

JACKSON CITY COUNCIL  
Regular Session  
July 28, 2008  
7:00 p.m.

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

Roll Call

Approval of Minutes

July 14, 2008

VISITORS:

- Mitch Costilow, Jackson Jaycees, requesting use of streets for Apple Festival

COMMITTEE REPORTS:

- Utility
- Budget & Finance
- Police, Fire & Traffic
- Service
- Railroad
- Building/Recreation
- City Auditor
- Law Director
- Mayor
- Service/Safety Director

ORDINANCES AND RESOLUTIONS

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

ADJOURN

## JACKSON CITY COUNCIL

*Minutes from*

July 14, 2008

7:00 p.m.

Regular Session

Jackson City Council met in regular session on Monday, June 14, 2008 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, led by Mr. Cary Brown. The Prayer was given, led by Mr. Wiggins.

A roll call was taken as follows:

- Mr. Evans – present
- Mr. Adams – present
- Mr. Eric Brown – absent
- Mr. Smith – present
- Mr. Cary Brown – present
- Mr. Elliott - present
- Mr. Wiggins – present

Mr. Smith made a motion to excuse Mr. Eric Brown, seconded by Mr. Elliott. In a voice vote, all Council agreed.

Mr. Adams made a motion to approve the minutes of June 23, 2008 regular session seconded by Mr. Elliott. In a voice vote, all Council agreed.

**VISITORS - None**

### **COMMITTEE REPORTS**

**Mr. Evans made a motion to amend the reports letting the Mayor speak first, seconded by Mr. Adams. In a voice vote, all Council agreed.**

Mayor

Mayor Heath apologized but had another commitment. In regards to the 4<sup>th</sup> of July, joint effort and a good show, special thanks to Launch and the Jaycees. The Economic Development Board has requested that the ordinance tabled at the last meeting, be permanently tabled, will bring back a new ordinance, still waiting on information from the ORDC.

UTILITY – No report

Mr. Evans stated that HOBA Enterprises would like to meet with the city and discuss water usage. Mr. Speakman stated this needs to be addressed by the committee.

BUDGET & FINANCE - No Report

POLICE, FIRE & TRAFFIC

Mr. Evans reported that the one way traffic went into effect on Chestnut Street, and thanked them for the follow up. Mr. Sheward stated the signs should be in place.

SERVICE

Mr. Smith stated that the committee met tonight, discussed the scrap ordinance, will request that this be tabled for future discussion. Submitted speeding date to the administration for review. The committee will meet on July 28, 2008 at 6:00 to discuss the scrap ordinance.

## RAILROAD - No report

Mr. Speakman that he received an alleged complaint about a piece of metal damaging a truck at the crossing south of Oak Hill, this information as been passed on to the city and railroad.

## BUILDING/RECREATION

Mr. Smith stated the committee met prior to the regular meeting, Mr. Sheward stated that they are preparing bid documents on the Memorial Bldg. and reported a leak in the roof at the utility office. Would like to discuss the Berridge property at the next meeting prior to the July 28<sup>th</sup> Council Meeting. Mr. Speakman asked how is the skate park. Mr. Smith stated it is being used and with no complaints. Mr. Sheward stated they are still skating on sidewalks. Mr. Speakman inquired about the sign stating that knee pads and helmets must be worn, is this being enforced. Mr. Sheward stated the sign was put up as a safety precaution.

## CITY AUDITOR – No report

Mr. Humphreys reported that the auditors would be in the Council Chambers on July 21, 2008 at 10:00 all welcome to attend.

