

JACKSON CITY COUNCIL

Minutes from
December 13, 2007
7:00 p.m.
Special Session

Jackson City Council met in special session on Thursday, December 13, 2007, at 6:00 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

This meeting was called to discuss Ordinance 167-07, 169-07, 170-07, 173-07, 174-07, and to discuss potential hiring freeze for the city for the month of December.

ORDINANCES & RESOLUTIONS

ORDINANCE NO. 167-07

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

3rd Reading

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

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

ORDINANCE NO. 167-07 DEFEATED

ORDINANCE NO. 169-07

AN ORDINANCE TRANSFERRING APPROPRIATIONS, AND DECLARING AN EMERGENCY.

2nd 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 – 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. 169-07 DULY ADOPTED

ORDINANCE NO. 170-07

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE SEWER PLANT
IMPROVEMENT PROJECT FUND, AND DECLARING AN EMERGENCY.

2nd 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 – 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. 170-07 DULY ADOPTED

ORDINANCE NO. 173-07

AN ORDINANCE ESTABLISHING A TEMPORARY BUDGET AND SETTING APPROPRIATIONS
FOR JANUARY 1, 2008 THROUGH MARCH 31, 2008, AND DECLARING AN EMERGENCY.

2nd Reading

Mr. Reed stated the rough draft was given tonight, will have the final budget next week. This only includes wages, major projects, insurance and compensation to leaving employees, no equipment or other items.

ORDINANCE NO. 174-07

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

2nd 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 – 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. 174-07 DULY ADOPTED

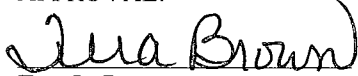
Discussion for a hiring freeze. Mr. Heath stated shortly after the election, the Mayor made the stated that he had no plans to hire open positions and to give the new administration a chance to look at the finances for next year. One job was posted for the water plant; the EPA wants this position filled. Maybe others will be filled, we would have liked to ask the current administration, but they have not attended the meetings. There is no justification; these jobs will be filled with only days until the end of the year. Were there any allowances in the temporary budget for these new employees? Mr. Reed stated no. Mr. Heath stated it would be in the best interest of the city not to hire; it is not fair to the new employees. Mr. Eric Brown stated this was not mentioned on Monday night, this was delivered by the police and the media was not notified, possible sunshine law violation. Mrs. Colby stated I think we spoke about the probation period, the Mayor has the right to waive, feels we should take precautions. Mr. Heath stated in regards to the sunshine law, Council President has the right to add to the agenda. Concerned that several people could have adverse effects on the budget. Mr. Cary Brown asked was there a meeting after we left. Mr. Speakman stated the media was notified, this was brought at a council person's request. Mr. Eric Brown added Mrs. Colby stated a few members met after the meeting and discussed this issue, why was this not brought up during the meeting, Mrs. Colby referred to the Mayor and the probationary period, and this did not go into effect. Mrs. Colby stated it is made clear with a memorandum of understanding, and there was no meeting and a few members of the non council. Mr. Reed stated this is a mute point, disappointed to see these positions filled with friends at the end of his term. We will have no say in this matter, but I would like to see them not filled. Mr. Cary Brown stated we are asking for trouble. Mr. Heath stated this has nothing to do with this person or that person, wants to make sure that at the end of 2008 we have enough

money. Mr. Cary Brown stated if we vote, it will make the Mayor mad. Mr. Heath stated he hates to think this how we run our city on who we make mad. Mrs. Colby stated she agrees with Mr. Reed. Mr. Reed stated he does not think they should be filled and we are not sure that any one has been hired.

ADJOURN

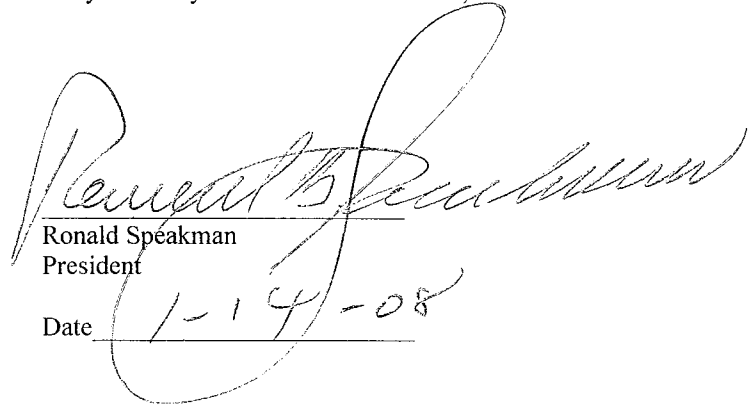
Mr. Heath made a motion to adjourn, seconded by Mr. Cary Brown. In a voice vote, all Council agreed.

APPROVAL:



Tera L. Brown
Clerk

Date 1-14-08



Ronald Speakman
President

Date 1-14-08

JOHN L. "JACK" DETTY

Jackson City Law Director

145 Broadway Street

Jackson, Ohio 45640

Phone: 740-286-1112

Fax: 740-286-8788

December 13, 2007

Gabriel Hall
President
US Rail Corporation
19145 Allen Road
Suite 107
Brownstown, Michigan 48183

***CERTIFIED MAIL AND
REGULAR MAIL***

RE: City of Jackson, Ohio - Short Line Railroad Lease Agreement

Dear Mr. Hall:

This is notice to you that the City of Jackson declares US Rail in default of the Short Line Lease Agreement. You are currently \$49,500.00 in arrears on the rental payments due under the terms of the Agreement. This problem cannot be ignored or put off any longer. The City will proceed to terminate the Agreement unless US Rail brings itself into compliance with the Agreement on or before January 18, 2008. All future rental payments must be timely paid in accordance with the terms of the Agreement as well.

