

JACKSON CITY COUNCIL
Regular Session
September 14, 2009
7:00 p.m.

Call to Order.....	President Speakman
Pledge of Allegiance.....	Mr. Eric Brown
Opening Prayer.....	Mr. Wiggins
Roll Call	
Approval of Minutes	

August 24, 2009

VISITORS

COMMITTEE REPORTS:

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

ORDINANCES AND RESOLUTIONS

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

ADJOURN

JACKSON CITY COUNCIL

Minutes from
August 24, 2009
7:00 p.m.
Regular Session

Jackson City Council met in regular session on Monday, August 24, 2009 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. Adams. The Prayer was given, led by Mr. Wiggins.

A roll call was taken as follows:

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

Mr. Wiggins made a motion to amend the minute's page 2, Railroad Committee, to read "may" instead of "will", seconded by Mr. Eric Brown. In a voice vote, all members agreed.

Mr. Wiggins made a motion to approve the minutes of August 10, 2009 regular session as amended seconded by Mr. Elliott. In a voice vote, all Council agreed.

VISITORS

Mr. Marvin Ross came before council to discuss various issues, see attached; the questions were given to the administration the previous week in hopes that these questions could be answered tonight. Mr. Ross started by stating that Mr. Reed was not the only member of Council to state that the general fund would be in trouble, Mrs. Colby stated repeatedly that the city would be in the red. He asked Mr. Heath about the chairs at the Apple Festival. Mr. Sheward stated he will not answer any of Mr. Ross' questions in public, and when given the opportunity will submit them in writing to the press. He went on to discuss the budget and ways to save, stating if the employees were to pay a larger share for there insurance or lay some people off. He went on to say that the administration should answer his questions, and that's bad. We use all kinds of water, electric, we need to try to save money, the citizens see this and now can Council can see they don't want to answer, when they have had a week.

COMMITTEE REPORTS

UTILITY

Mr. Eric Brown gave a summarization of the RCAP meeting held on August 18, 2009, describing the two methodologies, this needs to be acted upon quickly as these are both in accordance with the EPA wishes for the loan/grant application. We are not sure of the figures, we asked Mr. Detty to prepare an ordinance, tonight a first reading on 75-09 with amendments to be made. Mr. Heath stated he had talked to Sara Wallace; they are monitoring closely to see if we qualify, must be in place by September 30th. The Ohio Water Development Authority will give the final authorization; will check tomorrow for the lowest number to satisfy. Mr. Wiggins made a motion to grant utilities with all fees and charges to be collected for the new clinic being constructed on St. Rt. 93 with the recommendation of the Planning Commission, seconded by Mr. Eric Brown. In a voice vote, all Council agreed.

BUDGET & FINANCE

Mr. Adams scheduled a meeting for September 1, 2009 at 7:00 p.m. to discuss the Quick Care policy. Mr. Smith asked if we had started on the 2010 budget. Mr. Adams stated soon.

POLICE, FIRE & TRAFFIC

Mr. Evans scheduled a meeting for September, 2009 at 7:30 p.m. to discuss any and all topics. Mr. Eric Brown stated he had received complaints from residents on the traffic speed on Chillicothe Street from Main Express to Northview

Elementary. Requested that enforcement be stepped up and placing the speed trailer in the area. Mayor Heath stated he would pass this information along to the Police Chief and Mr. Woltz. Mr. Cary Brown stated he did not disagree, but he thought South Street had an even bigger problem with speeders, along with many others within the city.

SERVICE

Mr. Smith reported that the committee had met with Gary Volrath and Dean Barry, along with Mr. Elliott present, Mr. Cary Brown was excused. AEP would like to forest 74 acres of the Hammertown Lake property for carbon credits, not sure which way to proceed. Mr. Smith stated that he was waiting on Mr. Volrath to get more information and then take this to the administration. He stated there is a small obligation on the part of the city, and described the types of trees and shrubs to be planted. Mr. Elliott stated he felt this was a win win for the city. Mr. Cary Brown asked about the watershed. Mr. Smith stated this was covered in the presentation. Mr. Speakman stated there was a study done when the lake was constructed. Mr. Smith stated he had charts showing the effects. Mr. Evans asked if Mr. Volrath was an employee of AEP. Mr. Smith stated no, he lives in that area. Mr. Evans stated the pines originally planted in that area were the wrong type. Mr. Cary Brown stated Mr. Volrath is very honest and a watchdog for the area. Mr. Evans stated he may not be up to speed with the EPA. Mr. Elliott stated he is a retired forester with ODNR. Mr. Smith stated the management would be through the city, all acres planted would belong to the city, and our main interest is protecting the water shed.

RAILROAD - No report

Mr. Wiggins did suggest that Ordinance 73-09 be passed tonight; this is in regards to the MOU with Lawrence County Port Authority.

BUILDING/RECREATION – No report

CITY AUDITOR

Mr. Humphreys stated a letter had been sent to the state in regards to the rents and right of ways, just wait and see.

LAW DIRECTOR

Mr. Detty gave his report, see attached. He stated Ordinance No. 74-09 was for Rumble, an increase in landfill charges. Mr. Cary Brown stated he would like to see the law director go past all outstanding monies owed to the city. Mr. Eric Brown stated that Ohio Valley Collections may be available. Mr. Detty stated he would give an updated report at the next meeting. Mr. Cary Brown specified he would like any and all money collected.

