JACKSON CITY COUNCIL

Minutes from October 22, 2007 7:00 p.m. Regular Session

Jackson City Council met in regular session on Monday, October 22, 2007, at 7:00 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 Brett 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 moved to excuse Mr. Stewart, seconded by Mr. Cary Brown. By a voice vote all approved.

Mrs. Colby made a motion to approve the minutes from September 24, 2007, seconded by Mr. Heath. In a voice vote, all Council agreed. Mr. Reed made a motion to approve the minutes from the October 1, 2007 Special Session, seconded by Mr. Cary Brown. In a voice vote, all Council agreed.

VISITORS - none

COMMITTEE REPORTS

UTILITY - No report

BUDGET & FINANCE

Mr. Reed asked when the proposed budget would be submitted. Mayor Goodman stated that he had not received any information from the department heads. Mr. Reed stated this need to be started in November.

POLICE, FIRE & TRAFFIC - No report

SERVICE

Mr. Heath asked if the leaf pickup would be curb or bag pickup. Mayor Goodman stated he would check.

RAILROAD - No report

LEGAL

Mr. Heath stated that Mr. Detty will not be attending this evening. The consent order was finalized on September 19, 2007, from the EPA/AG. The consent order dealt with past violations, wet/dry weather releases. Mr. Heath asked if any new issues had been sent to the EPA. Mayor Goodman stated

that we have had one incident, it was repaired promptly, and it was a sanitary overflow. The fine was \$2000.00 per day without rain. They were satisfied with the level of attention. Mr. Humphreys stated he had received a bill for \$10,000 from the attorneys.

BUILDING

CITY AUDITOR

Mr. Humphreys stated that at the end of tomorrow the city had \$750,000 in Oak Hill Banks and a \$4 million from the Bank of New York bond maturing. He gave a brief update on the loan, \$40,000 a year savings, 1.1% less in interest fees, \$230,000 from trust returned. The load is at 4.9% interest, \$20,000 more a year in payments, than what we were previously paying. Maxximus met last Thursday, they want additional information, and the city has sent this to the state.

LAW DIRECTOR - No report

MAYOR

Mayor Goodman stated the EPA had sent a letter (see attached), documenting problems and the meeting. He has two issues to discuss in executive session, Fines as a result of the consent decree and the Kida Newell case, another appeal filed. There had been a meeting to discuss the Neighborhood Watch Program in the 1ST ward, the administration, police and residents met, tremendous turnout, good information was given. There will be a follow up meeting and also a meeting with the residents of Cherry Street, as they would like to start a similar group. The burnt house on Mill Street has been discussed; it is still an open case with the State Fire Marshall. The railroad has sent a letter to Mr. Stewart to schedule a meeting to discuss issues with the existing agreement. This will be scheduled at a later date.

SERVICE DIRECTOR/CITY ENGINEER

Mr. Benson was not present, see attached memo.

CHIEF OF STAFF

Mr. Workman stated movement on the Skate Park; the committee meets once a week. They need between \$8000-\$10,000 to complete the project. They will be holding a concert to raise funds. The youth basketball in partnership with the High School has started; there will be Saturday clinics and start games in January. Shalan Rhea completed the AEP program with a perfect score. He requested an executive session to discuss a resolution for clean air grant and the acquisition of property. Mr. Reed asked the const of the skate park. Mr. Workman stated \$38,000. Mr. Heath asked about the Tony Hawk grant. Mr. Workman stated that we did not receive this grant, but we can reapply. Mrs. Colby asked if soliciting churches for donations was policy. Mayor Goodman stated yes, they are also on the pool list.

SAFETY DIRECTOR - No report

POLICE CHIEF - No report

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 116-07

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE SEWER FUND AND IN THE SCMR FUND, AND DECLARING AN EMERGENCY.

Third Reading

In a roll call 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 – absent Mr. Heath – yes

ORDINANCE NO. 116-07 DULY ADOPTED

ORDINANCE NO. 124-07

AN ORDIANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO AND THE ASSOCIATION OF PUBLIC SCHOOL EMPLOYEES, OAPSE/AFSCME LOCAL 4/AFL-CIO AND ITS LOCAL #410, AND DECLARING AN EMERGENCY.

