

JACKSON CITY COUNCIL  
Regular Session  
September 28, 2009  
7:00 p.m.

Call to Order..... President Speakman

Pledge of Allegiance..... Mr. Smith

Opening Prayer..... Mr. Wiggins

Roll Call

Approval of Minutes

September 14, 2009

VISITORS

COMMITTEE REPORTS:

- Utility - Eric Brown, Troy Adams, and Curt Wiggins
- Budget & Finance - Troy Adams, Curt Wiggins, and Tom Evans
- Police, Fire & Traffic - Tom Evans, Eric Brown, and Troy Adams
- Service, Randey Smith - Cary Brown and Jeff Elliott
- Railroad, Curt Wiggins - Randey Smith and Tom Evans
- Building/Recreation - Randey Smith, Cary Brown and Jeff Elliott
- City Auditor
- Law Director
- Mayor
- Service/Safety Director

ORDINANCES AND RESOLUTIONS

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

ADJOURN

JACKSON CITY COUNCIL

*Minutes from*  
September 14, 2009  
7:00 p.m.  
Regular Session

Jackson City Council met in regular session on Monday, September 14, 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. Eric 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 – present
- Mr. Smith – present
- Mr. Cary Brown – present
- Mr. Elliott - present
- Mr. Wiggins – present

Mr. Evans made a motion to approve the minutes of August 24, 2009 regular session as amended seconded by Mr. Wiggins. In a voice vote, all Council agreed.

**VISITORS**

Mr. Smith made a motion to amend the agenda, adding visitor Mr. Brent Saunders, representing Holzer. Mr. Saunders waited to speak until Ordinance No. 76-09 was read.

**COMMITTEE REPORTS**

**UTILITY**

Mr. Eric Brown stated there had been a request from Jeff Blair in regards to garbage service, the committee will meet later to discuss this issue. Mr. Sheward asked if Mr. Carroll's issue had been discussed. Mr. Eric Brown stated yes, and the committee denied. Mr. Wiggins made a motion to grant utilities to the clinic being constructed on St. Rt. 93 with all costs and fees, seconded by Mr. Eric Brown. In a voice vote, all Council agreed.

**BUDGET & FINANCE**

Mr. Adams stated the committee met on September 1, 2009 to discuss Quickcare, it is the committee's recommendation that the administration move forward. Mr. Adams made a motion for the administration to proceed, seconded by Mr. Wiggins. In a voice vote, all Council agreed with the exception of Mr. Cary Brown.

**POLICE, FIRE & TRAFFIC**

Mr. Evans reported that the committee had met with the Police and Fire Chiefs to discuss various issues. In regards to the police, they discussed speeding complaints, alleys, more signage. Mr. Eisnaugle requested more money. In regards to fire, touched base on the absence of Mr. Reed, no complaints.

**SERVICE**

Mr. Smith stated the committee met prior to tonight's meeting to discuss lighting at the former Kinnison School lots and real estate located on Vine Street. In regards to the lighting, members from the First Baptist Church were present, with no opposition, the committee recommends allowing with a plan to be submitted to the service director for final approval. Mr. Smith made a recommendation to grant the request of the First Baptist Church for lighting, seconded by Mr. Elliott. In a voice vote, all Council agreed. The second item of discussion was real property offered to the city by Habitat for Humanity, it was the committee's recommendation to accept this property. Mr. Smith made a motion to accept, seconded by Mr. Evans. In a voice vote, all Council agreed. Mr. Smith added this was vacant land with trees, to be used as green space. Mr. Sheward stated the deed was passed to Mr. Detty. Mr. Wiggins asked if this were in the flood plain. Mr. Cary Brown stated he thought it was in the flood way. Mr. Cary Brown went on to ask if we still owned a street sweeper. Mr. Sheward replied yes. Mr. Cary

Brown asked if it were operable. Mr. Sheward stated yes, but no one to operate, will resume after grass mowing season is complete.

RAILROAD - No report

BUILDING/RECREATION – No report

CITY AUDITOR

Mr. Humphreys stated he had passed out the monthly report and no news from the state auditor yet.

LAW DIRECTOR

Mr. Detty gave his report, see attached. Mr. Detty stated he would have to get clarification as to the amount collected on outstanding monies owed to the city. Mr. Cary Brown asked how much was owed and how much was collected. Mr. Detty stated he was unsure. Mr. Sheward stated they are paid by percentage, he thought 50%. Mr. Detty was unsure, but would find out.

