

JACKSON CITY COUNCIL

Regular Session

June 28, 2010

7:00 p.m.

Call to Order..... President Speakman

Pledge of Allegiance..... Mr. Brown

Opening Prayer..... Mr. Powell

Roll Call

Approval of Minutes

June 14, 2010

VISITORS

COMMITTEE REPORTS:

- Utility - Brown, Smith, Adams
- Budget & Finance – Adams, Powell, Elliott
- Police, Fire & Traffic - Smith, Colby, Elliott
- Service – Elliott, Colby, Fain
- Railroad – Fain, Smith, Powell
- Building/Recreation – Colby, Fain, Brown
- Early Retirement – Fain, Smith, Brown
- City Auditor
- Law Director
- Mayor
- Service/Safety Director

ORDINANCES AND RESOLUTIONS

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

ADJOURN

## JACKSON CITY COUNCIL

*Minutes from*

June 14, 2010

7:00 p.m.

Regular Session

Jackson City Council met in regular session on Monday, June 14, 2010 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. Powell.

A roll call was taken as follows:

- Mr. Adams – present
- Mr. Brown – present
- Mr. Elliott – present
- Mr. Smith – present
- Mr. Fain – present
- Mr. Powell - present
- Mrs. Colby – present

Mr. Smith made a motion to approve the minutes of May 24, 2010 regular session, seconded by Mr. Fain. In a voice vote, all Council agreed. Mr. Adams made a motion to amend Ordinance No. 48, was listed twice, second should have read Ordinance 49, seconded by Mr. Brown. In a voice vote, all members agreed. Mr. Smith made a motion to approve the minutes of June 8, 2010, special session as amended, seconded by Mr. Brown. In a voice vote, all members agreed.

### VISITORS

### COMMITTEE REPORTS

#### UTILITY

Mr. Brown reported on the meeting held on June 7<sup>th</sup> at 6:30 p.m., the committee discussed the EPA mandated projects, administration and supervisors were present to bring the committee up to date, CT Consultants are seeking funding for the project. The natural gas choice was discussed, seeking support to put on the November ballot. This is the same company the city uses; guarantees lower rates than Columbia Gas. In regards to the broadband proposal, there were too many questions for from the committee and from the Mr. Detty, this has been tabled pending further discussion. Mr. Brown made a motion to endorse Volunteer Energy to be placed on the ballot, seconded by Mr. Smith. Mr. Elliott asked how this would affect choices throughout the state. Mr. Brown stated they would be a default; this has saved the city money. It is safe, we are only endorsing to place on the ballot, and there is no investment. Citizens will make the choice; this does not lock anyone in. Mr. Elliott asked if they would guarantee a price below Columbia Gas. Mr. Brown replied yes. Mr. Sheward stated he had spoken with a representative from Columbia Gas, they have no concerns with the issue, and they make their money from the transmission cost. He is concerned with mass confusion on the ballot; council's effort may be envisioned as endorsement. Mr. Brown asked the legality if council's motion to allow on the ballot, then it can't go to the state. Mr. Detty stated he would have samples at next meeting, for the ordinance.

#### BUDGET & FINANCE – No Report

Mr. Adams scheduled a meeting for Thursday at 7:00 p.m. in Council chambers.

#### POLICE, FIRE & TRAFFIC

Mr. Smith stated the committee met on May 27<sup>th</sup>, to discuss brush fire truck, committee gave recommendation to allow the purchase. Loitering, the Law Director referred to the ordinance, just no enforcement, and committee concluded that Mr. Detty and Mr. Sheward should talk to the chief. The next item to be discussed was the intersection of South and Burlington. Mr. Sheward had looked into a four way stop, but this would require removing the large trees, installing a flashing light or traffic light, that would be costly. No decision was made, this affects lots of people, even if we were to cut the trees, there could still be issues.

#### SERVICE – No Report

Mr. Elliott asked Mr. Detty about the cemetery ordinance. Mr. Detty replied it passed at the last meeting.

**RAILROAD – No Report**

Mr. Fain stated there would be a meeting on Monday, time and location to be determined.

**BUILDING/RECREATION – No Report**

**CITY AUDITOR – No Report**

**EARLY RETIREMENT**

Mr. Fain stated the committee met tonight, and took no action.

