

JACKSON CITY COUNCIL

Regular Session

~~July 28, 2008~~ August 11, 2008

7:00 p.m.

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

Roll Call

Approval of Minutes

July 28, 2008

VISITORS:

COMMITTEE REPORTS:

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

ORDINANCES AND RESOLUTIONS

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

ADJOURN

## JACKSON CITY COUNCIL

*Minutes from*

July 28, 2008

7:00 p.m.

Regular Session

Jackson City Council met in regular session on Monday, June 28, 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. Speakman. The Prayer was given, led by Mr. Adams.

A roll call was taken as follows:

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

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

Mr. Smith made a motion to approve the minutes of July 14, 2008 regular session seconded by Mr. Elliott. In a voice vote, all Council agreed.

### **VISITORS**

Mitch Costilow, Jackson Jaycees was in attendance to request the use of the streets for the annual Jackson County Apple Festival, it would be the same as in years past, along with closures for the three parades. Mr. Adams made a motion to grant the request, seconded by Mr. Smith. In a voice vote, all Council agreed.

### **COMMITTEE REPORTS**

#### **UTILITY**

Mr. Eric Brown had no report, announced a meeting on August 11, 2008 at 6:00 to discuss a letter from a local carwash owner and a per bag garbage suggestion.

#### **BUDGET & FINANCE**

Mr. Adams had no report, but stated a meeting will be scheduled soon to start the 2009 budget.

#### **POLICE, FIRE & TRAFFIC – No Report**

#### **SERVICE**

Mr. Smith reported that a meeting was held prior to the regular Council meeting to further discuss the scrap metal ordinance.

#### **RAILROAD - No report**

Mr. Evans stated he would like to have an executive session to discuss pending litigation with the railroad.

#### **BUILDING/RECREATION**

Mr. Smith reported that meeting was held prior to the regular Council meeting to discuss the Berridge property; the committee requested that the administration speak with Mr. Berridge.

## CITY AUDITOR

Mr. Humphreys stated that the resolution to be presented tonight may be rebilled, please adopt tonight.

## LAW DIRECTOR

Mr. Detty stated a public hearing was held for the alley vacation requested by the Baptist Church, prepared a draft proposed ordinance, could do this tonight. There were several questions at the last meeting in regards to the indigent attorney cost, the Commissioners did give a response, and a copy will be given to each member for review. He requested that the ordinance regarding pay increases for the Police Chief and Assistant Chief be amended to read all parties must sign proper releases.

## MAYOR

Mayor Heath gave his report (see attached). The utility committee may want to meet to discuss the electric repayment structure. A brochure was passed out highlighting Jackson County; this will be on display at the Ohio State Fair.

## SAFETY/SERVICE DIRECTOR

Mr. Sheward stated that Dispatcher Rippeth will be retiring at the end of August, we are currently one dispatcher short, and this position will need to be filled, internal applications will be taken first. The bid opening will be August 6, 2008 for the roof repair on the Memorial Building, would like this done before winter. A report from the Police Department has been distributed for review. Amp OH has been contacted in regards to a free \$2 million loan to help with the financial pressure, we have received no answer yet. They are a community owned supplier and this matter will go before the board. The downtown sewer rehabilitation project is going well, we have extra funds and additional linings will be installed. The residents have been very cooperative. Mr. Adams asked about the St Rt 93 project. Mr. Sheward stated this is ready to bid, we were holding off for potential grant funding, January is the release date, and we may not be able to wait. Mr. Eric Brown stated that the Utility Committee will meet on August 5, 2008 at 6:00 instead of August 11. Mr. Humphreys asked if we passed through Council to have a consultant. Mr. Sheward stated that Council had requested an engineer be present for overseeing the project. Mr. Sheward stated that if Amp Oh comes through with the interest free loan this will be of substantial assistance. Mr. Smith stated \$2.2 million that we are losing on accumulated interest, it is there mistake. Mr. Speakman stated we may have trouble getting the loan, they are owned by 100 other municipalities. Mr. Heath stated they are looking at helping us, they billed us the right amount and we paid the correct amount, the information used was from the wrong sheet. Mr. Eric Brown stated they did bill us the correct amount, but the incorrect KW.

Mr. Speakman appointed a special committee to discuss the redistricting of the city, 735.106 as a guide for the voter precincts and procedures. Mr. Evans asked for a copy. *Committee: Evans, Adams, Elliott*

Mr. Detty stated there will be a status conference for US Rail vs. CIT, the Judge in Toledo sent to District Court in Columbus, we have until August 22, 2008 to file an answer.

