

JACKSON CITY COUNCIL  
Regular Session  
July 12, 2010  
7:00 p.m.

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

Roll Call

Approval of Minutes

June 28, 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
- City Auditor
- Law Director
- Mayor
- Service/Safety Director

ORDINANCES AND RESOLUTIONS

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

ADJOURN

**JACKSON CITY COUNCIL**

*Minutes from*  
June 28, 2010  
7:00 p.m.  
Regular Session

Jackson City Council met in regular session on Monday, June 28, 2010 at 7:05 p.m. at the Jackson City Council chambers. President Ron Speakman called the meeting to order. The Pledge of Allegiance was given, led by Mr. Speakman. The Prayer was given, led by Mr. 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. Adams made a motion to approve the minutes of June 14, 2010 regular session, seconded by Mr. Powell. In a voice vote, all Council agreed.

**VISITORS**

**COMMITTEE REPORTS**

UTILITY – No Report

BUDGET & FINANCE

Mr. Adams reported that committee met prior to regular session with the recommendation that Ordinance 40-10 be approved. The committee discussed possible solutions. Mr. Fain stated there were still lots of unanswered questions, suggested to start preparing the 2011 budget. Mr. Adams replied no problem.

POLICE, FIRE & TRAFFIC – No Report

SERVICE – No Report

RAILROAD

Mr. Fain reported that the committee canceled the last meeting, the Mayor will handle non resident issue.

BUILDING/RECREATION – No Report

CITY AUDITOR – No Report

Mr. Humphreys thanked the community for the prayers, letter and calls during his illness.

LAW DIRECTOR

Mr. Detty presented his report, see attached.

Mr. Speakman requested that the Early Retirement Committee be removed from the agenda.

Mr. Smith asked about Cherry/Elm Street, actual drawings to be there, will give to Mr. Sheward to inspect. Mr. Sheward asked if the city was to pay for the boring. Mr. Smith replied no, could check near catch basin or potholes, will take this to committee.

MAYOR

Mayor Heath stated Ordinance 56, 57, 58 if passed; Ordinance 60 would not be needed. Mayor Heath had a discussion on recreation, in 2007 the budget was \$50,000-\$60,000 just for management, 2010 budget \$4,000 that is quite a cost reduction. The baseball/softball will need no money from the general fund. We have six fields now; volunteers have kept the fields up, Mike Moore, Tonya Hatten and Preston Mustard. While preparing the budget, concession workers were forgot. So far \$1,700 in sales, so far \$300.00 in profit. The season ended this week for the boys and girls, the remainder of items will be taken to the pool. He requested to hold off on the \$8,000 transfer. Mrs. Sexton stated no transfer needed, vote down, United Fund donation changed the scope, and recreation will be fine. Admission was more, estimated revenue; there is no need to transfer. Mayor Heath stated \$8,000 taken in to date, \$5,600 in 2009 that is a 33% increase. Averaging 100 admissions per day. We had approximately 300 children in baseball/softball; the program is heading in the right direction. Additionally this is good for the children's health. Mr. Fain stated you ask to adopt Ordinance 56, 57, 58, don't see what 58 has to do with. Mayor Heath stated not 58, pool overtime, no way to even donate the money, this needs to be appropriated. Mr. Fain stated we are transferring from unemployment. Mayor Heath replied, yes, part set aside a couple of years ago, we believe it is not needed. Mrs. Sexton stated there was an employee last year that file, money was in there for that.

SAFETY/SERVICE DIRECTOR

Mr. Sheward reminded council of the OAPSE written offer, no salary increase for two years, really no reason to drag on, we can discuss.

ORDINANCES AND RESOLUTIONS

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ORDINANCE NO. 40-10

AN ORDINANCE AMENDING JACKSON CODIFIED ORDINANCE CHAPTER 133 RELATING TO FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.

Third Reading

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. 40-10 DULY ADOPTED

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ORDINANCE NO. 46-10

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

Third Reading

Mr. Fain asked if this was more money for the concession stand. Mayor Heath replied yes. Mr. Fain stated everything is covered with a profit of \$300. Mayor Heath replied there is no money for workers, too this amount from supervisor monies.

Mr. Fain asked if more people were hired that the budget allowed. Mayor Heath stated no, not enough workers, oversight, should have been in the same line item, and thought it was there. There is money from entry fees to pay coordinators. He went on to explain the money for supervision, there is money coming in, does not go into expense line, take and put in and gave an example. Mr. Brown asked if this was short term, money must be appropriated. Mrs. Sexton stated new appropriation, more fund balance, take additional to balance out. Mr. Adams asked if make a profit, goes to recreation fund, can't just pay, council must approve. Mr. Smith stated this is the second year council has had to slap your hand, going in the same direction as last year, it is a small amount, why are we hiring, ask for volunteers. Mayor Heath resented that remark, people who worked for the kids, no money. We have tried volunteers, doesn't work. Mr. Smith asked if the program would have survived without

concessions. Mayor Heath stated we are spending too much time on concessions. They have worked hard and earned the money, this is no cost to the general fund. Mr. Smith made it clear he was not against recreation, distrust of management issue. Mr. Adams stated I am a volunteer coach.

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

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

ORDINANCE NO. 46-10 DEFEATED

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ORDINANCE NO. 47-10

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND, 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

ORDINANCE NO. 47-10 DEFEATED

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ORDINANCE NO. 48-10

AN ORDINANCE TRANSFERRING APPROPRIATIONS, 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

ORDINANCE NO. 48-10 DEFEATED

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ORDINANCE NO. 49-10

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

Third Reading

Mr. Adams asked if this was needed. Mrs. Sexton replied yes, \$600 concessions and \$500 supplies, covered additional from United Fund and Admissions.