**LAW DIRECTOR**

Mr. Detty gave his report, see attached. He went on to discuss the delinquent taxes. Mr. Sheward felt this was a benefit to the schools and maybe they should help fund. Mr. Detty replied someone needs to collect, argument of who should pay. Mr. Sheward asked about the expenses. Mr. Detty assumes the county will pay, but that and some other items need to be checked. Mr. Smith commended him for doing this; this won't cure the problem but will help. Mr. Smith made a motion to granting the Law Director to pursue, seconded by Mr. Powell. In a voice vote, all members agreed. Mr. Detty stated that the fire department ordinance would need to be amended. The Berridge property is done; we have the deed for the 14+ acres.

**MAYOR**

Mayor Heath was absent due to his father's illness.

**SAFETY/SERVICE DIRECTOR**

Mr. Sheward requested an executive session to discuss contract negotiations. Resolution 8-10 has been resolved, Fastenal did remove the invoices. The track for Bellisio is operational but not complete; grading will be completed when things dry up. It's time for an annual bridge inspection, last done in 2008. However there is a new requirement for truss bridges, we are getting quotes from engineers to do, may need additional appropriations.

**ORDINANCES AND RESOLUTIONS**

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**ORDINANCE NO. 34-10**

**AN ORDINANCE AUTHORIZING THE CITY OF JACKSON, OHIO TO ENTER AN AGREEMENT WITH BOARD OF TRUSTEES OF LICK TOWNSHIP, JACKSON COUNTY, OHIO FOR FIRE PROTECTION, AND DECLARING AN EMERGENCY.**

**Third Reading**

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

- Mr. Adams – yes
- Mr. Brown – yes
- Mr. Elliott – yes
- Mr. Smith – yes
- Mr. Fain – yes
- Mr. Powell – yes
- Mrs. Colby – yes

**ORDINANCE NO. 34-10 DULY ADOPTED**

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**ORDINANCE NO. 35-10**

AN ORDINANCE AUTHORIZING THE CITY OF JACKSON, OHIO TO ENTER AN AGREEMENT WITH BOARD OF TRUSTEES OF FRANKLIN TOWNSHIP, JACKSON COUNTY, OHIO FOR FIRE PROTECTION, AND DECLARING AN EMERGENCY.

Third Reading

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

- Mr. Adams – yes
- Mr. Brown – yes
- Mr. Elliott – yes
- Mr. Smith – yes
- Mr. Fain – yes
- Mr. Powell – yes
- Mrs. Colby – yes

ORDINANCE NO. 35-10 DULY ADOPTED

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ORDINANCE NO. 40-10

AN ORDINANCE AMENDING JACKSON CODIFIED ORDINANCE CHAPTER 133 RELATING TO FIRE DEPARTMENT, AUTHORIZING AND APPROVING PAST PRACTICES AND PROCEDURES WITHIN THE DEPARTMENT, AND DECLARING AN EMERGENCY.

Second Reading

Mr. Brown made a motion to amend; new copy will be prepared by the Law Director, seconded by Mr. Fain. In a voice vote, all members agreed.

Mrs. Colby stated this had been discussed, mentioned more than once, call out now \$10, used to be \$12. Mr. Adams stated the fire fighters are paid through levy funds, we are paying the employees at the pool \$9.00 and umpires \$15, does not see a problem raising to \$12, no opposition if funds are there, but not from the general fund. Mr. Fain asked if we could support. Mrs. Sexton stated no one had asked, and she did not have that information available tonight. Mr. Adams asked the same. Mr. Sheward was not sure they could, looked at changing rate, everything else was raised except call out, he agrees but does not recommend. We will spend about the same, uncontrollable factors, 40 members possible. Applauds council, but the majority of members do not do this for the money. Mr. Speakman called it second reading and referred to the Budget & Finance committee. Mr. Smith asked if this could be amended on the third reading. Mr. Adams replied yes.

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ORDINANCE NO. 46-10

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

Second Reading

Mr. Sheward stated this is for concessions; please pass to continue buying goods. Mr. Smith asked if there was money in the budget. Mr. Sexton stated she was unsure. Mr. Brown asked how much had been turned back in. Mrs. Sexton was unsure, but they have not met revenue. Mr. Sheward stated this is a loan to the candy fund. Mr. Fain asked we already appropriated, this is more. Mr. Sheward stated it does not work that way. Mrs. Sexton replied it goes back, sell, revenue goes back to fund, and estimations have not been met. Mr. Brown replied at that point reappropriate. Mr. Sheward stated the amount has grown in sells, no direct involvement, but we are making a profit. Mrs. Sexton stated appropriations are from recreation fund. Mr. Smith would like to see this ran like a business. Nothing to show and we are also paying the help out of this; bring the information back to use, so we can vote. All he says is we need more money, there are obligations to watch, he should let us

know.