Mr. Heath stated we are moving forward to pave some streets.

Mr. Evans made a motion to go into executive session to discuss potential/pending litigation in regards to the US Rail lawsuit, seconded by Mr. Elliott. The motion includes that administration and auditor remain for the session. In a roll call vote, all attending members agree. Council went into executive session at 7:35 p.m.

Mr. Smith made a motion to return to regular session, seconded by Mr. Evans. In a roll call vote, all Council agreed. Council returned to regular session at 7:50.

## ORINANCES AND RESOLUTIONS

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ORDINANCE 54-08

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

Third Reading

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

Mr. Evans – yes  
Mr. Adams – yes  
Mr. Eric Brown – yes  
Mr. Smith – yes  
Mr. Elliott – yes

ORDINANCE NO. 54-08 DULY ADOPTED

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ORDINANCE NO. 55-08

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

Third Reading

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

Mr. Evans – yes  
Mr. Adams – yes  
Mr. Eric Brown – yes  
Mr. Smith – yes  
Mr. Elliott – yes

ORDINANCE NO. 55-08 DULY ADOPTED

\*\*\*\*\*

ORDINANCE NO. 61-08

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

Second Reading

Ordinance dies due to lack of motion to remove from the table.

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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.

Second Reading

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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.

Second Reading

Mr. Humphreys questioned the part that says they will receive usual benefits, should state no raises if others get one. Mr. Speakman stated a raise is not a benefit. Mr. Eric Brown stated it reads will receive

customary/usual benefits to other employees. Mr. Evans suggested amending this also; Mr. Detty should prepare a new version for the next meeting.

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ORDINANCE NO. 68-08

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

Second Reading

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ORDINANCE NO. 69-08

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

First Reading

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

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ORDINANCE NO. 70-08

AN ORDINANCE FINDING THE LOWEST RESPONSIBLE AND RESPONSIVE BID, AWARDING THE CONTRACT FOR THE PURCHASE OF VALVE EXERCISING EQUIPMENT FOR THE WATER DISTRIBUTION DEPARTMENT TO E.H. WACHS COMPANY, 600 KNIGHTSBRIDGE PARKWAY, LINCOLNSHIRE, ILLINOIS 60069, DECLARING AN EMERGENCY.

First Reading

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

Mr. Sheward stated this was equipment that the OEPA demanded to meet their guidelines. Mr. Adams asked if this had been budgeted. Mr. Sheward stated yes.

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ORDINANCE NO. 71-08

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO, AND INFILCO DEGREMONT INC., 8007 DISCOVERY DRIVE, RICHMOND, VIRGINIA 23229-8605, FOR THE PURCHASE OF FILTER SYSTEM REPAIR PARTS FOR THE WASTEWATER TREATMENT PLANT, 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.

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ORDINANCE NO. 72-08

AN ORDINANCE VACATING THE ENTIRE LENGTH OF THE ALLEYS ABUTTING LOTS 48, 49, 50,35,34,33 AND OUTLOT 32 IN THE DAILE HOFFMAN 2<sup>ND</sup> ADDITION 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, AND AN ALLEY 16.5 FEET IN WIDTH EXTENDING IN A GENERALLY NORTHWEST BY WEST DIRECTION FROM BROADWAY STREET TO PORTSMOUTH STREET.

First Reading

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

Mr. Evans asked if there was a clause for damages. Mr. Detty stated there is an easement clause, but the damage can be added. Mr. Eric Brown asked if there was a sewer line located in the alley. Mr. Sheward stated he was not sure. Mr. Eric Brown asked what would happen if they wanted to extend the church over the alley. Mr. Sheward stated they will be responsible for moving the utility lines.

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RESOLUTION NO. 20-08

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

First Reading

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

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**CORRESPONDENCE**

Received a letter from the Wagon Wheelers to highlight what was accomplished with the funds donated by the Visitor & Tourism Committee (see attached). Mr. Evans stated he would like the committee to encourage others to the same, this was good information. Mr. Speakman stated he would bring this up at the meeting on Thursday. Mr. Humphreys suggested having Susan type up something; he further stated that they have requested information on how the money is spent. Mr. Speakman stated that some request have nothing to do with promoting tourism. Mayor Heath commended the Wagon Wheelers for their effort.