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

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

ORDINANCE NO. 49-10 NO EMERGENCY.

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ORDINANCE NO. 56-10

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

First Reading

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

Mrs. Colby asked how much for cost allocations this year in electric. Mrs. Sexton replied \$255,652 and not done yet, ready to wrap up and should have actual figures next month. Mrs. Colby stated we were told to stop, calculated wrong; there is problem with surplus, close to \$9 mil. Mr. Adams stated is not opposed, put there until after the audit. Mrs. Sexton stated a line item could be created and not spend the funds. We would force the states hand to say yes or no. Mr. Brown stated the intention to get started this year, carry over to next year, we may not need \$800,000, change to \$400,000. We need money, electric department is owned by the city, used to fund the city. This should be reenacted. With the shortfall in the budget, and losing on interest, this is suggestion to avoid an income tax. Mr. Elliott stated in Michigan last week, a proud community, this was how they funded the city, taxes were low. This is our money, either taxes or revenue. Mrs. Sexton pointed out, if we do figure out the methodology, 5% across the board, all funds contributing, this may cause more problems. Mr. Fain agreed, must find a way to fund the city. Mr. Detty had previously issued an opinion and feels the city should force their hand.

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ORDINANCE NO. 57-10

AN ORDINANCE TRANSFERRING APPROPRIATIONS, AND DECLARING AN EMERGENCY.

First Reading

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

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ORDINANCE NO. 58-10

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

First Reading

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

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

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

ORDINANCE NO. 58-10 NO EMERGENCY.

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ORDINANCE NO. 59-10

AN ORDINANCE ESTABLISHING A PROCEDURE FOR THE CONSIDERATION OF THE ERECTION OR CONSTRUCTION OF FREE STANDING ANTENNAS OR TOWERS WITHIN THE CITY, AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Smith made a motion to amend Section #1 to existing structure or new, seconded by Mrs. Colby. In a voice vote, all Council agreed.

Mr. Smith made a motion to suspend the rules, seconded by Mrs. Colby. 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 vote to adopt the ordinance, Council voted as follows:

Mr. Adams – yes  
Mr. Brown – abstained, member of zoning board  
Mr. Elliott – yes  
Mr. Smith – yes  
Mr. Fain – yes  
Mr. Powell – yes  
Mrs. Colby – yes

ORDINANCE NO. 59-10 DULY ADOPTED AS AMENDED

Discussion followed after adopting: Mr. Smith asked how this would affect the new tower? Mr. Detty stated there is no order yet. Mrs. Colby stated this is in the flood plain. Mr. Sheward stated it is above flood plain, no permit issued yet. Mr. Brown stated he sponsored an ordinance for towers to Board of Zoning Appeals, done a poor job announcing proposal. Acted in good faith, no information provided, little objection, this is a positive for the city. Have received dozens of emails and calls, residents don't understand. Mr. Sheward stated we need to act tonight. Mr. Brown, stated the Mayor would have to sign before we vote. Mr. Speakman stated the application would come before council. Mr. Fain asked if any other companies were applying. Mr. Brown stated this and broadband use existing structures. Mr. Sheward stated they had spent money on test, data, it has been 30 days. Mr. Detty stated he was on vacation next week. Mr. Fain stated we need to look at voting as soon as possible. Mr. Smith asked to refer to the Service Committee upon application. Mr. Detty asked no public hearing. Mr. Sheward stated the committee should not review. Mr. Brown stated set up public hearing now. Mr. Sheward stated there is no opposition. Mr. Elliott made a motion to have a public hearing to discuss proposed tower on July 28, 2010 at 7:00 p.m., seconded by Mr. Smith.

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CORRESPONDENCE

**OLD BUSINESS**

Supervisor's union proposal, Mr. Smith asked if negotiations had opened with OAPSE. Mr. Sheward replied no because of offer. Further stating normally would have started, three months until the end of contract, need to start very soon.

Mr. Smith made a motion move to executive session to discuss collective bargaining unit, seconded by Mrs. Colby. In a roll call vote, all members agreed. Council moved to executive session at 8:20 p.m.

Mr. Smith made a motion to return to regular session, seconded by Mr. Brown. In a voice vote, all Council agreed. Council returned to regular session at 8:35 p.m.

Mr. Smith made a motion to not except proposal, provision to enter into negotiations. In a voice vote, all Council agreed with the exception of Mr. Elliott opposed.

Mr. Humphreys made a suggestions, Council should make a list of what to add or take away and present to the administration. Mayor Heath welcomed those suggestions. Mr. Smith stated in writing to the Mayor and Service Director by the next meeting.

Mr. Speakman stated Council has the power to proceed with rents and right of ways, firm prices and suggested moving tree harvest funds to the water fund. Mr. Humphreys suggested that Council start on the 2011 budget no later that August 1<sup>st</sup>.

**NEW BUSINESS**

**ADJOURN**

Mr. Smith made a motion to adjourn, seconded by Mr. Fain. In a voice vote, all Council agreed. Council adjourned at 8:38 p.m.

Tera Brown  
Tera Brown  
Clerk  
Date 7-12-10

Ron Speakman  
Ron Speakman  
Council President  
Date 7/12/10