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ORDINANCE NO. 47-10

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

Second Reading

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ORDINANCE NO. 48-10

AN ORDINANCE TRANSFERRING APPROPRIATIONS, AND DECLARING AN EMERGENCY.

Second Reading

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ORDINANCE NO. 49-10

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

Second Reading

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ORDINANCE NO. 50-10

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

First Reading

Mr. Fain made a motion to adopt, seconded by Mr. Elliott. In a voice vote, all members agreed.

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

Mr. Adams -- yes  
Mr. Brown -- yes  
Mr. Elliott -- yes  
Mr. Smith -- yes  
Mr. Fain -- yes  
Mr. Powell -- yes  
Mrs. Colby -- yes

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

Mr. Adams -- yes  
Mr. Brown -- yes  
Mr. Elliott -- yes  
Mr. Smith -- yes  
Mr. Fain -- yes  
Mr. Powell -- yes  
Mrs. Colby -- yes

ORDINANCE NO. 50-10 DULY ADOPTED

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ORDINANCE NO. 51-10

AN ORDINANCE TRANSFERRING APPROPRIATIONS, AND DECLARING AN EMERGENCY.

First Reading

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

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

Mr. Adams -- yes  
Mr. Brown -- yes  
Mr. Elliott -- yes  
Mr. Smith -- yes  
Mr. Fain -- yes

Mr. Powell – yes  
Mrs. Colby – yes

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

Mr. Adams – yes  
Mr. Brown – yes  
Mr. Elliott – yes  
Mr. Smith – yes  
Mr. Fain – yes  
Mr. Powell – yes  
Mrs. Colby – yes

ORDINANCE NO. 51-10 DULY ADOPTED

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ORDINANCE NO. 52-10

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

First Reading

Mr. Brown made a motion to adopt, seconded by Mr. Smith. In a voice vote, all members agreed.

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

Mr. Adams – yes  
Mr. Brown – yes  
Mr. Elliott – yes  
Mr. Smith – yes  
Mr. Fain – yes  
Mr. Powell – yes  
Mrs. Colby – yes

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

Mr. Adams – yes  
Mr. Brown – yes  
Mr. Elliott – yes  
Mr. Smith – yes  
Mr. Fain – yes  
Mr. Powell – yes  
Mrs. Colby – yes

ORDINANCE NO. 52-10 DULY ADOPTED

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ORDINANCE NO. 53-10

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

First Reading

Mr. Brown made a motion to adopt, seconded by Mr. Fain. In a voice vote, all members agreed.

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

Mr. Adams – yes  
Mr. Brown – yes  
Mr. Elliott – yes

Mr. Smith – yes  
Mr. Fain – yes  
Mr. Powell – yes  
Mrs. Colby – yes

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

Mr. Adams – yes  
Mr. Brown – yes  
Mr. Elliott – yes  
Mr. Smith – yes  
Mr. Fain – yes  
Mr. Powell – yes  
Mrs. Colby – yes

ORDINANCE NO. 53-10 DULY ADOPTED

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ORDINANCE NO. 54-10

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

First Reading

Mr. Fain made a motion to adopt, seconded by Mr. Brown. In a voice vote, all members agreed.

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

Mr. Adams – yes  
Mr. Brown – yes  
Mr. Elliott – yes  
Mr. Smith – yes  
Mr. Fain – yes  
Mr. Powell – yes  
Mrs. Colby – yes

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

Mr. Adams – yes  
Mr. Brown – yes  
Mr. Elliott – yes  
Mr. Smith – yes  
Mr. Fain – yes  
Mr. Powell – yes  
Mrs. Colby – yes