**OLD BUSINESS**


Mr. Evans stated that he attended the audit exit conference last week, along with Mr. Wiggins. They cited that council passed too many emergency ordinances, they would like more detail given in the minutes as to why these are passed and why we are suspending the rules. This was the only complaint with Council. Mr. Detty stated he had sent a letter two years ago explaining this to the auditors.

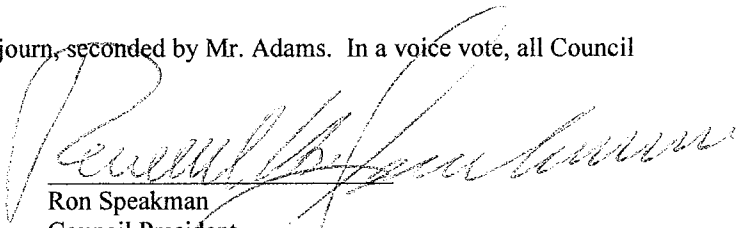
**NEW BUSINESS**

Mr. Sheward stated he neglected to mention that the storm that hit the county at 4:00 am a week ago Tuesday, hit the Boy Scout Camp extremely hard, only one minor injury was reported. City crews went out to help clear the way with the electric and communication line, the scouts were very appreciative.

**ADJOURN**

Mr. Smith made a motion to adjourn, seconded by Mr. Adams. In a voice vote, all Council agreed. Council adjourned at 8:15 p.m.

  
\_\_\_\_\_  
Tera Brown  
Clerk  
Date 8/11/08

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

## **POSSIBLE REPAYMENT PLAN FOR ELECTRIC UNDERBILLING**

All numbers based on June, 2008 billing

Approximate amount underbilled = \$2,200,000

BREAKDOWN = 49% Industrial, 29% Commercial, 22% Residential

REMINDER = 78 % of each dollar of fixed cost is paid by business and industry, fixed costs are those mandatory costs regardless of number or type of user

### **ELIMINATION OF KILLOWATT HOUR TAX REFUND (conservative estimate)**

\$300,000 in January, 2009; \$300,000 in January, 2010

REMAINING AMOUNT TO BE REPAYED = \$1,600,000

### **BREAKDOWN OF REMAINING AMOUNT TO BE REPAYED**

Industrial = \$784,000 49%

Commercial = \$464,000 29%

Residential = \$352,000 22%

### **TIME PERIOD OF REPAYMENT**

Business and Industry = To be repaid in full from January through December, 2009

Residential = To be repaid from October, 2008 through March, 2010 (18 months)

Industry = Will be figured on individual basis based on usage during affected period

Commercial = 702 customers had monthly use of 3,342,432 kwh

Total use over 12 months for all 702 customers = 40,109,184 kwh

\$464,000 (to recover) / 40,109,184 (annual kwh sold) = 1.15 cents kwh surcharge

Average use per customer for month 4,761 kwh, for 12 months 57,136 kwh

Average cost per month = 4,761 kwh x 1.15 cents = \$55.08

Residential = 3,398 customers with monthly use of 1,979,582 kwh

Total use over 18 months for all 3,398 customers = 35,632,476 kwh

\$352,000 (to recover) / 35,632,476 (18 months kwh sold) = 0.98 cents

Average cost per month = 500 kwh used = \$4.90

1000 kwh used = \$ 9.80

1500 kwh used = \$14.70

# U. S. RAIL STATEMENT

**JULY 28, 2008**

I want to address and hopefully clarify some recent statements made by representatives of U. S. Rail either in public, or more specifically, in e-mails sent to the members of this council within the last two weeks.

In an email you would have received last Tuesday as part of a freight service report from Gabe Hall, president of U. S. Rail, under 6. A., Mr. Hall referred to an economic development possibility that he declared “disappeared”, a reference I felt insinuated it “disappeared” because of my conversations with local plant officials about the project.

Furthermore, I felt it inferred the project was seemingly on a definitive path to becoming a reality in the very near future and it was my involvement that resulted in the opportunity not materializing.

Because I am fortunate to have a good working relationship with our industrial community that I do not want compromised by miscommunications or misunderstandings, I contacted the local plant officials in question about Mr. Hall’s comments and had them read the e-mail.

The local officials concurred with my feelings on the issue when they stated Mr. Hall’s characterization of the situation was “very inaccurately stated”.