## LAW DIRECTOR

Mr. Detty stated there had been discussion about the MOU with the FOP to halt random drug test, he advises that this is not effective, a motion is in order to accept or reject. Discussed ordinance 67-08, Lancaster Colony Corporation is requesting to terminate the lease and grant the property to the corporation. Ordinance 64-08 is the codified ordinance amendments to the traffic and criminal codes, would like this passed tonight. Ordinance 65-08 is for funding of attorneys for the indigent. There is also information on vacating the alley beside the Baptist Church, will set a public hearing. Would like to request an executive session to discuss US Rail vs. CIT/City of Jackson, RR Hamden, sewer rehab damage, Bissell, threatened litigation. A public hearing on the alley vacation will be held on July 28<sup>th</sup> at 6:45 p.m.

Mr. Evans made a motion to reject the MOU exempting officers from random alcohol and drug testing, seconded by Mr. Adams. In a roll call vote, all present members agreed.

## SAFETY/SERVICE DIRECTOR

Mr. Sheward stated that Mr. Detty found an old ordinance (see attached) to cover the recycled goods, to allow us to stop trash pickers. The ordinance states you must be an authorized collection agency, and that items set to the curb become property of the city. The fine can be a \$100 per incident per day. Citations will be issued. Mr. Smith asked if this covered businesses. Mr. Detty stated it needs enforced that way. Mr. Sheward stated residents can place a "free" sign on items they want to rid. Mr. Cary Brown asked if we were going to apply for grants for the recycling program. Mr. Evans stated that we received some from the Solid Waste District. Mr. Sheward stated they donated the trailer and new containers. Mr. Cary Brown stated he was concerned with gas prices. Mr. Sheward stated we are hoping to finance with the profits from recycling. Mr. Cary Brown stated he was concerned with losing money. Mr. Evans stated we will test, if not working, we will do away with. Mr. Cary Brown stated he agreed with Mr. Evans. Mr. Sheward stated the initial response from the public is good, if this is any indication it should be successful. Ordinance 66-08, this is to give the Chief and Assistant Chief a raise, with no back pay, but puts them in line with officers, giving Mr. Eisnaugle \$1.90/Ms. Uribe \$.70 over sergeant pay. Mr. Smith asked how this would be in effect. Mr. Detty stated it is not automatic. Mr. Evans asked how much more. Approximately \$3.64/\$3.45 an hour. Mrs. Sexton stated the amount includes September raises, how about next September. Mr. Sheward stated this is only for now. Mrs. Sexton suggested some changes to the wording. Mr. Humphreys stated \$1.30/\$1.80 in longevity pay. Mr. Evans stated it is different for each person. Mrs. Sexton stated the language states usual benefits in line with FOP contract, then in September they would get it again. Mr. Sheward stated it is the usual benefits, not considered salary. Mrs. Sexton stated the wording should state no increases in base pay. Mr. Speakman stated that the Law Director had some input. Mr. Detty stated the lawsuit was dismissed but can refile. Mr. Sheward stated there is a verbal

agreement. Mr. Evans asked if they were willing to put in writing. Mr. Detty stated that before this goes into effect, there needs to be a mutual agreement. Mr. Evans stated that if this passes, they agree to stop litigation.

Mr. Sheward stated the agreement with Ohio Valley Recovery is going slow, but progressing, they are working on past due bills from 2-4 years ago. Mr. Sheward stated the garbage tonnage is going up; this is causing more runs, and shrinking resources. Mr. Speakman asked about the fuel in the departments. Mr. Sheward stated it will run out in the next two months, we will need additional appropriations. Mr. Smith asked about smaller vehicles, like the mule. Mr. Sheward stated it is worth considering. They are not road worthy and have no safety devises, which would cause a new liability. The newest truck we have is a Ford Ranger; it is used by Steve Riegel in the Sewer Department. We may be able to save with some smaller vehicles, but we need some heavy duty trucks, we have given this a lot of thought. Mr. Speakman stated when there are bad snow storms; we need 4-wheel drive trucks. Mr. Smith stated I am not saying to get rid of, but we could get in lesser vehicles for those who are not hauling. Mr. Sheward stated we will in the future when we are replacing.