ORDINANCE NO. 54-10 DULY ADOPTED

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ORDINANCE NO. 55-10

AN ORDINANCE FINDING A REAL AND PRESENT EMERGENCY AND AUTHORIZING THE DIRECTOR OF  
PUBLIC SERVICE TO PURCHASE WITHOUT FORMAL BIDDING AND ADVERTISING A BRUSH TRUCK FOR THE  
FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Adams thought we agreed to go out to bid. Mr. Sheward was not sure, thinks vendor is only one within a reasonable distance to provide complete truck. It is expensive to bid, few see, unless we contact, actual truck at state bid price, but entire package not available through state bid. Mr. Brown asked the purpose of the ordinance. Mr. Sheward replied to provide

funding. Mrs. Colby stated according to ORC, bid anything over \$25,000. Mr. Detty replied it is \$30,000. Mrs. Colby replied bring an ordinance to council first, always bid, formal and sealed, we don't know this is only person. Mr. Sheward stated we can purchase through state purchase, but not entire package, recently bought with out bid, the garbage truck. Mr. Smith questioned the extra cost. Mr. Sheward replied that would be the fire equipment pump tank. Mr. Detty stated there is one other exception, 735.05, real present emergency exist, they can purchase, this was done for the slime slurry system at the water plant, it's a priority, and this is not done often. Mr. Sheward stated a complete truck is a priority, saves time and money, all local dealers were contacted.

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

Mr. Adams – yes  
Mr. Brown – yes  
Mr. Elliott – yes  
Mr. Smith – yes  
Mr. Fain – yes  
Mr. Powell – yes  
Mrs. Colby – no

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

Mr. Adams – yes  
Mr. Brown – yes  
Mr. Elliott – yes  
Mr. Smith – yes  
Mr. Fain – yes  
Mr. Powell – yes  
Mrs. Colby – no

ORDINANCE NO. 55-10 DULY ADOPTED

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RESOLUTION 8-10

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

Third Reading

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

Mr. Adams --no  
Mr. Brown – no  
Mr. Elliott – no  
Mr. Smith – no  
Mr. Fain – no  
Mr. Powell – no  
Mrs. Colby – no

RESOLUTION NO. 8-10 FAILED

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## CORRESPONDENCE

## OLD BUSINESS

## NEW BUSINESS

Mr. Smith commented on the Zoning Board of Appeals decision to allow a 200' tower to be erected in the city, would like to see this referred to a committee for review. Mr. Speakman gave to Building and Recreation. Mrs. Colby stated this is in the flood plain. Mr. Brown was unsure of that, this will be added to the next meeting and will request Mr. Radabaugh be present. Mr. Sheward stated if they have an elevation certificate, it's not in the flood zone. Mr. Fain asked if a permit had been




issued. Mr. Sheward stated yes. Mr. Smith asked Mr. Detty for an injunction on zoning decision, no review, flood plain, whatever means to resolve, hospital needs contacted, this was done quickly. Mr. Detty asked if permit had been issued. Mr. Sheward replied yes. Mr. Detty stated there is no order. Mr. Sheward corrected his yes; they have applied for a permit. Mr. Detty stated no order from the board, minutes should reflect this is not in the flood zone, and there is no light, 199', not signed yet. Mr. Smith asked it's not lighted. Mr. Brown stated one member, Bob Mayhew, stated life flight will not be that low, he is a pilot. There is no good place in town, but this is the best place. Mrs. Colby stated she had attended the meeting, it's 199', anything at 200' requires a light, this should require a light. Mr. Smith asked how deep the base. Mr. Brown stated this information was on the plans. Mr. Smith stated so high, so deep, the neighbors are concerned, should have a public hearing, this was very gross injustice to the public. Should reconsider, county maps show this in the flood plain. Mr. Speakman commented certificate is required to be signed by an engineer. Mr. Detty stated the meeting was advertised and open to the public. Mr. Brown stated he had received no phone calls in regards to this matter. Mr. Smith added there is no structure in Jackson this tall, moved quickly without proper attention, no one understood, what will this do to the landscape of our community. Mr. Speakman stated there are stipulations. Mrs. Colby stated we do have an ordinance for any structure over 20'. Mr. Brown stated it then goes to the zoning board. He requested the list of names. Mr. Smith stated he would notify the board.

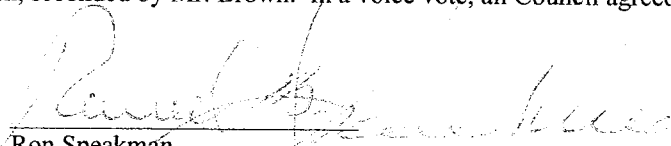
Mr. Smith made a motion to go into executive session to discuss collective bargaining agreements, seconded by Mr. Brown. In a roll call vote, all members agreed. Council moved to executive session at 8:15 p.m.