MAYOR

Mayor Heath stated he had been working on the water issues, Apple Festival, chairs and various other projects. He stated that chairs can be placed on the city right of ways starting on Monday, September 19th at 7:00 p.m. Mr. Cary Brown asked about what if a resident wants to put up chairs earlier, are you going to stop them. Mr. Sheward stated no, but we are delivery notices to homes and businesses along the route requesting cooperation. The Mayor asked why a resident would want to if no one else is. Mr. Evans stated it is city right of way, they don't own.

SAFETY/SERVICE DIRECTOR

Mr. Sheward reported that he had received a letter from Joe Kirby, representing the Habitat for Humanity; they have a parcel they would like to give the city. It is located on Vine Street, in the middle of the flood lots, approximate value is \$930, would like guidance. Mr. Cary Brown stated we should look at. Mr. Sheward stated it was close to the wooded area. Mr. Speakman stated this should go to committee, Mr. Smith's. Mr. Humphreys asked about back taxes. Mr. Speakman stated he would like to have this by next meeting. Mr. Sheward stated no taxes were owed. He went on to say that the Baptist Church would like to install lights on the former Kinnison lot for evening sporting events. They have agreed not to go past 10:00 p.m.; he did not see any concerns. Mr. Elliott stated the neighbors may have objections. Mr. Smith stated there used to be lighting. Mr. Cary Brown stated this needed to be turned over to the Service Committee and allow residents to comment. Mr. Evans stated not a lot of residential in that area, but wouldn't want to be a bad neighbor, encourage a public meeting to address. Mr. Smith will schedule a meeting.

ORINANCES AND RESOLUTIONS

ORDINANCE NO. 66-09

AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF JACKSON AND PAUL J. BERRIDGE FOR THE PURCHASE REAL PROPERTY AND WETLAND MITIGATION, AND DECLARING AN EMERGENCY.

Third Reading

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

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

ORDINANCE NO. 66-09 DULY ADOPTED

ORDINANCE NO. 68-09

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

Second Reading

ORDINANCE NO. 69-09

AN ORDINANCE TRANSFERRING APPROPRIATIONS, AND DECLARING AN EMERGENCY.

Second Reading

ORDINANCE NO. 70-09

AN ORDINANCE TO MOVE APPROPRIATIONS,

Second Reading

Mr. Sheward stated he would like to withdraw this ordinance. Mr. Smith made a motion to table the ordinance, seconded by Mr. Evans. In a voice vote, all Council agreed.

ORDINANCE NO. 71-09

AN ORDINANCE TO MOVE APPROPRIATIONS,

Second Reading

Mr. Adams asked if this were still the administrations wishes. Mr. Heath stated they were working on other options would like to discuss in executive session. Mr. Detty stated no. Mr. Heath stated we could discuss later. Mr. Wiggins made a motion to table, seconded by Mr. Cary Brown. In a roll call vote, Council voted as follows:

Mr. Evans – no
Mr. Adams – no
Mr. Eric Brown – no
Mr. Smith – yes
Mr. Cary Brown –yes
Mr. Elliott – no
Mr. Wiggins – yes

ORDINANCE NOT TABLED

ORDINANCE NO. 72-09

AN ORDINANCE APPROVING ADDITIONAL / APPROPRIATIONS IN THE ELECTRIC UTILITY RESERVE 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.

Mr. Cary Brown asked about the \$1.7 million. Mr. Heath said the ordinance states it's an emergency. Mrs. Sexton stated this was part of the permanent budget, she explained. Mr. Cary Brown stated that answered most, it was in the budget. Mrs. Sexton on March 16, \$1.3 million taken out plus \$130,000 from other funds in operations and maintenance. Mr. Cary Brown asked the affect on budget cuts. Mrs. Sexton stated yes, they were removed.

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

Mr. Evans -- yes
Mr. Adams -- yes
Mr. Eric Brown -- yes
Mr. Smith -- yes
Mr. Cary Brown -- yes
Mr. Elliott -- yes
Mr. Wiggins -- yes

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

Mr. Evans -- yes
Mr. Adams -- yes
Mr. Eric Brown -- yes
Mr. Smith -- yes
Mr. Cary Brown -- no
Mr. Elliott -- yes
Mr. Wiggins -- no

ORDINANCE NO. 72-09 DULY ADOPTED

ORDINANCE NO. 73-09

AN ORDINANCE TO AUTHORIZE THE CITY OF JACKSON, OHIO TO ENTER INTO A MEMORANDUM OF
UNDERSTANDING WITH THE LAWRENCE COUNTY PORT AUTHORITY.

First Reading

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

Mr. Eric Brown 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 -- yes
Mr. Smith -- yes
Mr. Cary Brown -- yes
Mr. Elliott -- yes
Mr. Wiggins -- yes

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

Mr. Evans -- yes
Mr. Adams -- yes
Mr. Eric Brown -- yes
Mr. Smith -- yes
Mr. Cary Brown -- yes
Mr. Elliott -- yes

Mr. Wiggins – yes

ORDINANCE NO. 73-09 DULY ADOPTED

ORDINANCE NO. 74-09

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO, AND RUMPKE OF OHIO, INC., FOR LANDFILL SERVICES, AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Wiggins asked Mr. Sheward if he had an idea of the current rate, as there is no comparison. Mr. Sheward stated he had warned Council of this several months ago, new ODNR/EPA regulations. Mr. Wiggins asked the rate per ton. Mr. Sheward stated it was approximately a \$2.50 per ton increase. Mr. Smith asked if anyone had calculated the affects on the garbage fund budget; there is not enough information to calculate. Mr. Detty stated this is retroactive. Mr. Wiggins asked if this locked in rates. Mr. Smith would like to have this information at the next meeting. Mr. Sheward requested that questions be submitted in writing.