MAYOR

Mayor Heath stated the Chips grant was successful. He noted that a criminal citation had been issued in the northern sector of town, with a second notice given to the owner of these residents to clean up debris from their properties. Next week is the Apple Festival; we have work on make this cost effective for the city. He thanks citizens and property owners for their cooperation on the chairs. Ord. 79-09, consider replacement of 71-09. Stressing this is not new, just transfer. Different situation, complex issues, gave this much thought and emotion. He respected each person views, but with all the information and facts, he had to make a fair decision. He stated he would always take full responsibility for this, knowing some strongly disagreed with his decision. This is not about a funding issue, some feel this is money lost, every dollar is an investment, and make this position work, bring a far greater return. We gave more responsibility and expanded job duties, working on documents for the stimulus funds, census information, computation of 5 year plan, filing system for public record requests. She is familiarizing herself with Mr. Sheward job, as of October he will be off on medical leave; this will give a greater ability to accomplish. We need to move forward and make this work. It was a difficult decision, and we need support, this is best for the health and safety of our citizens. Mr. Heath requested an executive session to discuss FOP contract matters.

Mr. Cary Brown asked the Mayor what he thought his greatest accomplishment was in his first 18 months of office. He replied he has had many different things to deal with, utilities; this is the life blood of our community, stabilizing rates for businesses and citizens, the future cost and effects. Mr. Cary Brown went on to asked about the demolition of the Comstock Bldg., did it cost \$17,000, because we were told it would be \$9500. Mayor Heath stated we paid \$9500, part of the amount is being transferred and \$2500 remains. Mr. Cary Brown asked was there only \$20000 in the fund. Mr. Smith stated closer to \$30000. Mr. Wiggins stated \$29070. Mr. Humphreys asked how much we received in Chips funds. Mayor Heath stated he was unsure but would find out. Mr. Cary Brown said, you state you love Jackson, what do you think the rest of are doing, quit talking about 2004 and move on, all you talk about is raising taxes and asking for more money.

SAFETY/SERVICE DIRECTOR

Mr. Sheward stated we received approval for the ORC stimulus funds, went to bid, we can now move forward, utilizing the funds. We opened bids for the water treatment plant; unfortunately they were 7% higher than the engineers estimate. There were 10 bidders; this is a \$1.5 million project. There is an ordinance for ODOT paving, another application for SR 776, we pay our portion up front for the last contract, and we did receive a refund on those funds of \$41021. Ord. 80-09, it is an 80% match. Mr. Smith asked if this needed approved tonight. Mr. Sheward replied first reading. Mr. Evans asked how stimulus rail funds were to be allocated. Mr. Sheward stated the Bellisio spur and general rail maintenance on the main line. Mr. Evans asked if this was ready for bid. Mr. Sheward stated in the next week or so. Mr. Evans asked if American Warehouse still using the Meridian facility. Mr. Sheward replied yes. Mr. Wiggins asked if these were upfront dollars or after completion. Mr. Sheward stated paid directly from ODOT rail, we do have dollars invested, trying to recover, but the billing is done direct. Mr. Sheward stated he had passed out more information on the garbage, see attached. He stated a letter had been sent to the state opposing the tax increase to no avail. There are not many options, contractually bound to Rumpke, or go twice as far to Pike County, and there is no guarantee this would cost less, this is a second reading. Mr. Sheward stated Ord. 78-09 is request for Sewer Department, carry over funds, additional electric with the new facility, \$200,000 more this year, still tweaking. There is \$100000 in chemicals, Greg thinks this can be reduced to \$40000, please amend ordinance to reflect. This does need approved tonight.

Mr. Sheward discussed the project on Yellow Delicious Drive that he and Mr. Smith had been working on, also communicating with the school on a proposal to modify and put in a cul de sac before the entrance to the clinic. Residents are in favor and the administration feels this is a good idea for the limit on traffic and the safety of the children in this area. Will discuss with Mr. Detty, and establish a public meeting. McCarty has agreed to build the cul de sac at no charge upon approval. Mr. Wiggins asked if he had computed the second year cost for Rumpke. Mr. Sheward replied no. Mr. Speakman stated Mr. Eric Brown could look at this information and give a report. Mr. Speakman also stated the Police Fire and Traffic committee should handle the cul de sac issue.

Ordinance 76-09 was read before going into executive session.

Mr. Humphreys stated the post audit meeting had been scheduled for the 28<sup>th</sup> at 6:00.

Mr. Smith made a motion to move into executive session to discuss union negotiations, seconded by Mr. Elliott. In a roll call vote, all Council approved. Council moved into executive session at 7:46 p.m.

Mr. Wiggins 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 8:25 p.m.

## ORDINANCES AND RESOLUTIONS

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### ORDINANCE NO. 68-09

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

#### Third Reading

In a roll call vote to adopt the ordinance, 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

In a roll call vote to adopt, all Council agreed.

