

## **JACKSON CITY COUNCIL**

*Minutes from*  
July 9, 2007  
7:00 p.m.  
Regular Session

Jackson City Council met in regular session on Monday, July 9, 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 – absent
- Mr. Reed – present
- Mr. Cary Brown – present
- Mr. Stewart – absent
- Mr. Heath – present

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

Mrs. Colby made a motion to approve the minutes from May 14, 2007, seconded by Mr. Hughes. In a voice vote, all Council agreed. Mrs. Colby made a motion to approve the minutes from May 21, 2007, seconded by Mr. Hughes. In a voice vote, all Council agreed. Mr. Hughes made a motion to approve the minutes from June 11, 2007, seconded by Mrs. Colby. In a voice vote, all Council agreed. Mr. Hughes made a motion to approve the minutes from June 15, 2007, seconded by Mrs. Colby. In a voice vote, all Council agreed. Mrs. Colby made a motion to approve the minutes from June 25, 2007, seconded by Mr. Hughes. In a voice vote, all Council agreed. Mr. Hughes made a motion to approve the minutes from July 5, 2007, seconded by Mrs. Colby. In a voice vote, all Council agreed.

VISITORS – None

COMMITTEE REPORTS

UTILITY – No Report

BUDGET & FINANCE – No Report

POLICE, FIRE & TRAFFIC – No Report

SERVICE - No Report

Mr. Heath thanked the Mayor, Chief of Staff and the Recreation Director for the cleanup of the park after the July 3, 2007 festivities.

RAILROAD – No Report

LEGAL

Mr. Heath requested an executive session to discuss pending litigation and contract negotiations. The consent order needs signed by July 23, 2007. We need to either act now or hold a special meeting.

BUILDING – No Report

CITY AUDITOR

Mr. Humphreys stated that he will have the new budget worksheets for the next meeting, much easier to read. The Investment Board met last week to invest funds. The Chief of Staff has requested that the \$240,000 from the bike path fund be invested short term.

LAW DIRECTOR – No Report

MAYOR

Mayor Goodman discussed the following: He thanked all the groups that participated in the 2007 Freedom Fest, and the Sheriff/inmates for their help in the cleanup. He spoke with Bob Taylor in regards to the right of ways; he will set up a meeting to answer Carolyn Grant's questions. Mr. Reed asked if the estimate was complete and will they actually meet with her or have a teleconference. Mayor Goodman replied it will be a meeting with the attorneys and the Council from State. Discussed the broadband effort for the county, will meet with several different companies for internet, phone, etc. There is grant funding available for broadband for the city and county. Mr. Benson left a report. Mr. Heath asked if the broadband discussion was brought about by Mr. Space's meeting. Mayor Goodman replied yes, this started the process.

SERVICE DIRECTOR/ENGINEER – See Attached

CHIEF OF STAFF – No Report

SAFETY – No Report

CHIEF OF POLICE – No Report

ORDINANCES & RESOLUTIONS

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ORDINANCE NO. 72-07

AN ORDINANCE TRANSFERRING APPROPRIATIONS.

Third Reading

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 – absent  
Mr. Heath – yes

ORDINANCE NO. 72-07 DULY ADOPTED

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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.

Third Reading

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 – absent  
Mr. Heath – yes

ORDINANCE NO. 73-07 DULY ADOPTED

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ORDINANCE NO. 74-07

AN ORDINANCE FINDING THE LOWEST RESPONSIBLE AND RESPONSIVE BID AWARDING THE CONTRACT FOR THE MANHOLE REHABILITATION PROJECT, TO FEECORP MUNICIPAL PIPELINE/SEWER SERVICES, 7995 ALLEN ROAD, CANAL WINCHESTER, OHIO 43110, AND DECLARING AN EMERGENCY.

This ordinance was tabled at the June 25, 2007 meeting, no action was taken, and Ordinance No. 74-07 is dead.

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ORDINANCE NO. 79-07

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

Third Reading

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 – absent  
Mr. Heath – yes

ORDINANCE NO. 79-07 DULY ADOPTED

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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.

Third Reading

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 – absent  
Mr. Heath – yes

ORDINANCE NO. 80-07 DULY ADOPTED

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ORDINANCE NO. 81-07

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

Third Reading

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 – absent  
Mr. Heath – yes

ORDINANCE NO. 81-07 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.

Third Reading

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

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

ORDINANCE NO. 83-07 DEFEATED

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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.

Second Reading

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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.

