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Tera L. Brown  
Clerk

Date\_\_\_\_\_

\_\_\_\_\_  
Ronald Speakman  
President

Date\_\_\_\_\_