Mr. Smith made a motion to return to regular session, seconded by Mr. Brown. In a voice vote, all members agreed. Council returned to regular session at 8:30.

#### ADJOURN

Mr. Smith made a motion to adjourn, seconded by Mr. Brown. In a voice vote, all Council agreed. Council adjourned at 8:31 p.m.

  
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Tera Brown  
Clerk  
Date 6-28-10

  
\_\_\_\_\_  
Ron Speakman  
Council President  
Date 6/28/10

# JOHN L. "JACK" DETTY

Jackson City Law Director

145 Broadway Street

Jackson, Ohio 45640

Phone: 740-286-2201

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[jdetty@jacksonohio.us](mailto:jdetty@jacksonohio.us)

*Jackson City Council*

*June 14, 2010*

## *REPORT OF THE LAW DIRECTOR*

The following is the Report of the Law Director:

### • **RAILROAD – City v US Rail Suit**

- I assume everyone received the letter from Attorney Lewis.
  - As a result of this letter I am seeking from Attorney Lewis additional information concerning the claims.
  - Hopefully we will have more information at the June 28 council meeting.
- Present status of the lawsuit:
  - US Rail filed an appeal with the Fourth District Court of Appeals concerning the Jackson County Common Pleas Court decision to keep the suit in the local Common Pleas Court.
    - The Court of Appeals ordered US Rail to give an explanation as to why this case is permitted in the Appeals Court. The deadline for this was this past Friday, June 11. I have not yet received a copy of the response, and the Appeals Court will determine if the issue is appealable.
    - The City's position is the decision of the Common Pleas Court is not an appealable issue.
    - While the issue is before the Appeals Court the local Common Pleas Court has no jurisdiction. We are hopeful the Appellate Court will deny the appeal and send the matter back to the Jackson County Common Pleas Court for disposition very quickly, hopefully within a week or two.
  - Depositions are scheduled for July 6, 2010. Hopefully they will begin at this time, if the appeal is denied as not being ripe.
- If specifics concerning the case need to be discussed we will need to go into executive session.
- I will keep you advised as information becomes available.

- **RAILROAD – Inspections**

- No new information on this matter which was reported at the last meeting.
- I will keep you updated as matters proceed in this issue.

- **JACKSON RUN SUBDIVISION (Cherry & Elm Streets)**

- I am still awaiting the information that was requested and reported at the last meeting.
- I continue to assume Council desires to take no action until further information is obtained and verified.

- **BROADBAND MARKETING CONTRACT**

- This has gone to committee for further action and consideration.

- **REAL ESTATE TAXES**

- At the special council meeting on June 8 the issue of the collection of delinquent real estate taxes within the City was raised.
- As a result of that I have contacted the County Prosecutor and asked if I, on behalf of the City, pursue the collection of those taxes that are in the City of Jackson.
- The Prosecutor has no objection, and if Council has no objection, my office will take on the task of the collection of delinquent real estate taxes in the City.
- Some basic information concerning the delinquent real estate taxes:
  - As of August 19, 2009, if all delinquent real estate taxes were collected the City would receive \$114,886.93.
    - This includes delinquent real estate taxes and situations where contractual agreements for the payment have already been made.
    - Also note that not all taxes can probably be collected.
  - The biggest bulk of the delinquent real estate taxes collected will go to the Jackson City Schools (approximately 66%).
    - The City should receive about 7.65 % of the delinquent taxes collected.
  - Although the number of about \$1,000,000 in delinquent real estate taxes in the City is mentioned, the City receives a small percentage of that amount.

- This would be a major undertaking by my office, and I want Council to know the amount the City could receive, and the fact that the Jackson City Schools would be the biggest benefactor if the taxes are collected, (and other entities outside the City would also benefit) even though it is the City of Jackson putting forth the effort and work and effort in the collection.

*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

**John L. "Jack" Detty**

Jackson City Law Director

145 Broadway Street

Jackson, Ohio 45640

Phone: 740-286-1112

E-Mail: [jdetty@jacksonohio.us](mailto:jdetty@jacksonohio.us)

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June 14, 2010

Richard M., Lewis  
The Law Firm of Richard M., Lewis, LLC  
295 Pearl Street  
P.O. Box 664  
Jackson, Ohio 45640

**HAND DELIVERY**

RE: City of Jackson v US Rail Corporation

Dear Richard:

Thank you for your recent correspondence which included the letter from Attorney DeClement. I am sorry for my late response but due to family medical issues I have not had an opportunity to get back with you until now.

