

JACKSON CITY COUNCIL
Regular Session
November 9, 2009
7:00 p.m.

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

Roll Call

Approval of Minutes

October 26, 2009

VISITORS

Mike & Deana Stroth, contract
Greg Blankenship, proposed cul de sac
Rev. Bob Davis, utilities request
J.L. Uhrig, 2008 post audit review

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

October 26, 2009

Mr. Evans – yes

Mr. Adams – yes

Mr. Eric Brown – yes

Mr. Smith – yes

Mr. Cary Brown – yes

Mr. Elliott – yes

7:00 p.m.

Regular Session

Jackson City Council met in regular session on Monday, October 26, 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. Smith. The Prayer was given, led by Mr. Elliott.

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. Wiggins made a motion to approve the minutes of September 29, 2009 regular session seconded by Mr. Adams. In a voice vote, all Council agreed.

VISITORS

COMMITTEE REPORTS

UTILITY – No Report

BUDGET & FINANCE – No report

Mr. Adams stated he will be scheduling a meeting in November. Mr. Cary Brown asked why a meeting had not been held earlier. Mr. Adams stated there was no need to, the Administration and I have discussed, the best route is a temporary budget.

POLICE, FIRE & TRAFFIC – No Report

SERVICE – No Report

RAILROAD - No report

BUILDING/RECREATION – No report

CITY AUDITOR

Mr. Humphreys passed out his report; see attached and stated that there had been in error in ordinance #85-09. Section #1, \$10,000 should have read \$100,000.

LAW DIRECTOR

Mr. Detty passed out his report, see attached. He stated that there had been a teleconference pretrial for City v. US Rail to discuss discovery deadlines.

MAYOR

Mayor Heath report the Greg Wilson had turned in his resignation last Friday; he has already contacted the EPA to deal with the vacancy. Mayor Heath met with Dan Miller of Jones & Henry, to discuss the delay in EDA Funds for the waste water plant; this was due to the delay in finishing the project. The ordinance pertaining to the water plant, make first reading. The administration will meet Friday with the Auditor to work on the temporary budget, though it will seem elevated due to stimulus funds, approximately \$3-4 million. The Street and Alley crews are picking up leaves. Halloween will be held on October 31st from 4:00 – 6:00, this was coordinated with Wellston, Oakhill. The Jaycees will be on hand to monitor. He stated Tom Woltz has done a yeomen's job, Mr. Sheward is still out while his wife recuperates.

SAFETY/SERVICE DIRECTOR

Mr. Woltz reported that we had received the new police cruiser. He received a report from US Rail and met with them in regards to mainline repairs. He commented a pre construction meeting for the water plant, discussing a \$300 savings a day, and discussed with the EPA bringing the plant to a class III. Tracy from the EPA met at the water plant, she stated things were in order to receive the grant/loan for upgrades.

Mr. Smith asked if he could asked the Auditor some questions in regards to his report, the electric fund is up \$3.1 million in a year. Mr. Woltz stated this was for an incorrect charge for KW tax. Mr. Sexton stated this was looked at in May; it is alarming that it was there so soon in the year, this has since leveled out. Mr. Woltz stated they are keeping a close eye on utilities; line loss is an additional expense. Mr. Smith stated the fuel surcharge averages \$95 per month, which is up from a year ago, we raised rates, and do we still need this. He asked if the Utility Committee could review, we need to pass on the savings. Mr. Woltz stated the anticipation of transfer of \$750,000 to the general fund. Mr. Smith stated this needs to go in front of the committee, we need to look at quickly. Mr. Woltz stated he would provide a 5-year comprehensive plan. Mayor Heath stated he was all for the meeting, we will have a full year of numbers to review.

ORINANCES AND RESOLUTIONS

ORDINANCE NO. 68-09

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

VETOED 9/21/09

Roll call act on veto:

- Mr. Evans – no
- Mr. Adams – no
- Mr. Eric Brown – no
- Mr. Smith – no
- Mr. Cary Brown – no
- Mr. Elliott – no

ORDINANCE NO. 68-09 VETOED

ORDINANCE NO. 82-09

AN ORDINANCE AUTHORIZING THE JACKSON CITY AUDITOR TO MAKE REIMBURSEMENTS FOR THE THER YEAR 2008 IN ACCORDANCE WITH THE MAXXIMUS COST ALLOCATION STUDY, AND DECLARING AN EMERGENCY.

Second Reading

Mr. Evans asked where we stand. Mr. Detty stated we have received no answer from the state, will be sending another letter.