What is most disturbing about Mr. Hall’s comments is that he and myself as well as local plant officials and the corporate official in question from outside of Ohio had a joint meeting in which the air was cleared and the situation, plus any misunderstanding by Mr. Hall as to where the project stood, was clearly explained.

All of the company’s officials made it clear the project was only in the planning stage, and local officials assured me this week the project could still become a reality, but there are several serious logistical issues that still must be resolved and it is those issues, absolutely nothing I said or did, that has delayed this project.

It is unknown to me what responsible reason Mr. Hall might have to present this inaccurate portrayal of this situation to you since I know he clearly knows the facts, but it is very disappointing that he has continued to misrepresent this project in this manner.

The day after I was elected mayor, I spoke with these local plant officials about utilizing our rail and wanting them to become a much more active customer and discussed those possibilities with them about several projects.



But the information given to me by Mr. Hall at the time prior to my meeting again with local plant officials seemed to be inconsistent with the plans I had heard from local officials, and I wanted to make sure everyone was on the same page.

In regards to the project, Mr. Hall was asking me to make decisions regarding city involvement that would have been required and was giving me only a matter of hours to make these decisions. Mr. Hall claimed the company had established this strict time-table, which I later found out was not the case at all, and I did not want to be pressured into making a decision that might not be in the best interest of our city if there was no reason to be pressured into that decision.

This is why the local officials had the corporate official come to Jackson and have everyone meet to specifically clear the air and establish the true status of the project. Yet, Mr. Hall inexplicably has misrepresented this situation again.

What is even more bothersome is this is seemingly the second misrepresentation by U. S. Rail officials to either this council or the public here within recent weeks regarding my administration.

The other matter was in regards to the active, arbitrary lawsuit U. S. Rail has filed against the city in regards to damage to our rail line and claiming malfeasance by the city under the administration of my predecessor, who is now their employee.

In a U. S. Rail news release regarding their action against the city, U. S. Rail said city council had voted to join U. S. Rail's lawsuit as a plaintiff, a lawsuit in which U. S. Rail claimed ownership of our rail line. U. S. Rail went on to say myself and/or law director Jack Detty went against council's wishes and elected not to allow the city to join as a plaintiff.

This was absolutely never true. First of all, council became only an interested party in the suit so we could find out the facts U. S. Rail had not relayed to us about the action. And it was Mr. Detty, in consultation with other city attorneys, who clearly stated to U. S. Rail's attorneys the city would not join them as a plaintiff in a suit that claimed U. S. Rail owned the rail line.

If these claims are being made in an attempt to compromise the relationship between this city council and this administration, I have trust that you, when knowledgeable of all the facts, will address Mr. Hall's comments appropriately.

I also want to address Mr. Hall's earlier e-mail in which he threatened to sue the city again, I believe saying he would take legal action if the city did not relinquish our \$650,000 grant and loan to the city by the Ohio Rail Development Commission to U. S. Rail and allow them to perform all of the rehabilitation work without the city being allowed to have any oversight of the project.

Let me remind council it has been the practice of this council to have independent oversight of such projects, going back to the Route 93 waterline project in which council ask that a consultant be assigned to review the work on the project.

Simply stated, this city has been granted and loaned a total of \$650,000 from our state government. It is our responsibility as a city administration and a city council to ensure for our state government and those who audit us that these funds are spent as efficiently as possible and have independent documentation to ensure that.

This is our policy whether it is work on the city water plant, electric sub-station, sewer rehab or the railroad, and our responsibility as to the proper spending and oversight of this money will be fulfilled.

This is nothing for or against U. S. Rail, it is just the responsible way we do business with everyone.

I know that my administration is holding U. S. Rail to a different level of accountability than my predecessor. But I feel as mayor I have a responsibility to hold any entity to their contractual and lease obligations they have with this city, on behalf of our citizens, and because that was not exercised by my predecessor does not mean I have to follow the same path.

My door has always been open to U. S. Rail, and they know that, and is still open today. Although now, because of the current active and threatened litigation, I am going to have our city's legal representation, and hopefully our city's consultant, present in any meeting with U. S. Rail to ensure there are no misunderstandings and any issue involving U. S. Rail is done properly and within the context of our agreement.

But if there are statements made in which I believe the facts are either in error or possibly misleading and could cause unnecessary harm or consternation, I am going to take every step necessary to communicate to this city council and our citizens the facts as I believe they exist, and this is why I have taken this avenue in an attempt to clarify these issues with you tonight.

