

JACKSON CITY COUNCIL
Regular Session
December 28, 2007
6:00 p.m.

Call to Order..... President Speakman
Pledge of Allegiance..... Mr. Reed
Opening Prayer..... Mr. Reed

Roll Call

Approval of Minutes

December 10, 2007 and December 13, 2007

VISITORS:

COMMITTEE REPORTS:

- Utility
- Budget & Finance
- Police, Fire & Traffic
- Service
- Railroad
- Legal
- Building
- City Auditor
- Law Director
- Mayor
- Service Director/City Engineer
- Chief of Staff
- Safety Director
- Police Chief

ORDINANCES AND RESOLUTIONS

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

ADJOURN

JACKSON CITY COUNCIL

Minutes from

December 10, 2007

7:00 p.m.

Regular Session

Jackson City Council met in regular session on Monday, December 10, 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 – present
- Mr. Reed – present
- Mr. Cary Brown – present
- Mr. Stewart – absent
- Mr. Heath – present

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

Mr. Heath made a motion to approve the minutes for November 26, 2007, seconded by Mr. Eric Brown. In a voice vote, all Council agreed. Mrs. Colby made a motion to approve the minutes for November 29, 2007, seconded by Mr. Heath. In a voice vote, all Council agreed.

VISITORS

We had no visitors scheduled. Mr. Speakman noted that the new Service Director, Bill Sheward, and new Councilmen, Mr. Wiggins, Mr. Adams and Mr. Evans were in attendance.

COMMITTEE REPORTS

UTILITY

Mrs. Colby had no report. Mr. Heath wanted to thank the water department and the many others who helped repair the water main break on High Street. Commended the crew, Stockmeister's and Lloyd Construction for their efforts in repairing the 16" line.

BUDGET & FINANCE

Mr. Reed stated he and Mrs. Sexton worked on a rough draft of the 2008 budget, they will bring to Council once finalized. The new administration can meet later to set a permanent budget. There were still issues up in the air; Maxximus is an issue, still unresolved. Mr. Detty should send a letter to them. Mr. Reed made a motion to have Mr. Detty draft a letter to Maxximus stating the intent not to renew our contract, seconded by Mr. Eric Brown. In a voice vote, all Council agreed. Mr. Heath wanted Mr. Detty to stress the urgency; we are still waiting on requested material from Mrs. Grant. Mr. Reed noted that money advanced to the water fund can be returned to the general fund.

POLICE, FIRE & TRAFFIC

Mr. Eric Brown stated they had secured most of the paperwork involved in purchasing the new fire truck. Seeking Council's direction and guidance. Through discussion, it seems we need to investigate