ORDINANCE NO. 84-09

AN ORDINANCE ESTABLISHING FUND NO. 294 – 2009 CHIP GRANT FUND, AND SETTING AND APPROVING APPROPRIATIONS IN THE 2009 CHIP GRANT 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. 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 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. 84-09 DULY ADOPTED

ORDINANCE NO. 85-09

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN MULTICOM, INC, PO BOX 887, JACKSON, OHIO 45640 AND THE CITY OF JACKSON, OHIO FOR THE PROVISION OF PROFESSIONAL, ADMINISTRATIVE AND TECHNICAL ASSISTANCE CONCERNING THE ADMINISTRATION OF THE FY09 COMMUNITY IMPROVEMENT PROGRAM (CHIP), AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Evans asked who is Multi Com. Mr. Detty stated it was Mike and Deana Stroth. Mayor Heath stated they submitted the application, will check into this. Mr. Eric Brown asked about the compensation, hourly rate. Mrs. Sexton stated this was a different contract than in prior years.

ORDINANCE NO. 86-09

AN ORDINANCE ESTABLISHING FUND NO. 293 – 2008 FEMA GRANT FUND, AND SETTING AND APPROVING APPROPRIATIONS IN THE 2008 FEMA GRANT FUND, AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Adams asked why this was 2008. Mrs. Sexton stated the grant was written in 2008, it has taken this long to receive. This is for the fire station, compressor and fill station. Mr. Evans stated that the chief stated this has been bid and will come with recommendations.

Mr. Smith 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. 86-09 DULY ADOPTED

ORDINANCE NO. 87-09

AN ORDINANCE VACATING ORDINANCE NO 66-97, AND ADOPTING A NEW AND UPDATED SPECIAL PURPOSE FLOOD REDUCTION PROGRAM FOR THE CITY OF JACKSON, OHIO AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Cary Brown asked that this be a first reading. Mayor Heath stated the only effect is on the insurance. Mr. Detty stated this only updates the old one. Mr. Smith asked have you reviewed. Mr. Detty stated he will get the old one to review. Mr. Smith asked how often this is updated. Mr. Detty stated about every 10 years.

ORDINANCE NO. 88-09

AN ORDINANCE FINDING THE LOWEST RESPONSIBLE AND RESPONSIVE BID, AWARDING THE CONTRACT FOR THE LICK SUBSTATION MAJOR EQUIPMENT PROCUREMENT PROJECT TO HD SUPPLY, 1819 WALCUTT ROAD, SUITE F, COLUMBUS, OHIO 43228 AND DECLARING AN EMERGENCY.

First Reading

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

Mayor Heath requested this be a first reading only.

ORDINANCE NO. 89-09

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

First Reading

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

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

Mr. Evans – yes
Mr. Adams – yes
Mr. Eric Brown – 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. 89-09 DULY ADOPTED

ORDINANCE NO. 90-09

AN ORDINANCE ESTABLISHING FUND NO. 409 – WATER PLANT DEWATERING PROJECT FUND, AND SETTING AND APPROVING APPROPRIATIONS IN THE WATER PLANT DEWATERING PROJECT FUND, AND DECLARING AN EMERGENCY.

First Reading

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

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

Mr. Evans – yes
Mr. Adams – yes
Mr. Eric Brown – 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 – abstains, conflict
Mr. Cary Brown – yes
Mr. Elliott – yes
Mr. Wiggins – yes

ORDINANCE NO. 90-09 DULY ADOPTED

ORDINANCE NO. 91-09

AN ORDINANCE FINDING THE LOWEST RESPONSIBLE AND RESPONSIVE BID, AWARDING THE CONTRACT FOR THE GENERAL TRADES AND ELECTRIC TRADES PORTION OF THE WATER TREATMENT PLANT SLUDGE DEWATERING IMPROVEMENTS TO DOLL LAYMAN, INC., 4195 GIBSON DRIVE, TIPP CITY, OHIO 45371, AND DECLARING AN EMERGENCY.

First Reading

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

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

Mr. Evans – yes
Mr. Adams – yes
Mr. Eric Brown – 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 – abstains, conflict
Mr. Cary Brown – yes
Mr. Elliott – yes
Mr. Wiggins – yes

ORDINANCE NO. 91-09 DULY ADOPTED

ORDINANCE NO. 92-09

AN ORDINANCE FINDING THE LOWEST RESPONSIBLE AND RESPONSIVE BID, AWARDING THE CONTRACT FOR THE HVAC TRADES PORTION OF THE WATER TREATMENT PLANT SLUDGE DEWATERING IMPROVEMENTS TO A.J. STOCKMEISTER, INC. 976 E MAIN STREET, JACKSON, OHIO 45640, AND DECLARING AN EMERGENCY.