Mayor Heath vetoed this ordinance on September 21, 2009

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### ORDINANCE NO. 69-09

AN ORDINANCE TRANSFERRING APPROPRIATIONS, AND DECLARING AN EMERGENCY.

#### Third Reading

Mr. Eric Brown made a motion to table this ordinance, seconded by Mr. Evans. In a voice vote, all Council agreed.

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### ORDINANCE NO. 70-09

AN ORDINANCE TO MOVE APPROPRIATIONS,

#### Second Reading

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

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### ORDINANCE NO. 71-09

AN ORDINANCE TO MOVE APPROPRIATIONS.

Third Reading

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

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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.

Second Reading

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ORDINANCE NO. 75-09

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

Second Reading

Mayor Heath passed out information in regards to this at the last meeting, bond structure not included, needs increased 3.5%-4% in addition. He noted he is still trying to work with Mr. Cannon on another proposal, should have by the next meeting.

This needs to be passed by the end of September, we can restructure later, and we need to satisfy the OWEA, the funding agency. Mr. Smith asked if it were mandatory to enact such a high rate the first year. The Mayor replied the OWEA indicated we needed a significant increase the first year. I want to talk to Mr. Cannon on potential possibilities. Mr. Adams stated it was his understanding it has to be 25% to qualify. Mr. Smith stated the Mayor said a significant increase, don't understand why the 56% cannot be spread out over five years, 11.2% per year, this would be easier for citizens to swallow. The Mayor stated he could not remember the exact verbiage, whether they said like or want, but Mr. Cannon stated at least 25%. Mr. Speakman stated Exhibit "A" will be presented at the next meeting. Mr. Smith stated he would like to have the specifics in writing.

Further stating this is the first time he had heard of the OWEA. What does this make Mr. Cannon, it sound like we need to nail down with the OWEA instead of OEPA? Mr. Sheward stated the EPA sells to OWEA, they are saying significant, this is in effort to move us toward financial responsibility in five years, substantial now, and they would like the entire 56% this year. Mr. Smith stated the community is struggling, 11% is more feasible, we need to try, and we need something in writing. Mr. Brown stated it was his understanding Sara (OEPA) suggested Mr. Cannon; they would go with his offers, nothing less than 25%. Mr. Cary Brown asked if this would affect sewer rates. The Mayor replied no effect on sewer, none. He went on to say the RCAP agency is used and trusted by the OEPA, they will accept their structures on rates. OWEA trust his recommendation, we need rate increases, there have been two demonstrations, we are trying to contact for exact bare minimum amount to qualify. The trouble if getting the information in writing, we could face possible fines or rejection if not on time. He respects Mr. Cannon and this will be resolved. Mr. Smith stated they want 56% in five years, what's the difference; there is no guarantee, water leak, major problems. The businesses and citizens need to know, why we are not putting the city's proposal together, is this near the bulls eye. Mayor Heath stated he will contact and ask why we can't. Mr. Adams stated 25% will not get it; we have no time to negotiate. Mr. Smith stated we have another meeting, there is time to negotiate. Mr. Speakman stated we are just arguing, beating a dead horse, we need something concrete. Mr. Cary Brown was concerned for the elderly and those on fixed incomes. Mr. Adams stated if we don't pass rates they will raise even more and we may have to pay more. Mr. Smith stated you are negotiating on something you have no facts on. We need to take care of ourselves. The Mayor stated don't pass tonight, we can amend on the third reading. Mr. Cary Brown stated that Mr. Adams had his opinion, but he will not vote for an increase. Mr. Adams stated you can not run a business in the read. Mr. Cary Brown stated there are other options, lay offs. Mr. Speakman stated they were out of order. Mr. Cary Brown stated this has to do with water rates.

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ORDINANCE NO. 76-09

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENT TO INDENTURE OF TRUST (BOND INDENTURE); AUTHORIZING THE EXECUTION AND DELIVERAL OF A TAX EXEMPTION CERTIFICATE AND AGREEMENT: AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SUBORDINATION OF LEASE AND OTHER DOCUMENTS, ALL IN CONNECTION WITH THE HOSPITAL FACILITIES REVENUE REFUNDING BONDS, SERIES 2005 (HOLZER CONSOLIDATED HEATH SYSTEMS, INC. OBLICATED GROUP) OF THE CITY OF JACKSON, OHIO, ORIDIGINALLY ISSUED IN 2005 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. Brent Saunders stated Holzer operates the hospital, assisted living, and dental centers in this area, we are in our 100<sup>th</sup> year we are attempting to convert 2005 bonds. This is due to bond covenants, we are being assisted by four local banks, there is no liability to the city, this is solely to revise and repayment, we have an October 1<sup>st</sup> deadline, and we would greatly appreciate passage. Mr. Adams stated they are also part owners. Mr. Detty pointed out; Peck, Shaffer and Williams stated no obligation, simply a pass through. Mr. Eric Brown asked about job requirements. Mr. Detty stated none, just different structure. Mr. Evans commended them on their commitment to Jackson, good jobs and economic development.