and be comfortable in our decision. Mr. Reed questioned the time frame. Mr. Eric Brown stated after the first of the year, there would be a 10% increase. Will verify this information. If we want to purchase, we need to move forward. The committee is here to answer any questions you may have. Mr. Reed asked Mr. Reid to come forward to answer questions. Mr. Reed asked the difference between custom and pumper on a regular chassis. Mr. Reid stated there were safety issues and most fatalities occur in the commercial chassis, the custom build gives you more room in the cab, and the crew is ready when they arrive at the scene. Mr. Reed asked the price difference. Mr. Reid stated \$25000 - \$80000. Mr. Reed asked with comparing the pricing, are you financially able to do and what are the plans for the BCS building. Mr. Reid stated they were keeping the front portion of the building only, \$4000 has come from the 2007 budget, with \$14500 left to put toward the building from this year, leaving close to \$5000. This building will be used for training purposes. Mr. Speakman asked how long you would use the building. Mr. Reid stated 4-5 years, until we could afford the new building addition, we will need other funding. Mr. Heath asked which truck this would be replacing. Mr. Reid stated engine number 1402, 1973 model will be taken out of service; this truck did not pass the last test. Engine 1401, 1984 model will go to reserve status and engine 1485 will be second reserve. Mr. Heath asked if this had any affects on the insurance rates for the city. Mr. Reid stated the ISO reports so often, the city is currently at a level 5, chances are rates will go up; we are at a middle level. Mrs. Colby stated this issue should be left until the new Council takes over. Mr. Heath had spoken with Mr. Sheward; they wanted to verify the funds and deadline. Mr. Reid stated the deadline was December 31, 2007. Mr. Heath asked if we would need an ordinance. Mr. Reed stated he would like to have Mr. Eric Brown verify the deadline. Mr. Eric Brown asked if the deadline was December 31, 2007, could a meeting be scheduled for December 17, to present an ordinance. Mr. Sheward asked what the procedure was for bonds, how long would this take. Are there any issues with selling bonds? Mr. Reed stated this could be an issue, with the general fund balances. Mr. Speakman stated the line item appropriations would not be available. Mrs. Colby asked if this was state purchase and how many quotes were received. Mr. Reid stated he received quotes from seven companies. Mr. Heath stated he was concerned with safety issues in regards to the 34 year old engine. Mrs. Sexton stated she would contact Katie Klinefelder in regards to financing; bonding will take 30-60 days. Mr. Reed asked if this was general fund or levy based. Mr. Heath stated we could set a meeting if everything is okay. Mr. Eric Brown stated he would call tomorrow and get with Mr. Heath. Mr. Heath asked if all seven companies were state purchase. Mr. Reid stated most were.

SERVICE

Mr. Cary Brown reminded Council of the request from the Liberty Township for cemetery land, can they lease or bid. Mr. Heath stated he had spoke with Mr. Detty, could zone as cemetery use only. Mr. Eric Brown made a motion to bid as cemetery use only, seconded by Mr. Cary Brown. In a voice vote, all Council agreed.

RAILROAD

Mr. Heath asked where we at on payments. Mr. Humphreys stated last payment was received in February, balance is approximately \$49,500. Mr. Eric Brown stated he did see an engine there on Monday. Mr. Reed made a motion to have Mr. Detty draft a letter stating there is a breech of contract; \$49,500 is due to the city. No city property is to be removed until further notice, including but not limited to ballast, rails and ties, seconded by Mr. Cary Brown.

LEGAL

Mr. Heath requested an executive session prior to Ordinances and Resolutions.

BUILDING – No report.

CITY AUDITOR

Mr. Humphreys stated he had passed out the monthly audit report. The Maxximus report was a top priority at the Columbus meeting, now the state auditor says it is not priority. Ord. 168-07 has to be

passed tonight, \$12000 in EPA fines, must be paid. Completed the discussion with local banks, will have information for Council by the next meeting. Please pass the ordinance for Mrs. Leach for her \$500 deductible reimbursement.

LAW DIRECTOR

Mr. Detty stated that ord. 168-07, was to pay EPA fines, the consent decree says we must report, this needs to pass ASAP, even if we have to have a special meeting. We are setting up procedures and they are working with us. Ord. 171-07 is to correct a line item error on the Kokosing Construction award, \$169000 not \$161000. Ord. 172-07 is to reimburse Carolyn Leach. Ord 175-07 and 176-07 were received today. Tonight is the third reading on the public records ordinance. The Jackson County Historical Society would like to lease the land around Boone Rock and erect a fence. Mr. Speakman stated this should go before the new Council. Mr. Detty stated the leases and rents and right of ways are coming due. Mr. Speakman stated the service director used to take care of these. Mr. Detty requested an executive session to discuss imminent litigation involving the old BCS building on Pearl Street near the fire department, to consider the purchase of real property, pending litigation with Uribe v City of Jackson, and pending litigation with Newell v City of Jackson.

MAYOR – Absent

SERVICE DIRECTOR/CITY ENGINEER - Absent

CHIEF OF STAFF - Absent

SAFETY DIRECTOR - Absent

POLICE CHIEF - Absent

Mr. Reed made a motion to amend the agenda and read the following ordinances 168-07, 170-07, 171-07, 172-07, 175-07 and 176-07, seconded by Mr. Cary Brown. In a voice vote, all Council agreed.

