

JACKSON CITY COUNCIL

Minutes from

June 25, 2007

7:00 p.m.

Regular Session

Jackson City Council met in regular session on Monday, June 25, 2007, at 7:00 p.m. at the Jackson City Council chambers. President per 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 – present
- 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. Speakman, seconded by Mr. Eric Brown. In a voice vote, all Council agreed.

Mr. Heath made a motion to delay the approval of the minutes, seconded by Mr. Stewart. In a voice vote, all Council agreed.

VISITORS

Mike, AMP Ohio was present to give a presentation and explained concepts of what to expect in the future. He reviewed commitments that will need to be made in the near future.

COMMITTEE REPORTS

UTILITY COMMITTEE – No Report

BUDGET & FINANCE COMMITTEE – No Report

POLICE, FIRE & TRAFFIC

Mr. Eric Brown scheduled a meeting for June 28, 2007 at 6:30 p.m to discuss possible jail contracts with Scioto County, this would give the city access to eight beds everyday and they accept female prisoners. Mr. Heath noted a problem with excessive speed on east Broadway; he thinks the speed sign should be placed in that area.

SERVICE COMMITTEE

Mr. Eric Brown stated that the May 29, 2007 flood committee meeting had a recommendation to replace the bridge at Manpower Park. The committee asked for the service director's input and whom ownership belonged. The Service Committee recommends leasing the Durapatch machine for 5 years at \$13000. Mr. Eric Brown stated that the committee is willing to work with Liberty Township in regards to the cemetery expansion.

RAILROAD

Mr. Stewart stated a copy of the new lease was handed out at the last meeting, requesting input from Council. Mr. Reed stated that this contract was directed to the attorneys by Mayor Goodman. Mr. Heath stated the ordinance tonight, the Mayor asked for a first reading. Mr. Humphreys asked the cost of the Durapatch machine. Mr. Eric Brown stated \$50000. Mrs. Colby stated it would be cheaper to purchase. Mr. Benson asked if the tank was included. Mr. Cary Brown noted that this machine can be used year round. Mr. Eric Brown stated that it had been used throughout the city. Mrs. Colby asked if it would be cheaper to purchase outright. Mr. Benson stated he would get the price and bring it to Council. Mr. Benson stated that it was used on McCarty Lane, the pavement is 6" thick and should be 9", built into the paving project, we used the Durapatch and it works very well. Mrs. Colby asked about winter hold up. Mr. Cary Brown stated he had spent three hours with the crew, it dries and cleans the road, he stated they requested the lease option for fear that Council would not approve an outright purchase. Mr. Heath noted this is not a cure all. Mr. Eric Brown stated it repairs 95%; we still need some hot patch.

LEGAL – No report

BUILDING – No Report

CITY AUDITOR

Mr. Humphreys stated there would be an Investment Board Meeting on Friday at 10:00 a.m.; purpose 4 C.D.'s are due. Reminded Council that the c/c ordinance and Mr. Hodge's unemployment need paid. He stated his office is currently working on the layout of the budget. His office will start working on the 2008 budget in July.

LAW DIRECTOR

Mr. Detty stated the ordinance for the auditor's in addition to three others for jail space need passed tonight. Boone Rock issue.

MAYOR – No report

SERVICE DIRECTOR

Mr. Benson stated the revised consent order was received today, will need to discuss in executive session as pending litigation. The theft of wire at the Veteran's Drive substation will not affect schedule, delay of shipment of two major items may delay. Reviewed the following: Huron Street sidewalks, handicap ramps, chip & seal of 11000' of alleys. Boone Rock, Jackson County Historical Society proposal. Mr. Detty is working on a lease agreement. Mr. Heath asked who had done the work. Mr. Benson stated the electric department.

CHIEF OF STAFF – No report.

SAFETY DIRECTOR – No report.

CHIEF OF POLICE – No report.

ORDINANCES AND RESOLUTIONS

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 stated that this needs five votes for immediate action, the consent order needs signed by July 1, 2007. Mr. Eric Brown asked if there were amendments. Mr. Heath stated there is no retainer fee, flat fee of \$200. per hour, this is a one year contract with a 30 day opt out for both parties.

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. 63-07 DULY ADOPTED

ORDINANCE NO. 66-07

AN ORDINANCE TRANSFERRING APPROPRIATIONS.

Third Reading

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

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. 66-07 DULY ADOPTED

ORDINANCE 72-07

AN ORDINANCE TRANSFERRING APPROPRIATIONS.

Second Reading

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.

Second Reading

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.

Second Reading

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

ORDINANCE NO. 79-07

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

Second Reading

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.

Second Reading

ORDINANCE NO. 81-07

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

Second Reading

ORDINANCE NO. 83-07

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

Second Reading

ORDINANCE NO. 85-07

AN ORDINANCE AUTHORIZING THE EXECUTION OF A HYDRO DEVELOPMENTAL COST SHARING AGREEMENT BY THE CITY OF JACKSON WITH AMERICAN MUNICIPAL POWER-OHIO INC.