ORDINANCE NO. 75-09

AN ORDINANCE AMENDING JACKSON CODIFIED ORDINANCE SECTION 929.07 – WATER RATES, AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Eric Brown asked for a first reading. Mr. Wiggins asked if this were the 25% option. Mayor Heath replied yes. Mr. Cary Brown said 25% and asks who is on this committee beside Mr. Wiggins and Mr. Eric Brown. Mr. Adams stated that Mr. Cannon had sent another email today, this figure is underrated by 3 ½%. Mrs. Sexton stated the original calculation with debt payment. Mr. Strickland gave wrong estimate, should be 28 ½%. Mr. Cary Brown stated we reinstated the 3% increase earlier this year and now want to add another 28 ½%. Mr. Adams stated that would have been on target had the annual increase never been removed. Mr. Elliott stated with this increase the average bill will only be \$25.00, to put in perspective a pack of cigarettes. Mr. Cary Brown stated that could be someone dinner. Mr. Adams reminded Council there had been no increases for 6 years. Mr. Cary Brown stated he would not vote for an increase, we need to put ourselves in the taxpayer's seats, we are spending their money. Mr. Smith stated business owners also. Mayor Heath stated he wanted to see exact figures. Mr. Smith stated he should do the groundwork before presenting. Mayor Heath stated they were pigeon holed, this is an EPA mandate, estimated to cost \$1.5 million, and construction must be started by January 1, 2010. The rates need to be at a certain level to qualify for the grant/loan package, if we don't, we may be forced to borrow the entire amount with a lot of interest. There is not a single person, who wants to raise rates, but this could cost the customers an extra \$1 million per year, we are picking the lesser of two evils. Mr. Sheward stated he spoke to Sara, if this is not done promptly we will sustain penalties and fines for not meeting guidelines. We have been negotiating with Belliso; they want to see the final rate increase. Mr. Adams told Mr. Smith, this rate structure has no profit; Belliso would receive water at cost. Mr. Smith stated it still affects them, good business, they must factor into their budget, we need to keep this employer. Mr. Sheward stated they have talked, substantial increase, they have their own problems. Mr. Elliott stated even with 40% this is still lower than other municipalities. Mayor Heath we would still be 9% below national average. Mr. Humphreys warned Council there are no provisions, cost allocations or rents and right of ways included in these figures, with increase still in deep trouble over the next 2-3 years. Mr. Wiggins stated this is just a first reading, not the final rate. We were given broad guidelines to bring to par within 5 years. They have not said what they want plan to be, all at once or broken into increments. Mr. Smith asked if we could get a copy of what they want. Mayor Heath stated he would contact to request this information in writing. Mr. Smith stated we are negotiating in good faith, no written procedure and the price for the project keeps increasing. Mr. Adams thinks 43 ½% to 25% is a good compromise. Mr. Smith stated Mr. Cannon was sought out by the EPA, why don't they have guidelines. Mayor Heath stated he was trying to reach and stated that Mr. Detty, Mr. Speakman and Mr. Evans have 80-90 years combined experience dealing with the EPA. Mr. Humphreys reminded them of the fines. Mr. Speakman stated they can reject any or our entire submitted plan. Mr. Smith stated the guidelines we were told, to be solvent in 5 years. Mr. Eric Brown stated EPA would not give if we can't pay back, this plan can be amended. Thinks we are trying to do too much in one year. Mr. Smith stated this won't work with a verbal agreement. Mr. Cary Brown stated fuzzy math. Mr. Smith stated no, rules changing as we go. Mr. Adams stated that how the EPA operates. Mr. Smith stated they are treating us like a business, are we running as efficiently as a business would, we have no assurances, how can we vote. Mayor Heath stated he and Mr. Woltz had worked on a draft report. Mr.

Speakman stated they were off the subject, discussion must cease. Mr. Smith strongly disagreed. Mr. Smith made a motion to continue, seconded by Mr. Cary Brown. In a roll call vote, all members voted yes, with the exception of Mr. Evans. Mayor Heath stated he only had two copies, trying to track down water loss, found out water going to the sewer plant is unmetered. With this figured in, we are probably down to a 15% loss. Mr. Sheward stated it only appears less, worked and initiated by me, for the past 14 months, we have found significant losses. We have also pulled and tested meters, to find they were 97% accurate, but we will be pulling more. We are willing to discuss and keep you up to date, the draft is not final. Mr. Eric Brown stated we have known about this upgrade for over a year, the estimates are excessive, Mrs. Wallace thinks they will come down. She is trying to help us; she did seek out the stimulus funding. This is just a first reading; if we don't pass we still must move forward with the project. Mr. Elliott stated the RCAP study very comprehensive, this reflects future needs, contingency, funding and it's the responsible thing to do. Mr. Adams stated that RCAP needs to figure in the cost allocations and rents and right of ways. Mrs. Sexton stated he has been emailed this information, would be an additional 21% plus 4-5% increase. Mr. Smith stated this is the information he has been asking for, it is a shame Mr. Sheward wasn't forthcoming and created much animosity. Mr. Sheward stated this needs to be finished. Mr. Evans suggested not figuring rents and right of ways in the water funds, we just can't do, the general fund will suffer, and maybe we can rethink in 2-3 years. Mr. Sheward stated finding this water loss will cause the need to review sewer rates. Mr. Wiggins stated that the committee came to a consensus that rents and right of ways would come from the electric fund for now.