First Reading

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

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

Mr. Evans – yes
Mr. Adams – yes
Mr. Eric Brown – 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 – abstains, conflict
Mr. Cary Brown – yes
Mr. Elliott – yes
Mr. Wiggins – yes

ORDINANCE NO. 92-09 DULY ADOPTED

ORDINANCE NO. 93-09

AN ORDINANCE TO APPROVE THE FORM AND AUTHORIZE THE EXECUTION OF POWER SALES CONTRACTS WITH AMERICAN MUNICIPAL POWER, INC. AND TAKING OTHER ACTIONS IN CONNECTION THEREWITH REGARDING MELDAHL AND GREENUP HYDROELECTRIC PROJECT PARTICIPATION.

First Reading

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

Mr. Detty stated he has the documents if anyone would like to review; this has a December 31st deadline. Mr. Woltz stated this is a follow up ordinance to purchase from these sites. Mr. Detty stated this in line with the hydro plant, a percentage to each customer. Mr. Evans stated they want it all sold before selling bonds to build.

ORDINANCE NO. 94-09

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE FIRE LOSS DEPOSIT FUND, AND
DECLARING AN EMERGENCY.

First Reading

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

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

Mr. Evans – yes
Mr. Adams – yes
Mr. Eric Brown – 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. 94-09 DULY ADOPTED

ORDINANCE NO. 95-09

AN ORDINANCE APPROVING REDUCTION OF APPROPRIATIONS IN THE WATER PLANT PROJECT FUND, AND
DECLARING AN EMERGENCY.

First Reading

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

Mr. Evans made a motion to suspend the rules, seconded by Mr. 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 the ordinance, Council voted as follows:

Mr. Evans – yes
Mr. Adams – yes
Mr. Eric Brown – yes
Mr. Smith – abstains, conflict
Mr. Cary Brown – yes

Mr. Elliott – yes
Mr. Wiggins – yes

ORDINANCE NO. 95-09 DULY ADOPTED

CORRESPONDENCE

Thank you card for flowers from Ron and Lyn Speakman.

OLD BUSINESS


NEW BUSINESS

Mr. Eric Brown stated he would be scheduling a utility committee meeting to discuss, sewer rates for industrial users requested by Joan Waugh, winter garbage rates and any and all other matters that pertain to this committee.


Mr. Humphreys stated there is a young man, Morgan Dobbins, in our area who won the State Golf Tournament, would like a Resolution to recognize, this is a great thing. Mr. Detty will prepare.

ADJOURN

Mr. Evans made a motion to adjourn, seconded by Mr. Wiggins. In a voice vote, all Council agreed. Council adjourned at 7:45 p.m.



Tera Brown
Clerk
Date 11/9/09



Ron Speakman
Council President
Date 11-9-09

City of Jackson, Ohio

City Auditor's Monthly Report

For the Month of September, 2009

James L. Humphreys, City Auditor

Statement of Cash Pos w/MTD

AS OF: 10/01/2009

YEAR: 2009

STARTING ACCOUNT:

ENDING ACCOUNT: Z

FUND NO.	FUND DESCRIPTION	BEGINNING BALANCE	[-----RECEIPTS-----]		[-----DISBURSMENTS-----]		UNEXPENDED BALANCE	OUTSTANDING ENCUMBRANCE	ENDING BALANCE
			M-T-D	Y-T-D	M-T-D	Y-T-D			
702	WATER IMPROVEMENT	61285.97	0.00	30000.00	0.00	0.00	91285.97	0.00	91285.97
703	WATER UTILITY DEPOS	61004.50	2400.00	20250.00	2745.00	22145.00	59109.50	692.42	58417.08
704	WATER SURPLUS	204.72	0.00	0.00	0.00	0.00	204.72	0.00	204.72
705	WATER STORAGE TANK	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
706	WATER TOWER REHABIL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
707	WATER-UTILITY OFFIC	16237.32	0.00	158000.00	16399.72	124600.66	49636.66	4316.86	45319.80
708	WATER-DISTRIBUTION	125091.15	0.00	325202.23	30438.31	245929.65	204364.73	28092.79	176271.94
711	SEWER FUND	2254302.96	205036.81	1920779.16	154141.08	2231600.30	1943481.82	424582.95	1518898.87
712	SEWER IMPROVEMENT	1573.84	0.00	0.00	0.00	0.00	1573.84	0.00	1573.84
713	SEWER SURPLUS	237.13	0.00	0.00	0.00	0.00	237.13	0.00	237.13
714	SEWER UTILITY DEPOS	56316.94	2100.00	19175.00	2550.00	20900.00	54591.94	0.00	54591.94
715	SEWER EQUIP REPLACE	100000.00	0.00	0.00	0.00	0.00	100000.00	0.00	100000.00
716	SEWER-UTILITY OFFIC	10695.46	0.00	74000.00	7585.70	58942.12	25853.34	4388.96	21464.38
717	SEWER-COLLECTION DE	72484.28	0.00	446000.00	38587.74	283853.53	234630.75	11853.93	222776.82
721	GARBAGE FUND	115721.17	52903.28	622292.64	54399.83	580149.70	157864.11	26763.18	132100.93
722	GARBAGE IMPROVEMENT	53727.45	0.00	12000.00	0.00	0.00	65727.45	0.00	65727.45
723	GARBAGE UTILITY DEP	17947.94	775.00	7094.00	885.00	7550.00	17491.94	0.00	17491.94
724	GARBAGE-UTILITY OFF	10865.71	0.00	13500.00	1287.34	14139.65	10226.06	2427.77	7798.29
731	ELECTRIC REVENUE	3515740.49	1574496.68	13282120.09	1387835.21	14354543.33	2443317.25	2085627.34	357689.91
732	ELECTRIC REPLACEMEN	649387.54	81.16	121881.19	0.00	0.00	771268.73	566020.00	205248.73
733	ELECTRIC UTILITY DE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
734	ELECTRIC UTILITY RE	1861253.61	0.00	3474809.00	10391.77	10391.77	5325670.84	1689608.23	3636062.61
735	RAILROAD FUND	437115.72	5120.92	387087.33	51934.50	495583.66	323619.39	318345.42	10273.97
736	ELECTRIC-UTILITY OF	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
737	RAILROAD REHABILITA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
740	STORM WATER UTILITY	35560.10	0.00	500000.00	0.00	500000.00	35560.10	35560.10	0.00
750	MUNICIPAL SWIMMING	5702.87	0.00	50424.77	1685.37	37676.43	18451.16	3483.44	14967.72
751	POOL NATURES WORKS	2503.71	0.00	0.00	0.00	2370.72	132.99	60.04	72.95
760	JACKSON CITY RECREA	20567.42	5290.42	35688.59	1594.12	19698.45	36557.56	4367.78	32189.78
761	RECREATION RESERVE	548955.29	0.00	0.00	0.00	0.00	548955.29	0.00	548955.29
801	STREET EXCAVATION F	12350.00	0.00	1000.00	0.00	1000.00	12350.00	0.00	12350.00
802	FIRE LOSS FUND	2355.08	43340.00	44498.00	0.00	0.00	46853.08	0.00	46853.08
810	CEMETERY ENDOWMENT	364624.58	625.00	3625.00	0.00	0.00	368249.58	0.00	368249.58
812	CDBG INVESTMENT FUN	1933.20	0.00	0.00	0.00	0.00	1933.20	0.00	1933.20
813	E JONES INVESTMENT	123466.01	0.00	2079.03	0.00	0.00	125545.04	0.00	125545.04
814	LILLIAN JONES MUSEU	437629.57	941.52	9145.41	0.00	0.00	446774.98	0.00	446774.98
815	UNCLAIMED MONEYS FU	24553.22	0.00	0.00	0.00	0.00	24553.22	0.00	24553.22
820	VISITORS CENTER	51799.96	47.66	42894.85	1708.00	60798.00	33896.81	3936.00	29960.81
	TOTAL:	19195163.88	2247145.18	27699401.92	2293210.54	28008448.67	18886117.13	7901924.42	10984192.71