Mr. Sheward spoke about the employee injured in the garbage department, broken leg; this leaves the department one person short. We are doing well to keep the grass mowed, in June we mowed 27 unkept properties. Mr. Sheward stated they had received a report from the Federal Rail Commission, US Rail given 20 citations for improper crossing, by August they must be in compliance or face federal charges. Mr. Elliott asked if the tonnage on garbage be due to grass clippings. Mr. Sheward stated he was not sure. Mr. Elliott asked if there was a way to handle. Mr. Sheward stated they must call the utility department to schedule a pickup. Mr. Evans stated the solution is a per bag charge, recycling would be a reward. Many county residents bring there trash to the city to be hauled away. I have talked about this for 20 years. Use stickers, no sticker, and no pickup. The stickers could be sold at the utility office and local grocery stores. Mr. Cary Brown agrees. Mr. Speakman stated the tonnage has always gone up in the summer. This needs to be referred to the Utility Committee. Mr. Smith asked if the couple of accidents were due to training, will our WC's go up, and are these lost time accidents. Mr. Sheward stated no, they are paying, our employees are very well trained, the electrician stated he made a mistake, as far as the dumpster accident there are several issues. Would like a no handling system for dumpsters.

Mr. Smith requested an executive session to discuss, pending litigation with US Rail/CIT, threatened imminent litigation with Village of Hamden/US Rail, threatened or imminent litigation involving Robin Bissell, seconded by Mr. Evans. In a roll call vote, all attending members agreed. Council went into executive session at 8:00 p.m.

Mr. Smith moved to return to regular session, seconded by Mr. Evans. Council returned to regular session at 8:20 p.m.

Mr. Sheward stated that mosquito spraying would start in the next couple of weeks. We have hired a railroad contractor to oversee the upcoming projects, George Wehnery.

## **ORINANCES AND RESOLUTIONS**

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### **ORDINANCE 54-08**

**AN ORDINANCE ENACTING JACKSON CODIFIED ORDINANCE SECTION 331.121, RELATING TO J-TURNS.**

**Second Reading**

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### **ORDINANCE NO. 55-08**

**AN ORDINANCE ENACTING JACKSON CODIFIED ORDINANCE SECTION 331.122, AVOIDING TRAFFIC CONTROL DEVICES.**

**Second Reading**

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ORDINANCE NO. 61-08

AN ORDINANCE ENACTING JACKSON CODIFIED ORDINANCE SECTION 705.09, RECORDS OF TRANSACTIONS.

Second Reading

Mr. Smith made a motion to table the ordinance for further review, seconded by Mr. Wiggins. This will be a second reading at the next meeting.

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ORDINANCE NO. 62-08

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

First Reading

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

Mr. Evans made a motion to suspend the rules, seconded by Mr. Adams. In a roll call vote, Council voted as follows:

Mr. Evans – yes  
Mr. Adams – yes  
Mr. Eric Brown – absent  
Mr. Smith – yes  
Mr. Cary Brown – yes  
Mr. Elliott – yes  
Mr. Wiggins – yes

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

Mr. Evans – yes  
Mr. Adams – yes  
Mr. Eric Brown – absent  
Mr. Smith – yes  
Mr. Cary Brown – yes  
Mr. Elliott – yes  
Mr. Wiggins – yes

ORDINANCE NO. 62-08 DULY ADOPTED

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ORDINANCE NO. 63-08

AN ORDINANCE TRANSFERRING APPROPRIATIONS, AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Wiggins made a motion to suspend the rules, seconded by Mr. Adams. In a roll call vote, Council voted as follows:

Mr. Evans – yes  
Mr. Adams – yes

Mr. Eric Brown – absent  
Mr. Smith – yes  
Mr. Cary Brown – yes  
Mr. Elliott – yes  
Mr. Wiggins – yes