CORRESPONDENCE

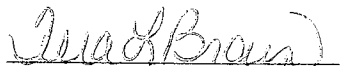
OLD BUSINESS

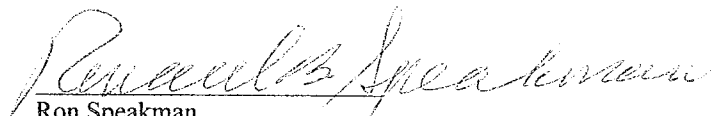
NEW BUSINESS

Mr. Wiggins stated it appears that from conversations that charges and fees for utility hookups need to have a written interpretation from Mr. Detty, so Council can understand. Mr. Speakman stated there is a written policy. Mr. Wiggins stated it is confusing.

ADJOURN

Mr. Evans made a motion to adjourn, seconded by Mr. Elliott. In a voice vote, all Council agreed. Council adjourned at 8:20 p.m.


Tera Brown
Clerk
Date 9-14-09


Ron Speakman
Council President
Date 9-14-09

JOHN L. "JACK" DETTY

Jackson City Law Director

145 Broadway Street

Jackson, Ohio 45640

Phone: 740-286-2201

Fax: 740-286-3492

jdetty@jacksonohio.us

Jackson City Council

August 24, 2009

Report of the Law Director

The following is the Report of the Law Director:

- **ORDINANCES AND RESOLUTIONS - NOTES**
 - Ordinance 73-09 is the Memorandum of Understanding with the Lawrence County Port Authority concerning the possible expansion of the rail line to the Ohio River. The changes requested by the committee have been incorporated into the agreement.
 - Ordinance 74-09 is a proposed agreement with Rumpke for the disposal of City waste. The State budget which was passed in July had increases in landfill fees.
 - Ordinance 75-09 is being presented as a first reading to get discussion started on water rates. Utility Committee Chairman Eric Brown will have more information on this ordinance.
 - Ordinance 72-09 was presented by the City Auditor.
 - Ordinance 71-09 was prepared based upon the request my office received. I have no information as to the basis or origination of this Ordinance. I do have some concerns as this appears to directly address the staffing in the Law Director's Office.

- **RAILROAD – PROPOSED EXPANSION TO OHIO RIVER**
 - Discussed above and included in Ordinance 73-09.

◦ RENTS AND RIGHT OF WAYS ORDINANCE

- Ordinance 67-09 which was passed at the last meeting, has been sent to the State Auditor for informational purposes and for any comments they may have.
- A copy of the letter sent with the Ordinance is in the Council packet.

◦ CITY PLANNING COMMISSION

- The City Planning Commission met on August 13, 2009 to address a request for utilities for a customer outside the City.
- The actual provision of the utilities to the customer must be approved by City Council.
- A copy of the minutes of the Planning Commission are included as a part of the Council packets.

◦ BERRIDGE ORDINANCE

- The third reading of this Ordinance is scheduled for the 8/24 Council meeting.
- Once a vote is taken, and if the Ordinance passes, we will begin the process to finalize the purchase of the property.
- I will keep Council updated at future meetings as to the progress of this matter.

As always, thank you for your service, and if at any time you have any questions or would like to discuss any issues with me please feel free to stop by my office, or call me at 710-1214.

John L. "Jack" Detty

City of Jackson

145 Broadway Street
Jackson, Ohio 45640
Phone: 740-286-2201
E-Mail: jdetty@jacksonohio.us
jhumphreys@jacksonohio.us

August 19, 2009

Mary Taylor
Auditor of State of Ohio
88 East Broad Street, 5th Floor
Columbus, Ohio 43215

*VIA CERTIFIED MAIL AND
REGULAR MAIL*

RE: City of Jackson, Ohio

Dear Auditor Taylor:

Enclosed find a copy of Jackson City Ordinance No. 67-09, which sets forth a rent and right-of-way reimbursement plan for the City of Jackson. This ordinance was passed on August 10, 2009. This is notice to you of the City's adoption of the plan and the City's intentions of implementing the plan.

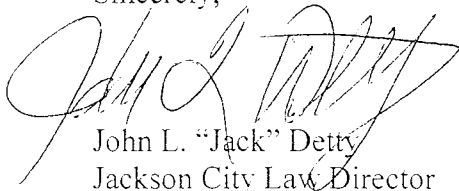
Any comments or concerns should be directed to the following:

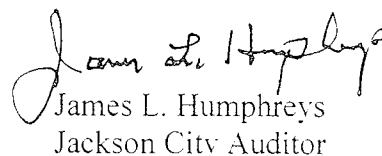
John L. "Jack" Detty
City Law Director
145 Broadway Street
Jackson, Ohio 45640
740-296-1112
jdetty@jacksonohio.us

James L. Humphreys
City Auditor
145 Broadway Street
Jackson, Ohio 45640
740-286-2423
jhumphreys@jacksonohio.us

The City intends to implement the plan for the 2010 budgeting process.