* End of Report: City of Jackson *

Bank Report

AS OF: 10/01/2009

BANK CODE	BEGINNING BALANCE	-----REVENUE-----		-----EXPENSE-----		TRANS-IN YTD	TRANS-OUT YTD	ENDING BALANCE	
		MTD	YTD	MTD	YTD				
BAR	CD'S NAT'L CITY	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
BRF	STAR OH-BOND RETIREM	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
BSW	OHB-BROADWAY ST WTR	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
CEB	OHB-CDBG FUNDS	1933.20	0.00	0.00	0.00	0.00	0.00	1933.20	
ODD	CDS OAK HILL BANK	3304194.22	0.00	0.00	0.00	32000.00	0.00	4124194.22	
CEM	CDS OHIO VALLEY BANK	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
CHI	OHB-COMMUNITY HOUSIN	283.00	0.00	0.00	0.00	0.00	0.00	283.00	
CHIO5	OHB-COMMUNITY HOUSIN	149635.33	0.00	0.00	0.00	0.00	1347.50	148288.43	
CMT	CD'S MILTON-CEM ENDO	137892.58	0.00	0.00	0.00	125000.00	125000.00	137892.58	
DTR	OHB-CDBG-DOWNTOWN RE	2400.12	0.00	0.00	0.00	0.00	0.00	2400.12	
DUL	CASH RESERVE ACCOUNT	1250.00	0.00	0.00	0.00	0.00	0.00	1250.00	
DUM	** SUB TOTAL ** ABOVE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
DUN	*****	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
EDW	CD'S-EDWARD JONES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
EIR	STAR OHIO-ELECTRIC I	533868.40	81.16	1881.19	0.00	0.00	0.00	535749.59	
EJI	STAR OHIO-E. JONES T	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
ELC	STAR OHIO-ELECTRIC B	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
ELE	STAR OHIO-06 ELEC IM	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
FCM	FREDDIE MACS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
FNW	FNMA-LILLIAN JONES T	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
FNW	CDS 1ST NAT'L-WELLST	3494478.00	0.00	0.00	0.00	125000.00	3394473.00	225000.00	
FOJ	F. C. J. CASH FUND	1000.00	0.00	0.00	0.00	0.00	0.00	1000.00	
GEN	STAR OHIO-GENERAL FU	107434.80	16.34	378.55	0.00	0.00	0.00	107813.35	
LEB	OHB-LAW ENFORCEMENT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
LJC	CD'S OHB-LILL JONES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
LJCFNW	CD'S FNBW-LILL JONES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
LJCOVB	CD'S OVB-LILL JONES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
LJT	STAR OHIO-LILLIAN JO	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
MIL	CD'S-MILTON BANK	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
MMA	MONEY MARKET ACCT.-C	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
MCR	MSDW-ACTIVE ASSETS G	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
NCB	NCB-GEN CHECKING ACC	1397962.66	2228657.52	27554095.11	2293210.54	28008448.67	2977530.00	3921109.10	
OHB	OHB-GEN CHECKING ACC	4366333.06	16869.01	131324.77	0.00	0.00	4498325.50	8995963.33	
OHC	CD'S FNBW-CEMETERY T	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
OHE	CD'S FNBW-EDDIE JONE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
ORC	OAK HILL BANK (ORDC)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
OVE	CD'S-OHIO VALLEY BAN	4565000.00	0.00	0.00	0.00	0.00	4565000.00	0.00	
OVL	CD'S OVB-LILLIAN E.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
PET	PETTY CASH-LILLIAN J	500.00	0.00	0.00	0.00	0.00	0.00	500.00	
PRE	OHB-PREM INVEST ACCT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
REC	CD'S OHB-RECREATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
RES	STAR OHIO - RECREATI	549797.21	0.73	914.85	0.00	0.00	0.00	545684.80	
REV	OHB-REVOLVING LOAN F	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
SPS	SUPER PASSBOOK SAVIN	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
STA	STAR OHIO-ELECTRIC-G	31210.70	4.73	109.99	0.00	0.00	0.00	31320.63	
VAR	STAR OHIO-CEMETERY E	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
WESREC	WESBANCO - RECREATIO	0.00	1515.69	10697.46	0.00	0.00	585684.80	596382.26	
TOTAL		19195163.89	2247145.18	27699401.92	2293210.54	28008448.67	8631510.30	8631510.30	18986117.13

* End of Report: City of Jackson *

City of Jackson
September 2009 Interest Recap

FUND #	FUND NAME	SEPTEMBER 2009	2009 YEAR TO DATE	2008 YEAR TO DATE	08 to 09 Difference
110	GENERAL	\$31,670.16	\$300,260.70	\$556,203.19	(\$255,942.49)
221	CEMETERY	\$879.23	\$9,734.60	\$18,370.09	(\$8,635.49)
222	STREET & ALLEY	\$224.02	\$1,227.55	\$909.47	\$318.08
224	PERMISSIVE TAX	\$57.74	\$417.22	\$128.88	\$288.34
401	BROADWAY ST WATER LINE	\$0.00	\$0.00	\$0.00	\$0.00
405	ELECTRIC CONSTRUCTION	\$0.00	\$0.00	\$22,569.71	(\$22,569.71)
416	ELECTRIC IMPROVEMENT	\$4.73	\$109.99	\$686.01	(\$576.02)
701	WATER	\$0.00	\$0.00	\$0.00	\$0.00
731	ELECTRIC	\$646.39	\$5,171.12	\$28,907.76	(\$23,736.64)
732	ELECTRIC REPLACEMENT & IMPROV	\$81.16	\$1,881.19	\$11,733.75	(\$9,852.56)
760	RECREATION	\$1,516.42	\$11,749.02	\$12,684.31	(\$935.29)
813	E JONES INVESTMENT	\$0.00	\$2,079.03	\$3,932.13	(\$1,853.10)
814	LILLIAN JONES MUSEUM TRUST	\$941.52	\$9,145.41	\$16,331.72	(\$7,186.31)
TOTALS		\$36,021.37	\$341,775.83	\$672,457.02	(\$330,681.19)