Second Reading

Mr. Heath asked if the railroad contract needed discussed tonight. Mayor Goodman stated no discussion now, but the committee does need to review. Mr. Reed asked if the attorneys were reviewing. Mayor Goodman stated yes, but the committee needs to meet and encourages a meeting. There are load application deadlines. Mr. Reed stated the attorneys will notify of us of any legal ramifications. Mayor Goodman asked to schedule a meeting now and he will follow up with the attorneys, the city liability is the main concern.

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ORDINANCE NO. 93-07

AN ORDINANCE AUTHORIZING THE CITY OF JACKSON TO ENTER INTO A CONSTANT DECREE WITH THE OHIO ATTORNEY GENERAL, TO SETTLE DISPUTES CONCERNING THE CITY'S WASTEWATER TREATMENT FACILITY, AND DECLARING AN EMERGENCY.

First Reading

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

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ORDINANCE NO. 94-07

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE VISITORS CENTER FUND.

First Reading

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

Mayor Goodman stated the line item in the budget was incorrect but the total was correct of \$70,000. Mr. Workman placed \$50,000 on the line item, typo. Mrs. Colby stated we are putting more money in the fund than we are bringing in; we spent more last year than brought in. Mayor Goodman stated he would get a detailed report. Mrs. Colby stated she had checked with the Auditor today.

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ORDINANCE NO. 95-07

AN ORDINANCE AUTHORIZING THE CITY OT ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JAKCSON, 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 the ordinance, seconded by Mr. Reed. In a voice vote, all Council agreed.

Mr. Heath asked where this fits in. Mr. Detty stated this is just to revise old ordinance, date change June 1 to July 1.

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RESOLUTION NO. 25-07

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

In a roll call vote, Council voted as follows:

Third Reading

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

RESOLUTION NO. 25-07 DEFEATED

Mr. Humphreys then asked Council how he was supposed to pay. Mr. Reed asked Mrs. Colby why she voted no. Mrs. Colby stated we need purchase orders issued, this has happened time and time again. Mr. Reed stated this is an emergency. Mr. Heath stated this is a legitimate bill and needs paid. Someone provided a service to the city, now how do we pay, this is an internal problem. Mrs. Colby asked how to deal with this internally. Mr. Reed stated there is legitimate here and now certificates. Mr. Speakman stated that the company could issue a new bill and the Service Director can issue a purchase agreement. Mrs. Colby then asks to reconsider her vote.

Mr. Heath made a motion to reconsider the previous vote taken, seconded by Mr. Hughes. In a voice vote, all Council agreed.

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 – absent  
Mr. Heath – yes

RESOLUTION NO. 25-07 DULY ADOPTED

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RESOLUTION NO. 26-07

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

First Reading

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

Mr. Humphreys stated there was no allowance for a price increase. Further stating, is it legal to give us a new bill and issue a new purchase order. Mayor Goodman stated this was done on occasion. We have one for APPA dues; it was over the budgeted amount. Mr. Reed asked how much the invoice was. Mayor Goodman stated it was over \$5000, there was no purchase order in place when the invoice was received. Then and Now certificates are sometimes needed. Further stating APPA will not be paid this year, knowing that Council will not approve a resolution. Mrs. Colby stated she will not take the blame for this; this is an administrative problem, just an excuse. Mr. Reed stated he is against a lot of the resolution, but in some cases they are necessary. We should do as few as possible. Mr. Heath stated there are internal concerns, but we don't want to harm the city.

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RESOLUTION NO. 27-07

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

First Reading

NO MOTION TO ADOPT

RESOLUTION NO. 27-07 DEAD

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CORRESPONDENCE – None



OLD BUSINESS – None

NEW BUSINESS

Mrs. Colby stated a resident had inquired about tornado sirens, who would address this issue. Mayor Goodman stated the EMA agency for the county, the city could work with them.

Mr. Heath made a motion to go into executive session to discuss pending litigation and contractual matters, 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 – absent  
Mr. Heath – yes

Council went into executive session at 7:52 p.m.

Mr. Heath made a motion to return to regular session, seconded by Mr. Hughes. In a voice vote, all Council agreed. Council returned to regular session at 8:30 p.m.

Mr. Heath made a motion to schedule a special meeting to discuss and take action on the consent order on Wednesday at 8:00 a.m., seconded by Mr. Reed. 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 8:31 p.m.

APPROVAL:

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Tera L. Brown  
Clerk

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Ronald Speakman  
President

Date \_\_\_\_\_

Date \_\_\_\_\_