First Reading

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

Mr. Benson stated this relates to the presentation, they had received a letter from AMP Ohio and required an answer by July 31, 2007. Mr. Heath stated this was the last meeting for June, do we need an emergency clause. Mr. Cary Brown noted the last page, the lawyer was John Bintine. Mr. Benson stated that section #2 will need filled in. Mrs. Colby asked the cost of the entire project. Mr. Benson stated the report on JB5 contained

this information, go back and review and he will explain. Mrs. Colby asked the percentage. Mr. Benson stated 7%; cost is in the power purchase once online. This is a good deal. Mr. Heath stated the two issues, this is decision for future generations and we cannot look at exact dollars, only predictions.

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

ORDINANCE NO. 86-07

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO, AND USRC HOLDINGS INC. AN OHIO CORPORATION, WHOSE ADDRESS IS 7846 W CENTRAL AVENUE, TOLEDO, OHIO 43617, FOR THE LEASE OF THE CITY OWNED RAILROAD, 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 there were any questions or comments. Mr. Cary Brown how close this was to the original proposal. Mr. Stewart stated this was much different. Mr. Reed stated the attorneys were reviewing, this is entirely new. Mr. Heath stated he would check with the attorneys to see if they have a copy. Mr. Stewart stated he had given a copy to Mr. Detty. Mr. Cary Brown asked if they had a meeting. Mr. Stewart stated this was presented to the Mayor. Mrs. Colby asked if this needs to go to executive session.

ORDINANCE NO. 87-07

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND-MAYOR'S OFFICE, AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Stewart asked Mr. Humphreys if this needed paid. Mr. Humphreys stated yes, the state ruled, we appealed, and they are charging \$800 a month in penalties. Mr. Heath asked the total interest charged for nine months. Mr. Humphreys stated it went from \$6000 to \$8000 approx. Mr. Stewart stated read the back page. Mrs. Colby stated the majority ruled to put this to bed, stating she did not agree and cannot support. Mr. Heath was bothered by the fact they charged us interest for nine months. Mr. Stewart stated he did not agree with the issue, but this needs put to bed.

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 – 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 – no

ORDINANCE NO. 87-07 DULY ADOPTED

ORDINANCE NO. 88-07

AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO MAKE THE PAYMENT ON THE CITY'S VISA CREDIT CARD, 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. Stewart asked if this was from the past. Mr. Humphreys stated this was very old; stating on April 27, 2007 he contacted the c/c company for details, only receipt returned was from Lewis Family Restaurant, we do not have receipt and cannot get. \$2350 owed, just pay and let Council seek charges against those who charged. Some receipts were returned, less \$100 unaccounted for. Mrs. Colby stated the amount owed was mostly interest. Mr. Humphreys said no, some interest, mostly fees; it averages \$40 per month.

Mr. Cary Brown made a motion to suspend the rules. Mr. Stewart stated \$105 was unaccounted for. Mr. Workman stated receipts were turned in, just not detailed; they were for employee lunches during training. Mr. Humphreys stated the c/c company could not give them detailed receipts. Mr. Cary Brown withdrew his motion to suspend. Mrs. Colby stated we must have detailed receipts, the interest accumulated over two years.

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 – no
Mr. Stewart – yes
Mr. Heath – yes

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

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

ORDINANCE NO. 88-07 DULY ADOPTED

ORDINANCE NO. 89-07

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. Stewart asked if this needed passed tonight. Mr. Workman stated the employees can cash in time, dropped out of the budget. Mr. Heath asked if the worker's compensation fund was closer this year. Mr. Workman stated we received a big discount.

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

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 followed:

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. 89-07 DULY ADOPTED

ORDINANCE NO. 90-07

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS OF ASHLAND COUNTY, OHIO AND THE CITY OF JACKSON, OHIO FOR THE HOUSING OF PRISONERS, 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.

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

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 followed:

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. 90-07 DULY ADOPTED

ORDINANCE NO. 91-07

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS OF ADAMS COUNTY, OHIO AND THE CITY OF JACKSON, OHIO FOR THE HOUSING OF PRISONERS, 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 followed:

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 followed:

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. 91-07 DULY ADOPTED

ORDINANCE NO. 92-07

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS OF ASHLAND COUNTY, OHIO AND THE CITY OF JACKSON, OHIO FOR THE HOUSING OF PRISONERS, 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 followed:

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 followed:

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. 92-07 DULY ADOPTED

RESOLUTION NO. 25-07

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

Second Reading

Mr. Heath made a motion to suspend the rules, seconded by Mr. Stewart. 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

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

Mr. Heath made a motion to go into executive session to discuss pending litigation, the consent order with the AG/EPA, seconded by Mr. Stewart. In a roll call vote, Council voted as followed:

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 9:04 p.m.

Mr. Stewart 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 9:20 p.m.

ADJOURN

Mr. Heath made a motion to adjourn, seconded by Mr. Stewart. In a voice vote, all Council agreed. Council adjourned at 9:21 p.m.

APPROVAL:

Tera L. Brown
Clerk

Ronald Speakman
President

Date_____

Date_____