Sincerely,


John L. "Jack" Detty
Jackson City Law Director


James L. Humphreys
Jackson City Auditor

SPONSOR: Wiggins / E. Brown

ORDINANCE NO. 67-09

AN ORDINANCE ADOPTING AND ENACTING A RIGHT-OF-WAY MANAGEMENT ASSESSMENT PLAN AND POLICY FOR THE CITY'S UTILITIES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Jackson, Ohio is an Ohio municipal corporation which operates utilities which provide various services to customers of the City, said services including but not necessarily limited to, water service, sewer service, and electric service; and

WHEREAS, the General Fund of the City of Jackson is responsible for the maintenance, care, and upkeep of the streets, alleys, and other public grounds within the City of Jackson, Ohio; and

WHEREAS, in order to provide services to customers the City's utilities use and access the City's streets, alleys, and other public grounds to convey, among other services, water, sewer, and electric; and

WHEREAS, the City desires to adopt a plan and policy wherein the City's utilities may be assessed a fair charge for the use of the City's streets, alleys, and other public grounds, in order that the streets, alleys, and other public grounds may be properly maintained.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Jackson, Ohio, that:

Section One. Jackson City Council hereby accepts, adopts, and enacts the Right-of-Way Assessment Plan which is attached hereto which is attached hereto as Exhibit "A".

Section Two. This Council authorizes the City Auditor and the City Law Director to present this plan to the Ohio State Auditor. This Council further authorizes the City Law Director to take any and all actions, including any legal proceedings, the Law Director deems necessary, to enforce this Plan.

Section Three. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

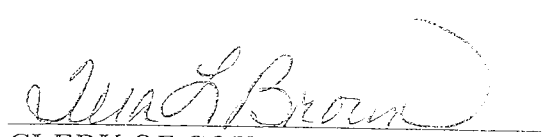
Section Four. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this City, and for the further reason that this Ordinance is required to be immediately effective in order to implement

the policies and processes as set forth in the Assessment Plan. Therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Section Five. In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause, and shall take effect at the earliest time permitted by law.

Date: _____


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

Approved:

Date: 8/10/09


MAYOR

Exhibit "A"

CITY OF JACKSON, OHIO RENTS AND RIGHT-OF-WAY PLAN FOR CITY OWNED UTILITIES

The City of Jackson, Ohio adopts this plan and policy for the reimbursement of rents and rights-of-ways used by the City's utilities. The City finds that the streets, alleys, and other public areas used for right-of-way access to deliver services to customers are across properties required to be maintained by the City's General Fund.

INTRODUCTION:

The City of Jackson has studied various plans for reimbursement of rents and rights-of-way, including a gross revenue plan and a footage plan based upon number of feet and property valuations.

The City has determined that the gross revenue methodology best serves the City of Jackson, Ohio, and such plan shall be adopted as the basis for the recovery of reimbursements of rents and rights-of-way used by the City's utilities.

The amount of five percent (5%) of gross revenues has been determined to be a fair and reasonable reimbursement amount for public utilities which use a municipal right-of-way.

POLICY:

The City of Jackson hereby adopts the policy that up to five percent (5%) of the gross revenues of the City's utilities which access and use the City's streets, alleys, and other public areas for the delivery of services to customers, may be paid to the City's General Fund, as and for a fair and equitable fee for using the City's streets, alleys, and public ways as and for rights-of-ways for servicing customers.

FROM: MARVIN K. ROSS

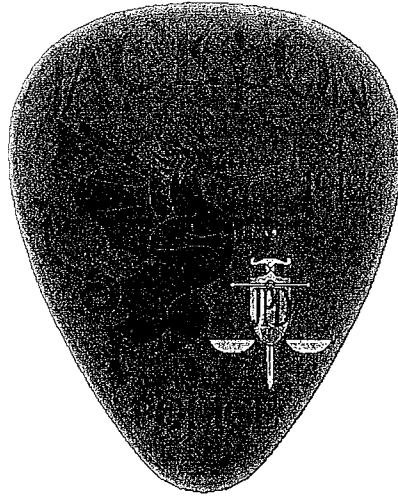
TO: BILL SHEWARD

SUBJECT: QUESTIONS FOR AUGUST 24TH 2009 COUNCIL MEETING



QUESTIONS:

1. Why have we found ourselves in the same situation with Meridian and Cambridge concerning utilities? The utility fund has lost approximately \$650K from the bankruptcy of the companies. Meridian has moved in and out again filing bankruptcy again. On 8/6/09 they were notified that their utilities would be shut off for non-payment. On 8/7/09 the utilities were shut off and the company filed bankruptcy. The bankruptcy judge halted the utilities being shut down on 8/10/09. Meridian already owed \$25K at this point. Rather than filing an injunction the city has granted them utilities that will have to be eaten by the tax payers once again. Why was the council not notified of the situation at the meeting on 8/10/09 and why was an injunction not sought? The interior and exterior lights are on 24hrs per day.
2. Why did Bill Sheward direct the city crew to cut down two trees on his Pearl Street property, one tree cut on his Park Street property, and a fourth tree cut on Ed Hughes' property on Columbia Street? The trees were free of any wire interference. Does this not represent an abuse of tax payer resources?
3. Where are the additional funds for the Apple Festival going to come from? Last year overtime hours cost the city \$19,500. How do you propose to cut the costs for the Apple Festival? Can you supply an itemized budget plan for the Apple Festival showing a cut in overtime costs and where the monies for utilities will come from?
4. Why is there such a disparity between the Police Department budget and Sheriff Department budget? The Police Department uses \$2 million dollars annually from the general fund for 21 officers. The Sheriff's Department has a budget of \$765,000 annually for 11 officers and covers the whole county. Why does it take \$2 million dollars to run the Police Department
5. Explain why there are job cuts at the law director's office? Is this retribution for Judy Brown's husband Carey asking questions?
6. Why were street lights installed on Apricot sub-division? Is it not the responsibility of the housing developer Dave Evans to install the street lights? Is this another example of abuse of tax payer resources for the betterment of a city councilman and lawyer?