ORDINANCE NO. 168-07

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

1st 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 follows:

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. 168-07 DULY ADOPTED

ORDINANCE NO. 170-07

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

1st Reading

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

ORDINANCE NO. 171-07

AN ORDINANCE CORRECTING ORDINANCE NO. 163-07, FINDING THE LOWEST RESPONSIBLE AND RESPONSIVE BID, AWARDING THE CONTRACT FOR THE WOOD AVENUE SANITARY SEWER LINING PROJECT, TO KOKOSING CONSTRUCTION COMPANY, INC., 17531 WATERFORD ROAD, FREDERICKTOWN, OHIO 43019, AND DECLARING AN EMERGENCY.

1st 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 follows:

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. 171-07 DULY ADOPTED

ORDINANCE NO. 172-07

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

1st 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 follows:

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. 172-07 DULY ADOPTED

ORDINANCE NO. 175-07

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE ELECTRIC FUND,
WATER UTILITY DEPOSITS FUND, SEWER UTILITY DEPOSITS FUND, AND GARBAGE
UTILITY DEPOSITS FUND, AND DECLARING AN EMERGENCY.

1st 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 follows:

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. 175-07 DULY ADOPTED

ORDINANCE NO. 176-07

AN ORDINANCE TRANSFERRING APPROPRIATIONS, AND DECLARING AN EMERGENCY.

1st 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 follows:

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. 176-07 DULY ADOPTED

Mr. Hughes left the meeting at 7:45 due to an illness.

Mr. Speakman requested that on the agenda after Mayor, separate the Engineer and Service Director and change to Service/Safety Director, and remove Chief of Staff and Safety Director.

Mr. Heath made a motion to go into executive session to discuss the OAPSE contract, EPA consent order, imminent litigation involving the old BCS building on Pearl Street near the fire department, to consider the purchase of real property, pending litigation with Uribe v City of Jackson, and pending litigation with Newell v City of Jackson, seconded by Mr. Eric Brown. Mr. Eric Brown invited the new Council and Service/Safety Director was invited to stay, seconded by Mr. Heath. In a roll call vote, Council voted as follows:

Mrs. Colby – yes

Mr. Hughes – absent
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 8:45 p.m.

ORDINANCES & RESOLUTIONS

ORDINANCE NO. 143-07

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

3rd Reading

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

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

ORDINANCE NO. 143-07 DULY ADOPTED

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.

2nd Reading

ORDINANCE NO. 169-07

AN ORDINANCE TRANSFERRING APPROPRIATIONS, AND DECLARING AN EMERGENCY.

1st Reading

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

ORDINANCE NO. 170-07

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

1st Reading

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

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.

1st Reading

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

ORDINANCE NO. 174-07

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

1ST Reading

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

Mr. Speakman announced a special meeting would be held on Thursday, December 13, 2007 at 6:00 p.m. to discuss the following ordinances, 167-07, 169-07, 170-07, 173-07 and 174-07. Mr. Heath asked if we wanted to schedule a special meeting for December 28, 2007. Mr. Detty suggested moving the regular meeting. Mr. Heath made a motion to move the regular meeting from December 24, 2007 to December 28, 2007 and changing the time to 6:00 p.m., seconded by Mr. Reed.

Mr. Heath announced the swearing in ceremony for Mayor, Auditor, Council President and Council would be held on December 27, 2007 at 1:30 in Council Chambers.

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

Mrs. Colby stated she had received a call from a citizen living in the area near the pool, this resident stated that the kids were setting off fireworks and being loud late in the night in the area where the new skate park is to be located. Would like to see rules and regulations put in place, there have numerous complaints to the Mayor and police and residents say nothing is being done. Mr. Heath stated we may have to set house.

ADJOURN

Mr. Reed made a motion to adjourn, seconded by Mr. Heath. In a voice vote, all Council agreed. Council adjourned at 8:55 p.m.