Third Reading

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

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

ORDINANCE NO. 124-07 DEFEATED ******

ORDINANCE NO. 129-07

TO MAKE LEFT HAND TURNS SAFER, IT IS PROPOSED TO WIDEN THIS PORTION OF THE 2 LANE HIGHWAY (SR93) BY ADDING CENTER LEFT TURN LANES. THIS WILL REQUIRE THAT THE STATE OF OHIO CONSTRUCT SANITARY LINES AND RELOCATE WATER LINES ON SECTIONS OF FOUR MILE ROAD AND YELLOW DELICIOUS DRIVE. THE CONSTRUCTION AREA WOULD BE APPROXIMATELY 125 FEET ON FOUR MILE ROAD AND APPROXIMATELY 200 FEET ON YELLOW DELICIOUS DRIVE.

Second Reading

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

ORDINANCE NO. 129-07 DULY ADOPTED ******

ORDINANCE NO. 131-07

AN ORDINANCE TO APPROVE THE FORM AND AUTHORIZE THE EXECUTION OF A POWER SALES CONTRACT WITH AMERICAN MUNICIPAL POWER-OHIO, INC. AND TAKING OTHER ACTIONS IN CONNECTION THEREWITH REGARDING THE PRAIRIE STATE ENERGY CAMPUS.

Second Reading

Mr. Reed recommends a meeting before the November 1st timeline. Mr. Workman stated this project was about to start. Mayor Goodman recommends another meeting to discuss.

ORDINANCE NO. 132-07

TO APPROVE THE FORM AND AUTHORIZE THE EXECUTION OF A POWER SALES CONTRACT WITH AMERICAN MUNICIPAL POWER-OHIO, INC. AND TAKING OTHER ACTIONS IN CONNECTION THEREWITH REGARDING HYDROELECTRIC PROJECT PARTICIPATION.

Second Reading

ORDINANCE NO. 134-07

AN ORDINANCE TRANSFERRING APPROPRIATIONS, 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 – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – absent 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 – absent Mr. Heath – yes

ORDINANCE NO. 134-07 DULY ADOPTED ******

ORDINANCE NO. 135-07

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE ELECTRIC FUND, 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. Heath asked someone to explain. Mrs. Sexton this included refinancing of bonds, the city paid 115% of interest calculated; if we met the ratio we received the 15% plus interest. We did receive the refund earlier this year. Mrs. Colby requested the length of payment, how much per year and how many years remained. Mr. Heath thought this was from 1993. Mr. Speakman was not sure. Mr. Heath thought it was for 25 years. Mr. Speakman thought it was over in 2030. Mrs. Sexton stated she will supply information requested.

Mr. Reed 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 – absent 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 – absent Mr. Heath – yes

ORDINANCE NO. 135-07 DULY ADOPTED

ORDINANCE NO. 136-07

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND, CEMETARY FUND, WATER FUND, AND GARBAGE FUND, 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. Heath 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 – absent 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 – absent Mr. Heath – yes

ORDINANCE NO. 136-07 DULY ADOPTED ******

ORDINANCE NO. 137-07

AN ORDINANCE TRANSFERRING APPROPRIATIONS, 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.

ORDINANCE NO. 138-07

AN ORDINANCE TRANSFERRING APPROPRIATIONS, 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 approved.

Mr. Workman stated this ordinance and the following for the jail contract funds, running short. Mr. Heath is this more than the past years. Mr. Workman stated he was not sure. Mrs. Sexton stated some shortages came from an emergency surgery that cost approximately \$11,000.

Mr. Reed 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 – absent 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 – absent Mr. Heath – yes

ORDINANCE NO. 138-07 DULY ADOPTED ******

ORDINANCE NO. 139-07

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND-POLICE DEPARTMENT, 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. Heath 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 – absent 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 – absent Mr. Heath – yes

ORDINANCE NO. 139-07 DULY ADOPTED ******

ORDINANCE NO. 140-07

AN ORDINACE FINDING THE LOWEST RESPONSIBLE AND RESPONSIVE BID, AWARDING THE CONTRACT FOR THE STATE ROUTE 93 ELECTRIC DISTRIBUTION RELOCATION PROJECT, TO MIDWEST ELECTRIC, 4601 HOMER OHIO LANE, GROVEPORT, OHIO 43125, 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. Heath 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 – absent 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 – absent Mr. Heath – yes

ORDINANCE NO. 140-07 DULY ADOPTED ******

ORDINANCE NO. 141-07

AN ORDINANCE TRANSFERRING APPROPRIATIONS, 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. Heath asked if this was an addition to overtime and fuel. Mr. Workman stated two line items had run short for the rest of the year. Mr. Heath asked if this was due to rising fuel cost. Mrs. Colby stated most transfer is from the Worker's Comp. fund, why. Mr. Workman stated we had received a discount. Mrs. Sexton stated we do not know the actual cost until we receive the bill in February.