JACKSON POLICE DEPARTMENT
ACTIVITY REPORT
July 2009

TELEPHONE CALLS	2200
UTILITY CALLS	43
911 CALLS	95
PEOPLE ON STATION	390
REPORTS RECEIVED	165
ARRESTS & CITATIONS	151
PRIVATE PROPERTY CRASHES	8
TRAFFIC CRASHES	16
BOND TAKEN	\$640
TOW / STORAGE	\$756
WEB CHECK	\$192

2009 Citations

Jackson Police Department

Citation Type	Totals											
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Improper Turn												
A C D A			2	5	1	4	2	4				
Allowing Unlicensed Driver												
Child Restraint					1							
Driving Under Suspension			5	2	6	4	14	2	6			
Driving on Closed Roadway							1					
Expired Tags			2	9	2	6	2	3	4			
Failure to Control			1	1		2			1			
Failure to Dim Headlights												
Failure to Display Tags			1				1					
Failure to Signal												
Failure to Yield Right of Way			1	1	2	1	1	1	1			
Failure to Yield To School Bus												
Fleeing												
Fictitious Tags					2		6					
Illumination of Lic. Plate Light						1		1				
Impeding the Flow of Traffic												
Improper Backing				1	1	1		1				
Leaving the Scene					1	2		1				
Leaving the Scene Private Prop.						1						
Left of Center									1			
Loud Exhaust												
No Left Turn Violation												
No Headlights												
No Operator's License			1			2	1					
No Tail Lights												
OVI					3		1	5	2			
Passing Violation									1			
Reckless Operation												
Reckless Op. Private Property			1									
Red Light			1	2	1	1	1	2	3			
U-Turn			1					1				

Criminal

Minor Misdemeanor Charge	Totals	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Loose Load		1											
Car Violation													
Disorderly By Insult/Taunt													
Disorderly By Intoxication		12	12	20	31	24	18	1					
Disorderly By Fighting		2	5	7		6		8					
Disorderly By Hindering								3					
Disorderly By Unreas. Noise													
Dog Violation					2	3		1					
Loitering													
Loud Stereo													
Open Container/Cons. In M.V.			1					1					
Open Container in public				1	1	1	2	1					
Possession Of Marijuana		1	3	3		1	2	2					
Skateboarding on Street						1		2					
Disorderly No Lawful Purpose						2							
Trash Accumulation on Property													
Litter from motor vehicle													
								1					
								2					

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OFFENSE CODE	OFFENSE DESCRIPTION	REPORTED			CLEARED	
		TOTAL	UNFOUND	ACTUAL	BY ARREST	EXCEPTIONALLY
2914 022	Unruly Juvenile Offenses	1	0	1	0	1
2102 021 1	Delinquent Child	1	0	1	1	0
2705 012	BENCH WARRANT	9	0	9	6	0
2705 020	Failure to Appear-Municipal Court	2	0	2	2	0
2909 03	Arson	1	0	1	0	0
2909 03	Arson	1	0	1	0	0
2909 03	Vandalism	1	0	1	0	0
2909 07	Criminal Mischief	2	0	2	0	0
2909 07A1	Criminal Mischief move, deface, tamper, etc. property of another	2	0	2	0	0
2911 12	Burglary	2	0	2	0	0
2911 20A1	Burglary trespass in occupied structure, separately secured structure, or separately occupied portion of an occupied structure when another person is present, with purpose to commit any criminal offense	2	0	2	0	0
2913 13	Breaking and Entering	1	0	1	0	0
2913 33	Stakecracking	1	0	1	1	0
2913 02	Theft	1	0	1	0	0
2913 02A1	Theft without consent	4	0	4	1	0
2913 40	Identity Fraud	1	0	1	0	0
2917 21A1	Telecommunications Harassment anonymous, harassing, etc	1	0	1	0	0
2919 27	Violate Protection Order or Consent Agreement	1	0	1	0	0
2921 13	Falsification	1	0	1	0	0
2925 11C1	Possession of Drugs schedule I or II substance	2	0	2	2	0
2925 11C2	Possession of Drugs schedule III, IV, or V substance	1	0	1	1	0
2925 23C1	Illegal Processing of Drug Documents theft of prescription	1	0	1	0	0