Mr. Evans made a motion to suspend the rules, seconded by Mr. Smith. 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 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 – abstain  
Mr. Wiggins – yes

ORDINANCE NO. 76-09 DULY ADOPTED

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ORDINANCE NO. 77-09

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO, AND THE AUDITOR OF STATE OF OHIO, 88 E. BROAD ST, PO BOX 1140, COLUMBUS, OHIO 43216-1140 FOR THE 2009-2010 GAAP CONVERSION SERVICES, AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Humphreys indicated this needed passed tonight, this is done yearly.

Mr. Wiggins made a motion to suspend the rules, seconded by Mr. Elliott. 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 the ordinance, 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. 77-09 DULY ADOPTED

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ORDINANCE NO. 78-09

AN ORDINANCE APPROVING SUPPLEMENTAL APPROPRIATIONS IN THE SEWER FUND, 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. Evans made a motion to amend the ordinance to \$40000 from \$100000, seconded by Mr. Smith. In a voice vote, all Council agreed.

Mr. Smith 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 the ordinance, 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 – yes

ORDINANCE NO. 78-09 DULY ADOPTED AS AMENDED

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ORDINANCE NO. 79-09

AN ORDINANCE TO MOVE APPROPRIATIONS, AND DELCARING AN EMERGENCY.

First Reading

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

Mr. Eric Brown stated that Mr. Detty told to remove Mayor Heath and Mr. Evans from the suit, the cities insurance will still take care of. Mr. Detty state yes. Mr. Cary Brown asked for what. Mr. Eric Brown stated Mr. Detty is moving funds, if we need to hire outside counsel, insurance funding is expensive. Mr. Wiggins, please clarify the responsibility of this situation, did you agree to this, will \$60,000 cover. Mayor Heath replied yes. Mr. Smith asked are we betting no one gets hurt in Fire Department. Mrs. Sexton stated the premium is paid in May, this is extra. Mr. Detty appreciated Council's moving fees to his office, this saved a lot of money, this situation was debated, but we are here and trying to resolve, I want to keep my employee. Feels this is the best way to resolve, also will benefit from added help. Mr. Smith added this will take care of 2009, what about next year, this is a temporary fix to the end. Mayor Heath stated we are avoiding a crisis. Mr. Cary Brown stated you got us into this predicament. The Mayor stated he made a statement about that earlier.

Mr. Adams made a motion to suspend the rules, seconded by Mr. Elliott. 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 vote to adopt, Council voted as follows:

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

ORDINANCE NO. 79-09 DULY ADOPTED

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ORDINANCE NO. 80-09

IT IS PROPOSED, WITHIN THE CITY OF JACKSON, ON SR776 TO RESURFACE THE PAVEMENT FROM THE WEST CORPORATION LIMIT NORTH TO THE INTERSECTION OF SR139.

First Reading

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

Mr. Cary Brown asked didn't we go through this a few months ago. Mr. Sheward replied yes, but Wellston withdrew, we were refunded investment and this work will be done next year, 80/20 match.

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RESOLUTION NO. 18-09

RESOLUTION ACCEPTING THE AMOUNTS AND REATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

First Reading

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

Mr. Eric Brown made a motion to suspend the rules, seconded by Mr. Elliott. 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 to adopt the Resolution, 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

RESOLUTION NO. 18-09

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**CORRESPONDENCE**



**OLD BUSINESS**

Mr. Cary Brown asked about laying off employees. Mayor Heath stated no one will be laid off until the end of the year. Mr. Cary Brown stated he was hearing different from the public. Mayor Heath stated he must have different hearing aids. Mr. Cary Brown stated he didn't like the smart remarks, you dealt this hand, and the citizens can't take the increases.

**NEW BUSINESS**

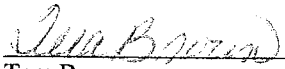
Mr. Speakman stated there will be a plant tour at Bellisio on Thursday at 6:00, considered a meeting.