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

ORDINANCE NO. 141-07 ****** ORDINANCE NO. 142-07

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

First Reading

Mr. Heath made a motion to adopt the ordinance, seconded by Mr. Eric Brown. 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 – yes Mr. Hughes – yes Mr. Eric Brown – yes Mr. Reed – yes Mr. Cary Brown – yes Mr. Stewart – absent 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 – absent Mr. Heath – yes

ORDINANCE NO. 142-07 DULY ADOPTED

ORDINANCE NO. 143-07

AN ORDINANCE ADOPTING A PUBLIC RECORDS POLICY FOR THE CITY OF JACKSON, OHIO.

First Reading

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

RESOLUTION NO. 39-07

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF JACKSON, OR HIS DESIGNATED REPRESENTITIVE, TO FILE AN APPLICATION, AND EXECUTE ANY AND ALL AGREEMENTS OR DOCUMENTS WITH THE OHIO PUBLIC WORKS COMMISSION FOR THE CLEAN OHIO CONSERVATION PROGRAM FUNDS, AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Heath made a motion to recall the previous motion to approve the minutes of September 24, 2007; Ordinance No. 131-07 was omitted, seconded by Mr. Reed. In a voice vote, all Council agreed. Mr. Heath made a motion to approve the minutes as amended, seconded by Mr. Eric Brown. In a voice vote, all Council agreed.

CORRESPONDENCE

A letter from American Trainco, this was given to Mr. Workman.

OLD BUSINESS - None

NEW BUSINESS

Mr. Heath made a motion to go into executive session to discuss the possible acquisition of land, consent decree and fines, and pending 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 – absent Mr. Heath – yes

Council went into executive session at 7:45 p.m.

Mr. Heath made a motion to return to regular session, seconded by Mr. Eric Brown. In a voice vote, all Council agreed. Council returned to regular session at 8:22 p.m.

ADJOURN

	Mr. Heath made a motion to adjourn	n, seconded by Mr. Eric Brown.	In a voice vo	te, all	Council
agreed.	Council adjourned at 8:22 p.m.				

APPROVAL:

Tera L. Brown

Clerk

Date 1 - 10-07

Ronald Speakman

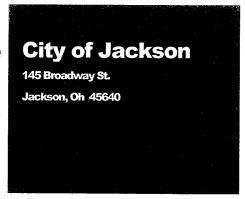
President

Date

Director of Public Service

Assistant Director of Public Safety City Engineer Zoning Enforcement Officer Building Official

Ph: 740-286-2201 Fax: 740-288-4119 Pager: 740-230-2434



Memo

To:

Council

From:

Steve Benson

CC:

[Click here and type name]

Date:

10/19/2007

Re:

Report

- I am attending an Amp Ohio Environmental Stewardship meeting today in Westerville and will be attending the Amp Oh Fall conference for the rest of the week
- 2. Phase II construction of the bike path is progressing. The ODOT crossing permit under SR 32 is requiring some revisions to match their standards.
- 3. We have met with ODOT last week and submitted the initial set of Phase I Bike Path plans. Work is progressing on these designs.
- 4. We have issued a PO for the next portion of the Huron Street Sidewalk project that will go from the pool to Burlington. Work will start shortly on this.
- 5. The Waste Water Plant project is progressing well.
- 6. The Down town portion of the sewer rehab project will start bidding in November. The EPA just issued the PTI. Also, CT Consultants is preparing the next cleaning and inspection project for the Parkview area. This will be bid yet this year for winter work. This is all in accordance with the requirements of the Consent Decree. We had a good meeting with the EPA in Logan over a week ago and the working relationship is excellent.
- 7. The Water Plant Project is progressing well. The HVAC upgrade portion bids this week and the roof portion bids next week. We are still in the planning stages for the next big project at the plant. As I originally mentioned some time ago, we had a first cost estimate of \$1.2 million, then we went about it differently and reduced