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OFFENSE CODE	OFFENSE DESCRIPTION	REPORTED			CLEARED	
		TOTAL	UNFOUNDED	ACTUAL	BY ARREST	EXCEPTIONALLY
331 01	OBEDIENCE TO TRAFFIC CONTROL DEVICES	1	0	1	1	0
331 05	TRAFFIC CONTROL SIGNAL TERMS AND LIGHTS	2	0	2	2	0
331 09	OVERTAKING, PASSING LEFT OF CENTER, TRAFFIC	2	0	2	2	0
331 10	OPERATION OF VEHICLE AT STOP SIGN	1	0	1	1	0
331 12	DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY, DUTY	2	0	2	2	0
331 34	FAILURE TO CONTROL, WEAVING COURSE	1	0	1	1	0
331 42	LITTERING FROM MOTOR VEHICLE	1	0	1	1	0
331 31A 04	under the influence	1	0	1	1	0
331 31A 10	08 but less than .17 breath	1	0	1	1	0
331 31	MAXIMUM SPEED LIMITS, ASSURED CLEAR DISTANCE AHEAD	9	0	9	8	0
331 12	D.U.S. OR LICENSE RESTRICTION	3	0	3	3	0
331 31A	over suspension	1	0	1	1	0
331 07	DRIVING UNDER FINANCIAL RESPONSIBILITY	2	0	2	2	0
331 10	EXPIRED OR UNLAWFUL LICENSE PLATES	3	0	3	3	0
331 11	USE OF ILLEGAL LICENSE PLATES, TRANSFER OF REGISTRATION	1	0	1	1	0
331 13	STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREET	3	0	3	1	0
431 07A	PROBATIONARY DRIVER LICENSE	1	0	1	1	0
431 07AB	CRUELTY TO ANIMALS	1	0	1	1	0
501 03A1	DISORDERLY CONDUCT - FIGHTING OR THREATENING	2	0	2	1	0
501 03A1H	PERISTING DISORDERLY CONDUCT	2	0	2	2	0
501 03A2	DISORDERLY CONDUCT - OFFENSIVE GESTURE OR NOISE	2	0	2	2	0
501 03A3	DISORDERLY CONDUCT - INSULTING, TAUNTING	1	0	1	0	1

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OFFENSE CODE	OFFENSE DESCRIPTION	TOTAL	REPORTED		CLEARED		
			UNFOUND	ACTUAL	BY ARREST	EXCEPTIONALLY	
509.03B12	DISORDERLY CONDUCT BY INTOXICATION	2	0	2	2	0	
509.03B2	DISORDERLY BY INTOXICATION	8	0	8	8	0	
509.15	PLAYING OF RADIOS, BOOM BOXES, AND THE LIKE IN MOTOR VEHICLES	1	0	1	1	0	
511.98	DRUG ABUSE, CONTROLLED SUBSTANCE POSSESSION OR USE	3	0	3	2	0	
513.06A1B1	POSSESSING DRUG ABUSE INSTRUMENTS	1	0	1	1	0	
513.97	possessing or using harmful intoxicants	1	0	1	0	0	
513.17	DRUG PARAPHERNALIA	4	0	4	4	0	
513.98	LITTERING	1	0	1	1	0	
525.07	OBSTRUCTING OFFICIAL BUSINESS	1	0	1	1	0	
525.09	RESISTING ARREST	1	0	1	1	0	
525.87	UNDERAGE CONSUMPTION	2	0	2	2	0	
541.97	OPEN CONTAINER	2	0	2	2	0	
543.05	ASSAULT	1	0	1	0	0	
547.06	MEANACING	1	0	1	0	0	
547.10A1	TELECOMMUNICATION HARASSMENT	2	0	2	0	0	
547.1A	DOMESTIC VIOLENCE	1	0	1	1	0	
541.8A	CRIMINAL DAMAGING	1	0	1	0	0	
541.3A1	CRIMINAL MISCHIEF, MOVE, DEFACE, TAMPER, ETC. PROPERTY OF ANO	12	0	12	1	0	
541.05	CRIMINAL TRESPASS	2	0	2	2	0	
541.95A	CRIMINAL TRESPASS - LAND PREMISES OF ANOTHER	1	0	1	0	0	
549.05	THEFT	21	0	21	5	1	
541.05A13	THEFT - WITHOUT CONSENT	11	0	11	3	0	
549.05A	UNAUTHORIZED USE OF MOTOR VEHICLE - JOY RIDING	1	0	1	0	0	

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OFFENSE CODE	OFFENSE DESCRIPTION	REPORTED			CLEARED	
		TOTAL	UNFOUND	ACTUAL	BY ARREST	EXCEPTIONALLY
345 3A(B)(C)	RECEIVING STOLEN PROPERTY	1	0	1	1	0
341 2(a)	Burial of Pets Prohibited	1	0	1	0	0
345 3(B)	Containers (Accumulation of Trash)	1	0	1	1	0
Total Offenses		<u>165</u>	<u>0</u>	<u>165</u>	<u>91</u>	<u>3</u>