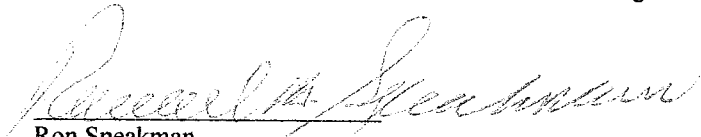
Mr. Cary Brown made a motion to have all elected and contractual employees be drug tested. Mr. Smith asked to modify and ask the law director. Mr. Detty stated elected officials are exempt, but will verify. Mr. Eric Brown stated he had no problem, will make a motion at the next meeting. Mr. Smith stated these are not free. Mr. Sheward stated every employee is being drug tested. Mr. Cary Brown stated it seems we have an overflow of money with this council.

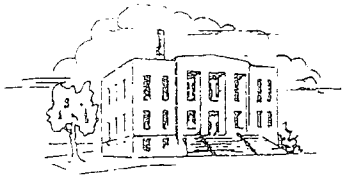
Mr. Sheward stated the boy scouts have asked to use the lot adjacent to Eddie Jones Park for parking. Mr. Wiggins Wiggins made a motion to grant, seconded by Mr. Smith. In a voice vote, all Council agreed.

**ADJOURN**

Mr. Evans made a motion to adjourn, seconded by Mr. Smith. In a voice vote, all Council agreed. Council adjourned at 9:05 p.m.

  
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Tera Brown  
Clerk  
Date 9-28-09

  
\_\_\_\_\_  
Ron Speakman  
Council President  
Date 9-28-09



RANDY R. HEATH, *Mayor*  
WILLIAM R. SHEWARD, *Director of Public Service / Safety*

# CITY OF JACKSON

MEMORIAL BUILDING 145 BROADWAY ST. JACKSON, OHIO 45640  
(740) 286-3224 (740) 286-2201

August 31, 2009

Mr. Marvin Ross  
18 Robin Hill  
Jackson, OH 45640

Dear Mr. Ross:

These answers are in response to your "Questions for August 24<sup>th</sup>, 2009, Council Meeting".

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.

*The City received a letter from the Meridian Bankruptcy attorney's indicating that the City could not legally withhold utilities even though the utilities were turned off before the bankruptcy date. I immediately called City Attorney Jack Detty to advise him of the situation and he advised me to turn the utilities back on. I did everything within my*

*Jackson County Apple Festival  
Held Annually Third Full Week in September*



*I have been meeting with the Jaycee Apple Festival group for several months with the purpose of reducing the cost to the City. We have made changes and are still working on other issues with a goal of the City cost being 5 – 7 thousand dollars. As far as I know, the Jaycees, or the amusement company, pay for all utilities either through metering or estimation. I do not believe that the Apple Festival could survive without City help. I can give you various reasons why supporting the Apple Festival is good for the community; but, the bottom line is that if residents of the City do not wish to support the event, they should indicate this to the Administration and Council.*

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?

*Ordinance 131.01 indicates that the Jackson Police Department may be staffed with up to 30 members. The department currently has 22 members. Compensation for the employees in this group is established by ordinance and union contract. Since I have no idea what the requirements of Jackson County are, I do not have any basis upon which to make a comparison. I, however, am relatively certain that if you were to ask the Sheriff if he could do a better job with more money and more deputies, his answer would be a resounding "YES!".*

5. Explain why there are job cuts at the law director's office? Is this retribution for Judy Brown's husband Carey asking questions?

*There are, potentially, going to be job cuts everywhere in the City with the impending crisis in the General Fund. To suggest that anyone is going to be targeted is ridiculous.*

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?

FROM: MARVIN K. ROSS

18 Robin Hill, Jackson

TO: BILL SHEWARD

SUBJECT: QUESTIONS FOR AUGUST 24<sup>TH</sup> 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?

9-3-09

Garbage

2006

| Date       | Tons    | Loads | Average | Special | Paper/Lb. | C.Bd/Lb. | Alum/Lb. | Plastic |
|------------|---------|-------|---------|---------|-----------|----------|----------|---------|
| Jan.       | 447.09  | 45    | 9.93    |         |           |          |          |         |
| Feb.       | 253.02  | 28    | 9.04    |         |           |          |          |         |
| March      | 440.53  | 46    | 9.57    |         |           |          |          |         |
| April      | 466.23  | 46    | 10.14   |         |           |          |          |         |
| May        | 478.78  | 46    | 10.4    |         |           |          |          |         |
| June       | 500.13  | 47    | 10.64   |         |           |          |          |         |
| July       | 434.89  | 43    | 10.11   |         |           |          |          |         |
| August     | 481.95  | 46    | 10.47   |         |           |          |          |         |
| Sept.      | 472.52  | 41    | 11.52   |         |           |          |          |         |
| Oct.       | 472.04  | 43    | 10.97   |         |           |          |          |         |
| Nov.       | 471.59  | 44    | 10.71   |         |           |          |          |         |
| Dec.       | 412.77  | 43    | 9.59    |         |           |          |          |         |
| Yr. Totals | 5331.54 | 518   | 10.29   |         |           |          |          |         |