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

Mr. Evans – yes  
Mr. Adams – yes  
Mr. Eric Brown – absent  
Mr. Smith – yes  
Mr. Cary Brown – yes  
Mr. Elliott – yes  
Mr. Wiggins – yes

ORDINANCE NO. 63-08 DULY ADOPTED

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ORDINANCE NO. 64-08

AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT  
REPLACEMENT PAGES THERETO AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Evans made a motion to suspend the rules, seconded by Mr. Wiggins. In a roll call vote, Council voted as follows:

Mr. Evans – yes  
Mr. Adams – yes  
Mr. Eric Brown – absent  
Mr. Smith – yes  
Mr. Cary Brown – yes  
Mr. Elliott – yes  
Mr. Wiggins – yes

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

Mr. Evans – yes  
Mr. Adams – yes  
Mr. Eric Brown – absent  
Mr. Smith – yes  
Mr. Cary Brown – yes  
Mr. Elliott – yes  
Mr. Wiggins – yes

ORDINANCE NO. 64-08 DULY ADOPTED

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ORDINANCE NO. 65-08

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE  
CITY OF JACKSON, OHIO, AND THE BOARD OF COMMISSIONERS OF JACKSON COUNTY,  
OHIO, FOR THE PROVISION OF A PUBLIC DEFENDER FOR INDIGENTS, AND DECLARING AN  
EMERGENCY.

First Reading

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

Mr. Smith asked for a quick explanation. Mr. Detty stated this is an agreement between the Ohio Public Defenders and the County to provide legal representation to indigents; this is a six month contract. Mr. Cary Brown asked how many attorneys, Mr. Detty replied four. Mr. Evans asked the formula for basis, court load, would like to know this information. Mr. Detty stated he knows Oak Hill pays about \$1500.00. Mr. Evans would like to know the comparison between Jackson and Wellston.

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ORDINANCE NO. 66-08

AN ORDINANCE AUTHORIZING WAGE RATES FOR THE POSITION OF CHIEF OF POLICE AND ASSISTANT CHIEF OF POLICE, AND DECLARING AN EMERGENCY.

First Reading

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

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ORDINANCE NO. 67-08

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A TERMINATION OF LEASE AND TO EXECUTE A WARRANTY DEED TO TRANSFER REAL PROPERTY TO T. MARZETTI COMPANY, AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Adams made a motion to suspend the rules, seconded by Mr. Evans. In a roll call vote, Council voted as follows:

Mr. Evans – yes  
Mr. Adams – yes  
Mr. Eric Brown – absent  
Mr. Smith – yes  
Mr. Cary Brown – yes  
Mr. Elliott – yes  
Mr. Wiggins – yes

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

Mr. Evans – yes  
Mr. Adams – yes  
Mr. Eric Brown – absent  
Mr. Smith – yes  
Mr. Cary Brown – yes  
Mr. Elliott – yes  
Mr. Wiggins – yes

ORDINANCE NO. 67-08 DULY ADOPTED

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ORDINANCE NO. 68-08

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

First Reading

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

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RESOLUTION NO. 19-08

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF JACKSON, OR HIS  
DESIGNATED REPRESENTATIVE, TO FILE AN APPLICATION TO THE STATE OF OHIO,  
DEPARTMENT OF DEVELOPMENT, GOVERNOR'S OFFICE OF APPALACHIA, OHIO RAIL  
DEVELOPMENT COMMISSION (ORDC), AND THE OHIO HOUSING COMMUNITY  
PARTNERSHIP, TO SUPPORT APPLICATIONS FOR GRANT ASSISTANCE TO REHABILITATE  
THE CITY OWNED RAIL LINE, CONSTRUCT A NEW RAIL SPUR TO OHIO BASIC MINERALS,  
LLC., AND DECLARING AN EMERGENCY.

Second Reading

No motion was made to remove from the table, resolution dies.