Percentage Increase (Decrease) 2008 to 2009 YTD Totals

-49.18%

**CITY OF JACKSON
UTILITY REVENUE RECAP - SEPTEMBER 2009**

FUND	DESCRIPTION	Sep-09	Sep-09	Sep-08
		MONTH TO DATE	YEAR TO DATE	YEAR TO DATE
GENERAL				
110-0600-40608	BUILDING PERMITS	\$ 1,924.00	\$ 4,373.00	\$ 7,159.00
110-0100-40108	KILOWATT PER HOUR TAX (INSIDE)	\$ 53,245.73	\$ 469,876.72	\$ 471,073.51
110-0800-40808	OTHER MISCELLANEOUS/ALARMS CHGS	\$ -	\$ 0.40	\$ -
110-0800-40826	NSF & PENALTY CHARGES	\$ 360.00	\$ 1,959.00	\$ 2,477.92
	SUBTOTAL GENERAL FUND	\$ 55,529.73	\$ 476,209.12	\$ 480,710.43
CEMETERY				
221-0500-40520	SALE OF LOTS	\$ 925.00	\$ 5,700.00	\$ 6550
221-0500-40521	PREPARATION	\$ 2,900.00	\$ 26,900.00	\$ 25,350.00
221-0500-40522	UPKEEP	\$ 335.00	\$ 1,895.90	\$ 2,304.10
221-0800-40808	CEMETERY DEED TRANSFER	\$ 25.00	\$ 200.00	\$ 250.00
	SUBTOTAL CEMETERY FUND	\$ 4,185.00	\$ 34,695.90	\$ 34,454.10
ST & ALLEY				
222-0800-40808	MISC	\$ -	\$ -	\$ -
	SUBTOTAL STREET & ALLEY FUND	\$ -	\$ -	\$ -
STATE HIGHWAY				
224-0800-40808	MISC	\$ -	\$ -	\$ -
	SUBTOTAL STATE HIGHWAY FUND	\$ -	\$ -	\$ -
PROGRAM INCOME				
236-0800-40810	REHAB	\$ 100.00	\$ 700.00	\$ 500.00
	SUBTOTAL PROGRAM INCOME FUND	\$ 100.00	\$ 700.00	\$ 500.00
WATER				
701-0500-40525	CHARGES	\$ 128,263.75	\$ 1,150,161.92	\$ 1,120,184.42
701-0500-40526	ON/OFF CHARGES	\$ 441.96	\$ 4,702.22	\$ 5,165.46
701-0500-40527	HYDRANT CHARGES	\$ 646.94	\$ 6,852.17	\$ 7,554.51
701-0500-40528	TAP FEES	\$ -	\$ 5,200.00	\$ 5,125.00
701-0500-40529	OTHER CHARGES	\$ 25.00	\$ 173.00	\$ 879.14
701-0800-40808	WATER MISC CHARGES	\$ -	\$ -	\$ -
701-0800-40819	JISCO LAKE FISHING KEY FEE	\$ -	\$ 20.00	\$ 420.52
703-0500-40530	WATER UTILITY DEPOSITS	\$ 2,400.00	\$ 20,250.00	\$ 21,395.00
	SUBTOTAL WATER FUND	\$ 131,777.65	\$ 1,187,359.31	\$ 1,160,724.05
SEWER				
711-0500-40535	CHARGES	\$ 203,563.21	\$ 1,890,466.18	\$ 1,986,990.98
711-0500-40536	TAP FEES	\$ -	\$ 1,400.00	\$ 1,600.00
711-0500-40537	OTHER CHARGES	\$ -	\$ 45.00	\$ -
711-0500-40538	MONITOR CHARGES	\$ 473.60	\$ 4,315.60	\$ 3,887.80
711-0500-40539	SURCHARGES	\$ -	\$ 14,085.34	\$ -
714-0500-40539	SEWER UTILITY DEPOSITS	\$ 2,100.00	\$ 19,175.00	\$ 19,165.00
	SUBTOTAL SEWER FUND	\$ 206,136.81	\$ 1,929,487.12	\$ 2,011,643.78
GARBAGE				
721-0500-40540	CHARGES	\$ 50,627.45	\$ 455,487.05	\$ 410,467.61
721-0500-40541	OTHER	\$ 255.00	\$ 3,135.00	\$ 3,710.00
723-0500-40542	GARBAGE UTILITY DEPOSITS	\$ 775.00	\$ 7,094.00	\$ 7,445.00
	SUBTOTAL GARBAGE FUND	\$ 51,657.45	\$ 465,716.05	\$ 421,622.61
ELECTRIC				
731-0500-40545	CHARGES	\$ 1,553,647.88	\$ 12,974,097.64	\$ 9,774,240.69
731-0500-40546	ON/OFF CHARGES	\$ 593.40	\$ 4,851.97	\$ 7,098.03
731-0500-40547	SEC LIGHTS	\$ 3,452.77	\$ 29,811.98	\$ 30,688.77
731-0500-40548	OTHER CHARGES	\$ 1,261.00	\$ 6,410.00	\$ 6,610.00
731-0500-40549	KILOWATT PER HOUR TAX (OUTSIDE)	\$ 3,295.24	\$ 29,688.91	\$ 31,547.92
731-0500-40550	ELECTRIC UTILITY DEPOSITS	\$ 11,600.00	\$ 85,250.00	\$ 97,992.23
	SUBTOTAL ELECTRIC FUND	\$ 1,573,850.29	\$ 13,130,110.50	\$ 9,948,177.64
POOL				
750-0500-40512	POOL PARTIES	\$ -	\$ -	\$ 100.00
	SUBTOTAL POOL FUND	\$ -	\$ -	\$ 100.00
STREET EXCAVATION				
801-0500-40551	STREET OPENING - EXCAVATION	\$ -	\$ 1,000.00	\$ 3,000.00
	SUBTOTAL STREET EXCAVATION FUND	\$ -	\$ 1,000.00	\$ 3,000.00
CEM ENDOWMENT				
810-0500-40523	PERPETUAL CARE	\$ 625.00	\$ 3,625.00	\$ 4,425.00
	SUBTOTAL CEMETERY ENDOWMENT FUND	\$ 625.00	\$ 3,625.00	\$ 4,425.00
	TOTALS	\$ 2,023,861.93	\$ 17,228,903.00	\$ 14,065,357.61