2007

|            |         |     |       |  |  |  |  |  |
|------------|---------|-----|-------|--|--|--|--|--|
| Jan.       | 425.1   | 48  | 8.85  |  |  |  |  |  |
| Feb.       | 337.55  | 39  | 8.66  |  |  |  |  |  |
| March      | 443.85  | 45  | 9.86  |  |  |  |  |  |
| April      | 448.42  | 43  | 10.43 |  |  |  |  |  |
| May        | 476.52  | 45  | 10.59 |  |  |  |  |  |
| June       | 461.93  | 42  | 10.99 |  |  |  |  |  |
| July       | 480.8   | 45  | 10.68 |  |  |  |  |  |
| August     | 460.02  | 46  | 10    |  |  |  |  |  |
| Sept.      | 414.82  | 40  | 10.37 |  |  |  |  |  |
| Oct.       | 445.58  | 44  | 10.13 |  |  |  |  |  |
| Nov.       | 457.02  | 44  | 10.39 |  |  |  |  |  |
| Dec.       | 485.91  | 39  | 9.9   |  |  |  |  |  |
| Yr. Totals | 5237.52 | 520 | 10.07 |  |  |  |  |  |

2008

|            |         |     |       |             |       |       |      |  |
|------------|---------|-----|-------|-------------|-------|-------|------|--|
| Jan.       | 436.46  | 43  | 10.15 |             |       |       |      |  |
| Feb.       | 380.92  | 40  | 9.52  |             |       |       |      |  |
| March      | 419.12  | 39  | 10.75 |             |       |       |      |  |
| April      | 505.19  | 46  | 10.98 |             |       |       |      |  |
| May        | 509.3   | 44  | 11.58 |             |       |       |      |  |
| June       | 457.56  | 41  | 11.16 |             |       |       |      |  |
| July       | 475.63  | 43  | 11.06 |             |       |       |      |  |
| August     | 437.06  | 43  | 10.16 | 2 wks. only | 1641  | 4533  | 88   |  |
| Sept.      | 433.63  | 43  | 10.08 |             | 19969 | 7387  | 407  |  |
| Oct.       | 406.44  | 44  | 9.24  |             | 17171 | 5309  | 409  |  |
| Nov.       | 356.93  | 39  | 9.15  |             | 13952 | 3574  | 296  |  |
| Dec.       | 401.89  | 42  | 9.57  |             | 16932 | 4834  | 451  |  |
| Yr. Totals | 5220.13 | 507 | 10.3  |             | 69665 | 25637 | 1651 |  |

SPONSOR: Stewart/Hentch

## ORDINANCE NO. 61-07

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

WHEREAS, the City of Jackson collects waste from customers in the City of Jackson, Ohio; and

WHEREAS, Rumpke of Ohio, Inc. (Rumpke) has a landfill facility where waste may be disposed of; and

WHEREAS, the City and Rumpke desire to enter into an Agreement relating to landfill services.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

**Section One.** The Mayor and/or City Council President is authorized to enter into an Agreement between the City of Jackson, Ohio, and Rumpke of Ohio, Inc., to provide landfill services for the City's trash collection. A copy of the Agreement is attached hereto as Exhibit "A". The cost of this contract shall be paid from line item 721-7540-53002 (Contractual Services).

**Section Two.** This Ordinance is hereby declared to be an emergency Ordinance necessary for the immediate preservation of the public peace, health, or safety of the City of Jackson, in that it is necessary to enter into this agreement as soon as possible to assure that waste collected by the City of Jackson may be properly disposed of at a landfill facility. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

**Section Three.** 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.

*EXHIBIT "A"*

- a. Strike, riots, public disorders or war;
- b. Fires, floods, earthquakes, tornadoes, high water table, unusually severe weather conditions or other Acts of God;
- c. Actions or decrees of local, state or federal governmental bodies, agencies or courts;
- d. Unforeseen soil, bedrock or substrata conditions.

The party experiencing the force majeure event shall provide the other party with prompt notice of any of the foregoing and proceed in a reasonable and diligent manner in attempting to remedy such causes where possible. If the force majeure cannot be cured, either party can terminate this Agreement without penalty.

6. **ASSIGNMENT**. This Agreement may not be assigned without the prior written consent of the other party, which consent may not unreasonably be withheld. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

7. **SEVERABILITY AND SURVIVAL**. In case any one or more of the provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions of this Agreement; this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

8. **INDEMNITY**. Jackson hereby agrees to indemnify and hold Rumpke harmless from and against any and all loss, damage, suits, liability and expenses (including but not limited to reasonable legal expenses) arising out of any claim for loss of or damage to property, including Rumpke's property, and injuries or death of persons, including Rumpke's or Jackson's employees, caused by or resulting from the negligence or willful misconduct by Jackson, its employees or agents of Rumpke's rules and/or regulations while its employees or agents are on Rumpke property, or for the delivery of any waste other than solid waste.