APPROVAL:



Tera L. Brown
Clerk

1-14-08



Ronald Speakman
President

1-14-08

Date _____

Date _____

JOHN L. "JACK" DETTY

Jackson City Law Director

145 Broadway Street

Jackson, Ohio 45640

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Fax: 740-286-3492

jdetty@jacksonohio.us

Jackson City Council

December 10, 2007

REPORT OF THE LAW DIRECTOR

• **ORDINANCES**

- 168-07 – Involves payment of penalties under the Consent Decree. There are currently penalties due which are beyond the time set forth for payments. I have spoken with OEPA and they understand this is our first time to address this issue. There has been no money appropriated to pay these fines, and this is what this ordinance does. Also, to prevent this problem from occurring in the future, a procedure is being established to insure the proper reports are submitted with the payments. Part of the problem is the Consent Decree requires documentation to be sent in with the fines. Obviously, the City Auditor has no knowledge of the problems that causes the self reporting penalties, but the procedure being established will insure the City Auditor has documentation to verify the occurrence and the amount of the fine. *SINCE THIS NEEDS PAID ASAP, I WOULD HOPE COUNCIL WOULD CONSIDER SUSPENDING THE RULES AND PASSING THIS ORDINANCE TONIGHT.*
- 171-07 – this was actually approved by City Council at the last meeting. However, the City Auditor's Office noticed the amount of the contract was incorrect. The original ordinance had the contract being for \$169,841.00, but the correct amount is \$161,841.00. The ordinance tonight corrects the amount. Again, since this has already been approved and the new ordinance merely corrects a clerical error, I would hope the rules could be suspended and the ordinance passed tonight.
- 172-07 – At the last meeting Council approved reimbursing the Leaches for the amount of the deductible on their insurance policy. This ordinance appropriates the money to make this payment.
- 173-07 - I received a request today to prepare an ordinance for a temporary budget for the first three months of 2008. Wendy will be giving you the information as to Exhibit "A". This needs a first reading this evening.

- 175-07 – This ordinance was requested by the Utility Department late this afternoon. It is to cover deposits and refunds that may be due between now and the end of the year.
- 176-07 – I am requesting this ordinance. My office needs to purchase some additional supplies before the end of the year, and we do not currently have enough funds in our Office Supplies line item. I am asking that some moneys be moved from one line item to another so we may purchase these supplies. There is no additional money being asked for.

- **LIBERTY TOWNSHIP CEMETERY**

- I cannot find any statutory authority that would allow us to sale the property without bidding.
- We can lease the property to the Township for up to forty years.
- Suggest that Council authorize bids on the property, with use limited to cemetery purposes. This will protect the watershed for Hammertown.

- **MAXXIMUS/AUDITOR OF STATE**

- Basically there is nothing new to report on this matter. Attorney Howarth is addressing the issue with Maxximus, and he informs me at this time it is not a priority issue for the Auditor of State.
- Hopefully in the near future this matter can be resolved so that the City Auditor will know exactly what he is allowed to post for rents and rights-of-ways.
- I will keep you posted as more information becomes available.

- **BOONE ROCK**

- The Jackson County Historical Association has expressed an interest in obtaining a lease from the City for the City owned property around and near Boone Rock.
- Does Council wish to be involved in this process in determining what should be in the lease?
- I know the Historical Society is anxious to get this project moving.

- **LEASES**

- Railroad Leases that are coming to the end of the initial term. Does Council desire for these leases to be renewed with or without Council action.
- Most of these are right-of-way agreements.

I WOULD REQUEST AN EXECUTIVE SESSION TO
DISCUSS THE FOLLOWING ITEMS:

1. Imminent litigation involving the old BCS Building on Pearl Street near the Fire Department.
2. To consider the purchase of real property.
3. The matter of *Uribe v City of Jackson*, which is pending litigation.
4. The matter of *Newell v City of Jackson*, which is pending litigation.