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**CORRESPONDENCE**

Charlie's Angels has requested use of the streets to solicit donations for the Relay for Life (see  
attached). Mr. Adams made a motion to grant, but must be different location other than Manpower Park  
area, seconded by Mr. Wiggins. In a voice vote, all Council agreed.

Mr. Evans noted he is concerned with solicitations from too many organizations. This is the only  
opportunity for the Fire Fighters to fund raise. Also concerned with traffic and being in the street. Mr.  
Speakman stated let the administration handle.

**OLD BUSINESS - None**

**NEW BUSINESS**

Mr. Humphreys stated there were four jailbirds from the city, helped the county raise \$32,000 for  
MDA. Mr. Evans asked if action needed to be taken for application on alley vacation. Mr. Smith stated we  
need to have public hearing. (see attached) Mr. Smith explained the area and requested a temporary  
closure for activities. Mr. Wiggins asked if there were utilities. Mr. Sheward stated electric is the only  
concern, as long as parking lot remains open, there is no issue. Mr. Detty stated we have authority and  
right to access utilities. Mr. Evans further noted that we are not responsible for damages. Mr. Smith made  
a motion to grant temporary closure, seconded by Mr. Wiggins. In a voice vote, all Council agreed.

Mr. Adams thanked Council and the Administration for the flowers sent on behalf of his mother.

**ADJOURN**

Mr. Smith made a motion to adjourn, seconded by Mr. Wiggins. In a voice vote, all Council  
agreed. Council adjourned at 8:50 p.m.

\_\_\_\_\_  
Tera Brown  
Clerk  
Date \_\_\_\_\_

\_\_\_\_\_  
Ron Speakman  
Council President  
Date \_\_\_\_\_



CHARLIES ANGELS RELAY FOR LIFE TEAM  
2717 MT ZION ROAD  
JACKSON, OH 45640

Mayor Randy Heath  
City of Jackson


Dear Mayor Heath,

During the past few years our Relay Team has requested, and received permission to make solicitations in the City of Jackson. Our collection has been done in the area of Manpower Park during Pig Iron Days on that Saturday. We would like to make our collection for a few hours around the lunch hour.

This is a great opportunity for those Jackson County citizens who have not had a chance to make a donation for the cure of cancer to do so, and it helps our Relay Team in it's efforts to support the Jackson County Chapter of the American Cancer Society.

We would appreciate your help in once again getting permission for this collection from the City Council. We will obtain the proper safety vests from the city.

Most Sincerely Yours,

  
Mary Bloss  
Team Captain  
286 2526

(e) Once granted, a franchise for the hauling of garbage, rubbish or other waste material may be revoked by ordinance or resolution adopted in the usual manner provided by statute. (Ord. 12-95. Passed 2-13-95.)

**945.071 NUMBER OF FRANCHISES PERMITTED.**

There shall be no more than three (3) franchises issued within the City of Jackson. (Ord. 23-02. Passed 3-25-02.)

**945.072 FRANCHISEES TO PROVIDE CUSTOMER LISTS.**

Each franchisee operating under a franchise issued by the City shall, on a quarterly basis, provide the City with a list of all customers that the franchisee is providing or has provided services to during the quarter. (Ord. 23-02. Passed 3-25-02.)

**945.073 NO FRANCHISE FEE REQUIRED FOR CERTAIN SERVICES.**

The City may issue a franchise, as needed and as the City deems necessary, to providers of services for medical waste disposal, roll offs, commercial compactors, recycle dumpsters, or temporary clean-up containers. No franchise fee shall be required of any provider of services for medical waste disposal, roll offs, commercial compactors, recycle dumpsters, or temporary clean-up containers.

Franchises issued under this section shall not be subject to the requirements of Section 945.071.

The franchisee providing services under this section shall be subject to the client list reporting requirements set forth in Codified Ordinance Section 945.072. (Ord. 23-02. Passed 3-25-02.)