- this to \$750 thousand. We are now looking at something with more in house engineering to reduce it much further, if possible. In the meantime we will be applying for the OEPA NPDES permit. This will drive the project schedule from that point forward with promised dates we will have to meet. This whole project is to reduce pollution to the stream from plant operations.
- 8. You have the Ordinance for the final Hydro contract. We have already approved and signed the initial agreement. I attended an Amp Oh Hydro update meeting last week in Dublin. The actual construction work gets underway this year on these projects. These projects are excellent opportunities to secure reasonable long range electric rates. Remember that when the JV5 financing is completed in 2030, we will be getting power in the 2 ½ cents per kw range when market will be over 10. Right now, the rates we actually pay for JV 5 power is a little above market but will be right at market in a few more years. After that, we will be paying below market rates until the financing is complete in 2030. Then we get the big drop in rates. The hydro is a good project for Jackson. I gave you all the hand out info from the meeting I attended last week. The projects right now consist of three plants but Amp Oh is trying to secure positions on parts of two more. The more hydro we have the better in the long run. As previously mention, the project is over sold and we are in line for less than we had wanted.
- 9. The Veterans Substation project is finishing up with the work required at Lick Substation on the 138,000 volt tie in. We will be scheduling the final work which will require two outages in a couple weeks.
- 10. You have the Prairie State Ordinance. This project is about to get under construction and will provide us with a great opportunity to stabilize power costs for the future.
- 11. We will be bidding out the last phase of the Wood Ave sewer lining project in November. This is the Ohio Public Works project where they pay about half of the cost. In the future, we will be looking for other places to do sewer rehab work.
- 12. I have sent you all information from OMEA on concerns with the governor's energy proposal which is a form of re-regulation. I also sent you all Amp Ohio's response to the environmentalist challenge to the AMPGS project. We are on board for this project, but we can adjust our participation level once we have full information on Prairie State and the Hydro projects. I also sent you all copies of the favorable article in the Akron Journal.



Southeast District Office

2195 Front Street Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490 www.epa.state.oh.us

Ted Strickland, Governor Lee Fisher, Lieutenant Governor Chris Korleski, Director

October 19, 2007

Re: Jackson County
City of Jackson
0PD00008*GD
Complaint Investigat

Complaint Investigation Correspondence (PWW)

Mayor Shane Goodman Council President Jim Humphreys City of Jackson Memorial Building, 145 Broadway Street Jackson, Ohio 45640

Dear Mayor and Council President/Members:

On September 27, 2007, I investigated a complaint I received on September 24, 2007, regarding a sanitary sewer overflow (SSO) entering McDowells Run in the neighborhood of Burlington Road between Huron and South Streets. Greg Wilson accompanied me as I was unable to reach Steve Reigel at the time. We found a storm sewer discharging a fair amount of raw sewage. Evidently this has been ongoing due to the volume of sewage visible past where McDowells Run passes under Burlington Road. The homeowners in 2 locations there confirmed this as an ongoing problem.

This discharge is unauthorized and must be eliminated. In accordance with the Consent Order journalized September 19, 2007, the City of Jackson is now libel for a fine of \$2,000 per day until this discharge is eliminated.

Since September 27, 2007, the city has taken steps to eliminate or minimize the discharge from this location.

On October 11, 2007, Ohio EPA held a meeting in Logan at the Ohio EPA Southeast District Office to discuss this violation and the possible short and long term remedial actions for this SSO and the final Consent Order. The Mayor, Donovan Workman, Steve Benson, Jack Detty, Steve Reigel, and Greg Wilson represented the city, and Tom Voldrich and Tim Clapper of CT Consultants also attended the meeting.

It was an effective meeting. I believe the city now has a good understanding of the requirements from both the permit and the consent order regarding bypasses, SSOs, communication, and fines.

If you have any questions please contact me at your convenience.

Sincerely,

Ms. Abbot Stevenson Environmental Engineer

Permits and Enforcement Section

Division of Surface Water

AS/dh

Greg Wilson, Director of Water and Wastewater c:

Steve Benson, Service Director c:

c: Lauren Angell, AGO

c: Rachel DeMuth, CO, DSW

c: AS file