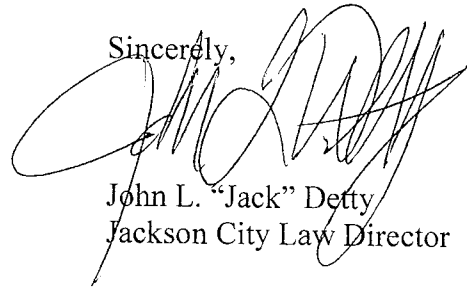
The issue raised in the letter will be addressed and discussed with City Council. However, in order to make sure that City Council, the administration, and myself can address this issue completely and thoroughly I would request that you provide me additional information as follows:

1. Who is Mr. DeClement's client?
2. What relationship, if any, is there between Mr. DeClement and Mr. Gabe Hall?
3. To whom has the client made a proposal for the ethanol plant? If possible, I would request a copy of the proposal.
4. If the plant were to be built what would the ethanol plant ship on the railroad? Is there any anticipated number of rail cars?
5. I am not sure as to where the client made his "feelings" about the political atmosphere of Jackson, Ohio. Could you provide information as to how the client developed these "feelings". Did the client talk to anyone in the administration or council?

This additional information would be useful and helpful to Council and myself in addressing this issue. I believe settlement discussions are always an option, and I have never been opposed to a settlement which protects the City's and US Rail's interests. Of course, any settlement would have to be approved by City Council.

I look forward to receiving the information I have requested in order that City Council can discuss the issue.

Sincerely,

A handwritten signature in black ink, appearing to read "John L. Detty", written over the typed name and title.

John L. "Jack" Detty  
Jackson City Law Director

Cc: Ron Speakman, City Council President  
Eric Brown, At-Large City Council Member  
Troy Adams, At-Large City Council Member  
Marva Colby, At-Large City Council Member  
Randy Smith, 1<sup>st</sup> Ward Council Member  
Steven Fain, 2<sup>nd</sup> Ward Council Member  
Jeff Elliott, 3<sup>rd</sup> Ward Council Member  
Vinson Powell, 4<sup>th</sup> Ward Council Member  
Randy Heath, Mayor  
Bill Sheward, Safety/Service Director

# City of Jackson

**John L. "Jack" Detty**

Jackson City Law Director

145 Broadway Street

Jackson, Ohio 45640

Phone: 740-286-1112

E-Mail: [jdetty@jacksonohio.us](mailto:jdetty@jacksonohio.us)

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June 14, 2010

Richard M., Lewis  
The Law Firm of Richard M., Lewis, LLC  
295 Pearl Street  
P.O. Box 664  
Jackson, Ohio 45640

**HAND DELIVERY**

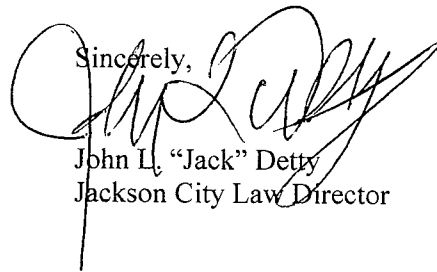
RE: US Rail Corporation

Dear Richard:

Recently the City received correspondence from US Rail which indicates the Federal Rail Administration (FRA) has proposed to levy fines on the railroad for inspection defects at numerous rail crossings. In Mr. Hall's response to the FRA he states that any fines should be paid by the City of Jackson. Could you please provide an explanation as to why Mr. Hall believes the City is responsible for paying fines that are the result of US Rail's failure to conduct mandated inspections?

Also, a few of the proposed fines are on a rail line in Hamilton, Ohio. Is there any explanation as to why Mr. Hall believes the City of Jackson would have any responsibility for these crossings?

Sincerely,



John L. "Jack" Detty  
Jackson City Law Director

Cc: Ron Speakman, City Council President  
Eric Brown, At-Large City Council Member  
Troy Adams, At-Large City Council Member  
Marva Colby, At-Large City Council Member  
Randy Smith, 1<sup>st</sup> Ward Council Member  
Steven Fain, 2<sup>nd</sup> Ward Council Member  
Jeff Elliott, 3<sup>rd</sup> Ward Council Member  
Vinson Powell, 4<sup>th</sup> Ward Council Member  
Randy Heath, Mayor  
Bill Sheward, Safety/Service Director