9. **ENTIRE AGREEMENT**. This Agreement constitutes the entire understanding between the Jackson and Rumpke hereto, and cancels and supersedes all prior negotiations, representations, understandings and agreements, facts or omissions thereof, either written or oral, with respect to the subject matter hereto. No changes, alternations, or modifications to this Agreement will be effective unless in writing and signed by Jackson and Rumpke.



## Bill Sheward

---

**From:** rsmith@jacksonohio.us  
**Sent:** Tuesday, August 25, 2009 11:05 AM  
**To:** wsheward@jacksonohio.us  
**Cc:** rheath@jacksonohio.us  
**Subject:** Ordinance 74-09 (Rumpke)

**Attachments:** \_AVG certification\_.txt



\_AVG  
tification\_.txt (275 KB)

Bill,

Following are the questions I asked last night in council. I feel it would be beneficial for council to have this information so it can be determined if the current garbage rate can cover cost of increased dumping fees.

What are the current rates?

What is the average tons of garbage hauled in the last 3-5 years?

Once again we should take a hard look at the sustainability of the current garbage rate to withstand this three year increase. I am not against the ord. just looking ahead.

Thanks,  
Randy

Paula Humphreys, President  
Lyn Speakman, Vice President  
Wendy Sexton, Treasurer  
Felicia Walls, Secretary

**AFSCME UNION LOCAL 3619**

# Memo

**To:** Jackson City Council  
**From:** Paula Humphreys, President  
**CC:** Union File  
**Date:** September 14, 2009  
**Re:** SUPPORT OF ORDINANCE NO. 79-09

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We as a union body are here to show support for the proposed Ordinance No. 79-09 that is to be presented to Jackson City Council tonight.

Please take special consideration when it comes time to vote; as we feel the continued health and safety of our wonderful City of Jackson and its employees will depend on you and your commitment to our city.

Thank you,



Paula Humphreys  
President, AFSCME Union Local 3619

# WATER RATES – 25 PERCENT FIRST YEAR

| % Increase<br>Effective Date  | 25.0%<br>10/1/2009 | 15.0%<br>1/1/2011 | 7.5%<br>1/1/2012 | 5.0%<br>1/1/2013 | 3.5%<br>1/1/2014 |
|-------------------------------|--------------------|-------------------|------------------|------------------|------------------|
| <u>Inside Rate</u>            |                    |                   |                  |                  |                  |
| <b>Base Rate - First 2000</b> | 9.41               | 10.82             | 11.64            | 12.22            | 12.65            |
| Next 10000                    | 6.51               | 7.49              | 8.05             | 8.45             | 8.75             |
| Next 20000                    | 6.08               | 6.99              | 7.51             | 7.89             | 8.16             |
| Next 48000                    | 4.68               | 5.38              | 5.78             | 6.07             | 6.28             |
| Next 150000                   | 3.74               | 4.30              | 4.62             | 4.85             | 5.02             |
| Next 770000                   | 2.68               | 3.08              | 3.31             | 3.47             | 3.59             |
| Over 1000000                  | 1.70               | 1.96              | 2.10             | 2.21             | 2.28             |
| <u>Outside Rate</u>           |                    |                   |                  |                  |                  |
| <b>Base Rate - First 2000</b> | 11.30              | 13.00             | 13.97            | 14.67            | 15.18            |
| Next 10000                    | 7.81               | 8.98              | 9.66             | 10.14            | 10.50            |
| Next 20000                    | 7.31               | 8.41              | 9.04             | 9.49             | 9.82             |
| Next 48000                    | 5.63               | 6.47              | 6.95             | 7.30             | 7.56             |
| Next 150000                   | 4.49               | 5.16              | 5.55             | 5.83             | 6.03             |
| Next 770000                   | 3.20               | 3.68              | 3.96             | 4.15             | 4.30             |
| Over 1000000                  | 1.95               | 2.24              | 2.41             | 2.53             | 2.62             |

# 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](mailto:jdetty@jacksonohio.us)

*Jackson City Council*

*September 14, 2009*

## *REPORT OF THE LAW DIRECTOR*

The following is the Report of the Law Director:

### • **ORDINANCES AND RESOLUTIONS - NOTES**

- Ordinances 76-09 is a bond ordinance for funding for Holzer Medical Center – Jackson.
  - The City is merely a conduit and is not responsible for the bonds.
  - This is a reissuance of the bonds – was originally done in 1999, and redone in 2005.
  - Brent Saunders, President and CEO of Holzer Consolidated Health Systems is present to answer any questions.
  - In order to assist Holzer in the refinancing this needs to be done with suspension of the rules.
  - ***The City of Jackson will not be liable for any debt service on the bonds***
  - ***The bonds are secured solely by the Insurance Policy, the Standby Bond Purchase Agreement, revenues provided by the financed facilities and other security provided by the Hospital as the owner of the facilities.***
  - ***The bonds do not constitute indebtedness under state law.***
  - ***This re-issuance of bonds does not in any way affect the ability of the City to re-issue other obligations, and does not affect any existing obligations of the City.***
- Ordinance 75-09 is an Agreement between the State Auditor and the City for GAAP Conversion Services. The Auditor's Office can provide information concerning this ordinance.
- Ordinance 78-09 was prepared at request of Greg Wilson. The Safety/Service Director has more information on this issue.
- Ordinance 79-09 is an ordinance to move appropriations for the General Fund – Administrative Services Dept. The Mayor has issued comments concerning this matter.

- Ordinance 80-09 was prepared at the request of the Service Director, and is for the proposed State Route 776. The Service Director can provide more information concerning this matter.

- **RENTS AND RIGHT OF WAYS ORDINANCE**

- No response yet from State Auditor.
- In the process of drafting the Declaratory Judgment complaint and hope to have this filed this week or early next week.

- **CITY v US RAIL**

- As of now US Rail has dismissed Mayor Heath and Councilman Evans from the suit.
  - US Rail could reinstitute complaint against them for a period of up to one year.
- Case is presently awaiting decisions on motions that have been filed.
- A pretrial conference is set for October 22, 2009 at Federal Court.

- **AUTHORITY RE POLICE DEPARTMENT**

- I am continuing to research this matter and should have an opinion at the 9/28/09 meeting.

- **CITY COLLECTIONS**

- The City continues to use the services of Ohio Valley Recovery Services to collect delinquent accounts.
- An update of progress in collections is as follows:
  - As of 8/31/09 \$5,516.61 has been collected.

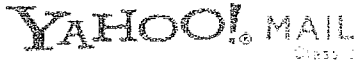
*As always, thank you for your service, and if at any time you have any questions or would like to discuss any issues with me please feel free to stop by my office, or call me at 710-1214.*

*John L. "Jack" Detty*

Hi, tera Sign Out All-New Mail Help

Make Y! My Homepage

Yahoo! Mail



Search

Web Search

**Back to School Sale**  
Get great deals on messaging phones!



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Previous | Next | Back to Messages

Mark as Unread | Print

Delete | Reply | Forward | Spam | Move...

- Folders**
- Inbox (166)
  - Drafts
  - Sent
  - Spam (199) [Empty]
  - Trash [Empty]
  - My Photos
  - My Attachments

**Chat & Mobile Text** [Show]

I am Available

Settings

- My Folders** [Add - Edit]
- amvets
  - attorney
  - casa
  - monthly bills
  - odjfs
  - scholarships
  - software (2)
  - td,llc (8)
  - tommy (14)
  - vacation

**Garbage service.**

Monday, September 7, 2009 3:32 PM

From: "JEFF BLAIR" <roughdiamond@verizon.net>  
To: tlb6277@yahoo.com

Good day;

I'm Jeff Blair and I have the Bait Shop down on Bridge st. I've asked members of council repeatedly the last 2 years, why during the winter, when my seasonal business is shut down, why must I pay for garbage service, for like up to 7 months, when no service is needed! The canned response is usually, since I still have electric, I MUST also take garbage.

Security systems don't work well without electric, as one would hopefully take for granted. So here we are again, ready to shut down for the season. And once again, I ask, can I have garbage service discontinued for the time I'm closed? Is the ONLY way out of that little city monopoly is to get garbage service elsewhere?

Rumpke will cost me a little more, but Rumpke will NOT charge me for months of no service needed. I'll come out ahead.

Now, I'd rather keep my monies local, as I love this area, but at the same time, it's kind of silly to just give it away.

On a similiar note, I'm getting ready to rehab a house I own, a little 4 room dump, but fixable. Will be doing so as I can afford materials and such. Now, as you would again assume, things like power drills & saws work better with electricity. And again, I'm going to be forced to also pay for garbage, when no service is going to be needed for perhaps a year.

The only way, again, is to have my electric cut off? SIGH!

Not a very compassionate or understanding town we live in huh?

Please feel free to make copies to distribute to the members of council. I figured this the quickest way to get to all of them.

Jeff Blair

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