**City of Jackson
General Fund Expenditures
Multi-Year Comparisons**

Expenditures By Month

	<u>2009</u>	<u>2008</u>	<u>2007</u>	<u>2006</u>	<u>2005</u>
January	\$ 299,410.44	\$ 294,900.66	\$ 274,241.87	\$ 275,516.26	\$ 185,638.52
February	\$ 156,870.45	\$ 191,733.53	\$ 223,805.47	\$ 194,533.58	\$ 158,815.91
March	\$ 312,910.33	\$ 368,347.87	\$ 1,969,401.66	\$ 222,041.06	\$ 254,227.73
April	\$ 225,907.81	\$ 345,080.52	\$ 248,076.13	\$ 661,152.22	\$ 203,430.83
May	\$ 219,075.00	\$ 254,098.91	\$ 325,860.20	\$ 403,708.47	\$ 247,809.48
June	\$ 191,027.58	\$ 241,234.72	\$ 276,496.21	\$ 261,438.14	\$ 284,272.06
July	\$ 1,266,822.97	\$ 253,206.73	\$ 244,241.53	\$ 257,070.14	\$ 185,245.64
August	\$ 328,835.80	\$ 291,284.81	\$ 303,032.99	\$ 295,095.39	\$ 585,336.18
September	\$ 211,255.15	\$ 280,489.39	\$ 288,345.89	\$ 235,568.39	\$ 242,311.60
October	\$ -	\$ 357,102.39	\$ 327,761.48	\$ 387,271.42	\$ 260,268.32
November	\$ -	\$ 381,361.11	\$ 368,685.49	\$ 205,218.13	\$ 451,921.07
December	\$ -	\$ 1,099,228.89	\$ 264,279.60	\$ 327,583.78	\$ 690,513.27
	\$ 3,212,115.53	\$ 4,358,069.53	\$ 5,114,228.52	\$ 3,726,196.98	\$ 3,749,790.61

Notes: March 2007 -- 1.25 million was advanced out to water fund.
December 2008 Transfer to railroad fund.

THEN & NOW CERTIFICATES

JAN & FEB:	73
MARCH	21
APRIL	8
MAY	13
JUNE	25
JULY	14
AUGUST	8
SEPT	11
OCT	
NOV	
DEC	

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

October 26, 2009

REPORT OF THE LAW DIRECTOR

The following is the Report of the Law Director:

• **ORDINANCES AND RESOLUTIONS - NOTES**

- Ordinance 84-09 is an ordinance appropriating moneys to the CDO for the 2009 CHIP Grant.
- Ordinance 85-09 also relates to CDO. This ordinance grants the administration contract to Multicom, Inc. The agreement is for an amount of up to \$100,000.
- Ordinance 87-09 adopts a new Flood Damage ordinance within the City. It replaces Ordinance 66-97 by updating the prior ordinance. This is important for insurance purposes for individuals in the City.
- Ordinance 88-09 is granting a contract to HD Supply for new equipment at the Lick substation. The Service Director should have more info concerning this matter.
- Ordinance 89-09 appropriates the money for the Bellisio Rail Spur project. If at all possible this needs passed by waiving the 3 reading rule.
- Ordinances 90-09, 91-09, and 92-09 both relate to the Water Plant Dewatering Project. Ordinance 90-09 establishes the fund and appropriates the moneys; Ordinance 91-09 awards the contract to the lowest responsible and responsive bidder on the HVAC portion of the project.
- Ordinance 93-09 is authorizing power sales contracts with AMP-Ohio. The actual contracts are on file with the Council Clerk, and they are voluminous.