July 21, 2008

Wagon Wheelers Dance Hall  
PO Box 813  
Jackson, OH 45640

City of Jackson  
Tourism and Convention Commission  
145 Broadway St.  
Jackson, OH 45640

Dear Mr. Ron Speakman:

The Wagon Wheelers Club would like to express our deepest appreciation for the contribution to our Southern Ohio Roundup. We would like to give a report on the results of a questionnaire that was taken during the July 18-19 event in Jackson.

There were 140 in attendance on Friday night and 162 on Saturday. The survey indicated that over 50% had traveled more than 100 miles. Most were from various parts of Ohio, but there were guests from Kentucky, Pennsylvania and West Virginia. The accommodations at the Red Roof Inn were the favorite with almost half of the travelers staying there. There were also a few at the Comfort Inn and Days Inn. There were 15 camp sites used at the Lazy Dog Campground for the square dancers that were attending the Roundup.

The survey indicated that Bob Evans was the favorite place to eat, with Dakota's, Valentine's, Dairy Queen, Ponderosa, Sonic, Burger King and Michael's (for the famous Bubble) were also listed several times on the questionnaire.

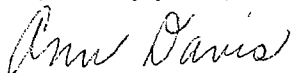
Wal Mart seemed to be the place where most shopped while in the Jackson area, with Guhl's, Sears, Tractor Supply, the Amish Bakery, and Big Lots also mentioned. Several guests also added that they attended the quilt show at the Markay Cultural Arts Center.

There were also twelve golfers that golfed at the Fairgreens Country Club.

We hope that this information will be of benefit to your committees and again we do appreciate your generosity and support of our yearly square dancing event.

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Respectfully yours,



Ann Davis, Secretary  
Wagon Wheelers





Criminal

Minor Misdemeanor Charge	Totals	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Cat Violation	0												
Disorderly By Insult/Taunt	6				2	3	1						
Disorderly By Intoxication	123	5	12	30	20	26	30						
Disorderly By Fighting	46	15	7	4	7	7	6						
Disorderly By Hindering	0												
Disorderly By Unreas. Noise	5	1	1	1	2								
Dog Violation	4	1	2	1									
Loitering	0												
Loud Stereo	0												
Open Container/Cons. In M.V.	1			1									
Open Container in public	2			1			1						
Possession Of Marijuana	13	2		6	3	2							
Skateboarding on Street						1							

1766  
40  
40  
365  
\$3225  
\$1584  
\$425

TELEPHONE CALLS  
UTILITY CALLS  
911 CALLS  
PEOPLE ON STATION  
BOND TAKEN  
IMPOUND STORAGE  
WEB CHECK

**JACKSON POLICE DEPARTMENT  
ACTIVITY REPORT  
January 2008**



\$1345.00  
\$2511.00  
\$200.00

BOND TAKEN  
IMPOUND STORAGE  
WEB CHECK

JACKSON POLICE DEPARTMENT  
ACTIVITY REPORT  
February 2008





\$200.00  
\$1110.00  
\$850.00

430  
108  
97  
3880

WEB CHECK  
IMPOUND STORAGE  
BOND TAKEN

PEOPLE ON STATION  
911 CALLS  
UTILITY CALLS  
TELEPHONE CALLS

**JACKSON POLICE DEPARTMENT**  
**ACTIVITY REPORT**  
**March 2008**



\$250.00	WEB CHECK
\$1092.00	IMPOUND TOW/STORAGE
\$350.00	BOND TAKEN
641	PEOPLE ON STATION
142	911 CALLS
53	UTILITY CALLS
2177	TELEPHONE CALLS

**JACKSON POLICE DEPARTMENT**  
**ACTIVITY REPORT**  
**April 2008**



\$375.00	WEB CHECK
\$366.00	IMPOUND STORAGE
\$2310.00	BOND TAKEN
477	PEOPLE ON STATION
157	911 CALLS
479	UTILITY CALLS
2064	TELEPHONE CALLS

**JACKSON POLICE DEPARTMENT**  
**ACTIVITY REPORT**  
**May 2008**



\$150.00	WEB CHECK
\$162.00	IMPOUND STORAGE
\$75.00	BOND TAKEN
706	PEOPLE ON STATION
129	911 CALLS
68	UTILITY CALLS
2088	TELEPHONE CALLS

**JACKSON POLICE DEPARTMENT  
ACTIVITY REPORT  
June 2008**