**945.08 AUTHORIZED COLLECTOR.**

It shall be unlawful for any person other than Municipal street and alley cleaners, Municipal refuse collectors or other authorized persons to interfere with garbage and rubbish placed in the streets, alley and public places of the City, for collection by Municipal authorities, or to interfere in any manner with garbage and refuse receptacles in the City. (Ord. 3-62. Passed 1-22-62.)

**945.09 OWNERSHIP OF REFUSE; SCAVENGING PROHIBITED.**

All junk and other materials on the disposal sites of the City are the property of the City and no person is allowed to separate and collect, carry off or dispose of same, except under the direction of the Service-Safety Director. (Ord. 3-62. Passed 1-22-62.)

**945.10 BURNING AND BURYING PROHIBITED.**

No person, shall, within the limits of the City, throw any garbage upon the ground or bury the same on any premises public or private or burn the same except in a heating plant so designed as to thoroughly consume the same without causing a nuisance of smoke ash or offensive odors or burn the same in any manner that may constitute a fire hazard. (Ord. 3-62. Passed 1-22-62.)

PETITION TO VACATE ALLEYS IN  
DANIEL HOFFMAN'S 2<sup>ND</sup> ADDITION  
TO THE CITY OF JACKSON,  
JACKSON COUNTY, OHIO

TO THE COUNCIL OF THE CITY OF JACKSON, OHIO:

The undersigned respectfully represents to the Council of the City of Jackson, Ohio, that First Baptist Church is the sole owner of lots 48, 49, 50, 35, 34, 33 and outlot 32 & 31 in the Daniel Hoffman 2<sup>nd</sup> Addition to the City of Jackson, Ohio.

A plat of said addition is recorded in Plat Book 1 at page 25, in the office of the Recorder of Jackson County, Ohio.

The undersigned respectfully petitions the Council of the City of Jackson, Ohio, to vacate the entire length of the alleys abutting lots 48, 49, 50, 35, 34, 33 & outlot 32 in the to the City of Jackson, Ohio, being an alley 20.79 feet in width extending in a generally northeast direction from southwest end of lots 48 and 35 of Daniel Hoffman 2<sup>nd</sup> addition to end of alley at out lot 32 of Daniel Hoffman 2<sup>nd</sup> addition; and an alley 16.5 feet in width extending in a generally northwest by west direction from Broadway Street to Portsmouth Street..

This petition is presented to the Council for the reason that the proposed portions of the alley is to be vacated for the purpose of enhancing the safety of adults and children taking part in activities on the grounds of First Baptist Church of Jackson which completely encompass the alley in question. The traffic which presently comes through the alley often travels at a much too high rate of speed and is a direct risk to anyone using our church grounds. It is not necessary to continue to allow travel through the church property as there is ample access for travel by other routes.

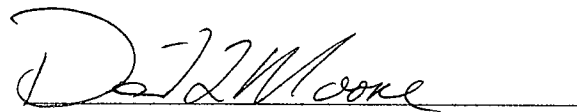
In the event the aforesaid vacation is granted, the undersigned acknowledges, agrees, and grants to the City of Jackson a permanent easement relating to public utilities in the vacated alley as provided in Section 723.041 of the Revised Code of Ohio.

The undersigned certifies that First Baptist Church is the sole owner of the real estate abutting the portion of the alley to be vacated by virtue of the following deed recorded in the Office of the Recorder of Jackson County, Ohio:

DEED BOOK X, PAGE 640  
DEED BOOK 156, PAGE 128  
DEED BOOK 41, PAGE 2308 - 2310  
DEED BOOK 259, PAGE 709 - 710  
DEED BOOK 244, PAGE 549 - 550

A plat of the portion of Daniel Hoffman's 2<sup>nd</sup> addition relating to the proposed vacation is attached.

Date: 7-9-08

A handwritten signature in cursive script, appearing to read "D. J. Moore", written over a horizontal line.

Signed by Trustee of First Baptist Church as Petitioner