The City is prepared to pursue any and all legal avenues available to see that the terms of the Short Line Lease Agreement are complied with by US Rail. Your cooperation in bringing US Rail into immediate compliance will be appreciated and will save both US Rail and the City much time and expense.

I look forward to your immediate response to this matter.

Sincerely,

John L. "Jack" Detty
City Law Director

cc: Shane A. Goodman, Mayor
Steve Benson, Service Director
Shoemaker, Howarth & Taylor, Attorneys

JOHN L. "JACK" DETTY

Jackson City Law Director

145 Broadway Street

Jackson, Ohio 45640

Phone: 740-286-1112

Fax: 740-286-8788

December 13, 2007

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President
US Rail Corporation
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I look forward to your immediate response to this matter.

Sincerely,

John L. "Jack" Detty
City Law Director

cc: Shane A. Goodman, Mayor
Steve Benson, Service Director
Shoemaker, Howarth & Taylor, Attorneys

Until the current issues with the Ohio State Auditor are resolved the City cannot and will not entertain any thoughts of entering into a new contract with Maximus.

Hopefully your firm will move the City's issues with the Ohio State Auditor to a priority status, and you will diligently and expeditiously address the issues currently raised by the Ohio State Auditor and see that these matters are resolved. Only if this action is taken will the City be in a position of knowing how to accurately address the issue of the allocation of rents and rights of way.

If you have any questions concerning the proposed agreement please feel free to contact me.

Sincerely,

John L. "Jack" Detty
City Law Director

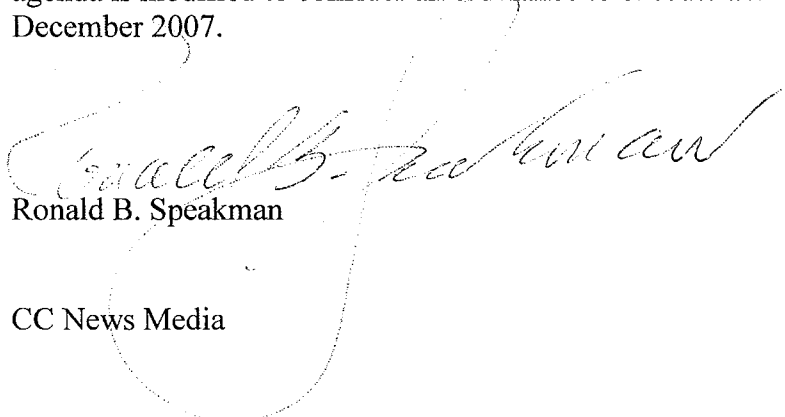
cc: Shane A. Goodman, Mayor
Jim Humphreys, City Auditor
Shoemaker, Howarth & Taylor, Attorneys

December 11, 2007

From: Ronald B. Speakman
President Jackson City Council

To: Jackson City Council Members
Councilman Eric Brown
Councilman Cary Brown
Councilman Wayne Stewart
Councilman Randy Heath
Councilman Marva Colby
Councilman Eddie Hughes
Councilman Brett Reed

There is a special council meeting scheduled at 6 PM on December 13, 2007. The agenda is modified to consider an ordinance to execute a hiring freeze for the period of December 2007.



Ronald B. Speakman

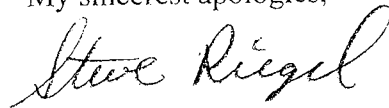
CC News Media

December 13, 2007

Members of Jackson City Council,

Please find attached a corrected page of the recently submitted OAPSE contract. I just became aware of an error yesterday December 12, 2007. The copy submitted mistakenly included Article 26 Section 2, dealing with benefits received by AFSCME members. This section was not supposed to be in the contract. It was negotiated out before the first proposal to Council. The copy our membership voted on and ratified did not include this section. If you have the first draft that was defeated, you will also not find this section there. Somehow this change was not saved by the computer and inadvertently got printed in this latest copy. The only change from the first contract was to be Article 9 only, going back to original contract language. I apologize for the error and any confusion this may have caused and hope this will strengthen your support for the contract.

My sincerest apologies,

A handwritten signature in cursive script that reads "Steve Riegel". The signature is written in black ink and is positioned below the typed name.

Steve Riegel, OAPSE 410 President

For each Environmental Protection Agency (E.P.A.) approved and authorized certification held by employees of the Water and Sewer Departments, that employee shall be compensated at the rate of sixty cents (\$.60) per hour per certification. All current or previously approved licenses, certifications or educational incentives shall continue to be paid to bargaining unit employees in the water and sewer departments at the negotiated rate.

The City shall pay to renew certifications and continue to pay for personnel to take EPA tests up to three (3) times per category. Afterwards, employees will pay for and use their personal time or vacation to take tests.

The City shall pay sixty cents \$0.60 per hour for each of the four (4) levels of certificates contained in the approved Electrical Journeyman's Program.

License pay shall be included in the employee's regular pay every two weeks for all hours in pay status during the pay period.

**ARTICLE 26
WAGES**

SECTION 1:

The City shall provide a 2.5% across-the-board wage increase as of September 1, 2007, for all bargaining unit members, and shall provide an additional 2.5% across-the-board wage increase effective on September 1st for each subsequent year of this collective bargaining agreement for all bargaining unit members.

**ARTICLE 27
DURATION**

This Agreement shall become effective as of September 1, 2007, and shall continue in full force and effect until midnight August 31, 2010. Commencement of negotiations for a new Agreement shall be no sooner than one-hundred twenty (120) days or no later than sixty (60) days prior to the expiration of the contract.