ARREST REPORT - SUMMARY

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Zip Code(s): All

OFFENSE CODE	OFFENSE DESCRIPTION	ARREST TYPE DESCRIPTION	ARREST COUNT FOR OFFENSE		
			TOTAL	ADULT	JUVENILE
2152 02F1	Deliquent Child	Court Summons/Citation	2	0	2
2735 02	BENCH WARRANT	Complaint	3	3	0
2735 02	BENCH WARRANT	Court Summons/Citation	1	1	0
2735 02	BENCH WARRANT	Warrant	3	3	0
2735 02A	Failure to Appear-Municipal Court	Court Summons/Citation	1	1	0
2911 31	Safecracking	Complaint	2	2	0
2913 02A1	Theft without consent	Complaint	2	2	0
2925 11C1	Possession of Drugs schedule I or II substance	Court Summons/Citation	2	2	0
2925 11C1	Possession of Drugs schedule I or II substance	Crime in Progress	4	4	0
2925 11C2	Possession of Drugs schedule III, IV, or V substance	Crime in Progress	4	4	0
313 03	TRAFFIC CONTROL SIGNAL TERMS AND LIGHTS	Court Summons/Citation	1	1	0
313 03	TRAFFIC CONTROL SIGNAL TERMS AND LIGHTS	Crime in Progress	1	1	0
331.05	OVERTAKING, PASSING LEFT OF CENTER,TRAFFIC	Court Summons/Citation	3	3	0
331 19	OPERATION OF VEHICLE AT STOP SIGN	Court Summons/Citation	1	1	0
331 22	DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY, DUTY	Court Summons/Citation	2	2	0
331 34	FAILURE TO CONTROL; WEAVING COURSE	Court Summons/Citation	2	2	0
331 42	LITTERING FROM MOTOR VEHICLE	Crime in Progress	1	1	0
333 01a-1a	under the influence	Court Summons/Citation	2	2	0
333 01a1d	08 but less than 17 breath	Crime in Progress	2	2	0
333 03	MAXIMUM SPEED LIMITS, ASSURED CLEAR DISTANCE AHEAD	Court Summons/Citation	5	5	0
333 03	MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD	Crime in Progress	5	5	0
335 07	D U.S. OR LICENSE RESTRICTION	Court Summons/Citation	4	4	0
335.071	ovi suspension	Court Summons/Citation	1	1	0
335 072	DRIVING UNDER FINANCIAL RESPONSIBILITY	Court Summons/Citation	2	2	0
335 072	DRIVING UNDER FINANCIAL RESPONSIBILITY	Crime in Progress	2	2	0
335 10	EXPIRED OR UNLAWFUL LICENSE PLATES	Court Summons/Citation	2	2	0
335 10	EXPIRED OR UNLAWFUL LICENSE PLATES	Crime in Progress	1	1	0
335 11	USE OF ILLEGAL LICENSE PLATES, TRANSFER OF REGISTRATION	Court Summons/Citation	2	2	0

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Zip Code(s): All

OFFENSE CODE	OFFENSE DESCRIPTION	ARREST TYPE DESCRIPTION	ARREST COUNT FOR OFFENSE		
			TOTAL	ADULT	JUVENILE
335 13	STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREET	Court Summons/Citation	1	1	0
4507 071	PROBATIONARY DRIVER LICENSE	Court Summons/Citation	2	0	2
505 07AB	CRUELTY TO ANIMALS	Court Summons/Citation	1	1	0
509 03A1	DISORDERLY CONDUCT - FIGHTING OR THREATENING	Court Summons/Citation	3	3	0
509 03A1-E	PERSISTING DISORDERLY CONDUCT	Court Summons/Citation	1	1	0
509 03A1-E	PERSISTING DISORDERLY CONDUCT	Crime in Progress	2	2	0
509 03A2	DISORDERLY CONDUCT - OFFENSIVE GESTURE OR NOISE	Court Summons/Citation	3	2	1
509 03B12	DISORDERLY CONDUCT BY INTOXICATION	Court Summons/Citation	1	1	0
509 03B12	DISORDERLY CONDUCT BY INTOXICATION	Warrant	1	1	0
509 03B2	DISORDERLY BY INTOXICATION	Complaint	6	6	0
509 03B2	DISORDERLY BY INTOXICATION	Court Summons/Citation	8	8	0
509 03B2	DISORDERLY BY INTOXICATION	Crime in Progress	4	4	0
509 15	PLAYING OF RADIOS, BOOM BOXES, AND THE LIKE IN MOTOR VEHICLES	Complaint	1	1	0
513 03	DRUG ABUSE, CONTROLLED SUBSTANCE POSSESSION OR USE	Complaint	1	0	1
513 03	DRUG ABUSE, CONTROLLED SUBSTANCE POSSESSION OR USE	Court Summons/Citation	2	2	0
513.04ABC	POSSESSING DRUG ABUSE INSTRUMENTS	Complaint	3	3	0
513 12	DRUG PARAPHERNALIA	Complaint	6	6	0
513 12	DRUG PARAPHERNALIA	Court Summons/Citation	3	3	0
513 12	DRUG PARAPHERNALIA	Crime in Progress	6	6	0
525 07	OBSTRUCTING OFFICIAL BUSINESS	Complaint	3	3	0
525 09	RESISTING ARREST	Crime in Progress	2	2	0
529 021	UNDERAGE CONSUMPTION	Court Summons/Citation	4	4	0
529 021	UNDERAGE CONSUMPTION	Crime in Progress	2	2	0
529 07	OPEN CONTAINER	Court Summons/Citation	3	3	0
537.14	DOMESTIC VIOLENCE	Complaint	2	0	2
541.04A1	CRIMINAL MISCHIEF, MOVE, DEFACE, TAMPER, ETC. PROPERTY OF ANO	Complaint	2	2	0
541 05	CRIMINAL TRESPASS	Complaint	4	2	2
545 05	THEFT	Complaint	4	4	0
545 05	THEFT	Court Summons/Citation	3	3	0
545 05A1	THEFT - WITHOUT CONSENT	Complaint	3	3	0

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OFFENSE CODE	OFFENSE DESCRIPTION	ARREST TYPE DESCRIPTION	ARREST COUNT FOR OFFENSE		
			TOTAL	ADULT	JUVENILE
945 06	Containers (Accumulation of trash)	Court Summons/Citation	1	1	0
Total Offenses			<u>151</u>	<u>141</u>	<u>10</u>