• **RENTS AND RIGHT OF WAYS ORDINANCE**

- Attorney Martin and myself are conferring on the best process in going forward with the Rents and Right of Ways.

- **DRUG TESTING OF ELECTED OFFICIALS**

- An opinion on this issue is attached.

- **CITY v US RAIL SUIT**

- A phone pretrial was held on this matter on Thursday, October 22.
- Deadlines on motion and motion practice was discussed and no real substance came of the pretrial.
- It is possible a decision on the City's Motion to Remand could be made in the near future – within 90 days or so.
- As with all lawsuits, we are in the hurry up and wait mode.

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

Phone: 740-286-1112

Fax: 740-286-8788

E-Mail: jdetty@jacksonohio.us

John L. "Jack" Detty

Law Director

Memorandum

TO: Randy Heath, Mayor
William Sheward, Safety/Service
Director
Tom Woltz, Acting Safety/Service
Director
Jim Humphreys, City Auditor
Ronald Speakman, Council President
Tom Evans, Council Member at Large
Troy Adams, Council Member at Large
Eric Brown, Council Member at Large
Randey Smith, 1st Ward Council
Member
Cary Brown, 2nd Ward Council Member
Jeff Elliott, 3rd Ward Council Member
Curt Wiggins, 4th Ward Council
Member

FROM: John L. "Jack" Detty

Cc: Tera King, City Council Clerk

DATE: October 26, 2009

SUBJECT: Drug Testing of Elected Officials

Privileged and Confidential Communication

Dear Administration and Council Members:

The issue has been raised concerning the drug testing of elected officials in the City of Jackson. As a result of that inquiry I have researched this issue.

The case law in Ohio appears to be relatively void of any decisions addressing this issue. In the case of *Chandler v Miller*, 520 U.S. 305, 117 S.Ct. 1295, 137 L.Ed.2d 513, the United States Supreme Court has held that "* * * [t]he government's special needs were not sufficient to allow for mandatory drug testing for candidates for certain state offices in Georgia." In the *Chandler* case the state of Georgia had enacted a law requiring candidates for state office to prove he or she had taken a drug test within the prior 30 days. The United States Supreme Court felt that this requirement "[d]id not fit within the closely guarded category of constitutionally permissible suspicionless searches."

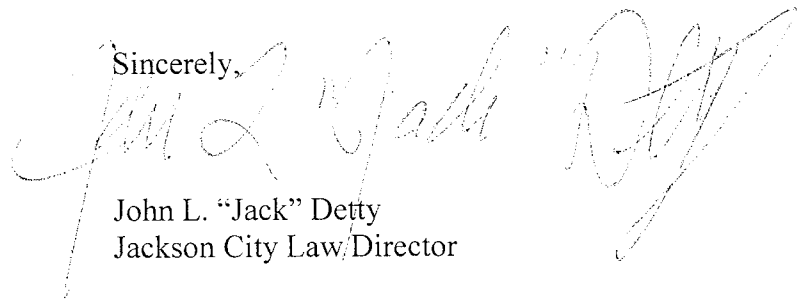
In the case of *State ex. rel. Ohio AFL-CIO, et. al. v Ohio Bureau of Workers Compensation et. al.*, 97 Ohio St. 3d 504, decided on December 18, 2002, the Ohio Supreme Court referenced the *Chandler* case. The Court was reluctant to be expansive in requiring drug tests.

Aside from the above cited court opinions there would be a myriad of issues to be addressed if drug testing were enforced upon elected officials. For instance, if an official were to test positive, what action could the municipality take against the elected official. Council would not have the power to remove the elected official. That could only be done by a recall or at the ballot box. Also, how do you take an elected official who may be a part time official (i.e. Council member) and require them to leave their usual place of employment to require them to take a drug test.

Elected officials could opt to be included in the City's drug testing provisions. I believe many City elected and appointed officials are included in the City's drug testing policy.

Based upon my research I do not believe the City Council can adopt a policy that would force elected officials to be included in the City's drug testing policy, but elected officials could voluntarily be a part of the drug testing procedure if they chose to do so. Further, I do not believe Council could adopt punishment for elected officials who would test positive for a violation of the City's drug testing policy.

Sincerely,

A handwritten signature in blue ink, appearing to read "John L. 'Jack' Detty". The signature is stylized and somewhat cursive.

John L. "Jack" Detty
Jackson City Law Director