

JACKSON CITY COUNCIL  
Regular Session  
September 13, 2010  
7:00 p.m.

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

Roll Call

Approval of Minutes

August 23, 2010

VISITORS

US Rail

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*  
August 23, 2010  
7:00 p.m.  
Regular Session

Jackson City Council met in regular session on Monday, August 23, 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 Mrs. 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

Mrs. Colby made a motion to amend the minutes to reflect a yes vote on Ordinance No. 65, 66, 67, 68 and Resolution No. 17, seconded by Mr. Brown. In a voice vote all members agreed. Mr. Fain made a motion to amend page 2 to read Mr. Fain and Mr. Elliott, seconded by Mr. Brown. In a voice vote all members agreed.

Mrs. Colby made a motion to approve the minutes as amended from the August 9, 2010 meeting Regular session, seconded by Mr. Fain. In a voice vote, all Council agreed.

### VISITORS

### COMMITTEE REPORTS

#### UTILITY

Mr. Brown stated the committee met prior to regular session. The committee recommends to accept the proposal from Fellon-McCord & Associates, accepting the new base rate and fuel adjustment and run through March 31, 2011. Requesting Mr. Detty prepare an ordinance with help from Pat Frazier, with Fallon-McCord preparing a spreadsheet. Requested that the administration prepare rate structure analysis, stair step system with a recommendation from Mr. Smith to help residential customers, but also business and commercial. This should not impact rates.

BUDGET & FINANCE – No Report

POLICE, FIRE & TRAFFIC – No Report

Mr. Speakman reported on the joint dispatching meeting, committees were appointed to include both Police Chiefs and the Sheriff. Gallia, Athens, Hocking are counties where this has been implemented, they will review their structure. The Health Commission will get the budget prepared. Mr. Adams noted that Scioto County also has this type of operation.

SERVICE – No Report

#### RAILROAD

Mr. Fain requested an executive session to discuss pending litigation with US Rail.

BUILDING/RECREATION – No Report

CITY AUDITOR – No Report

Mr. Humphreys reminded council of the request from the State Auditor; forms are due by the 25<sup>th</sup>. Mr. Speakman asked if they were to be given to the auditor. Mr. Humphreys replied, mail them to the State, confidential.

LAW DIRECTOR

Mr. Detty requested that the executive session include the action filed by Horwrath against the City. Answers have been filed in Cincinnati.

MAYOR

Mayor Heath reported that the Class IV operator at the sewer plant has been changed. The Administration had petitioned the EPA to change to a Class III; this was granted on August 1<sup>st</sup>. We will not have to hire or hire a consultant, this along with minor changes are for the better.

SAFETY/SERVICE DIRECTOR

Mr. Sheward received a proposal from the Jackson Chapter of the Ohio Horse Council for use of the trails at Hammertown Lake. Mr. Speakman assigned to Building and Recreation. He discussed the mainline rehab project, they are in the process of cutting weeds to tamp and raise, new rail will be installed in areas specified, start Friday. There have been a few problems, no big issues. Financially accommodate the tie plate and grass removal. There was \$25,000 left from the tunnel, sent proposal to ORDC, they allowed, for reimbursement. Mr. Adams stated he was approached about the old ties, and purchasing. Mr. Sheward stated the city does not own, sub contractor is sorting and selling and disposing of the bad at a landfill.

ORINANCES AND RESOLUTIONS

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ORDINANCE NO. 64-10

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO, AND THE JACKSON COUNTY ECONOMIC DEVELOPMENT BOARD, FOR MARKETING BROADBAND UPON CITY OWNED WATER TOWERS, AND DECLARING AN EMERGENCY.

Second Reading

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ORDINANCE NO. 69-10

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

First Reading

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

Mr. Smith made a motion to amend the ordinance, fund name correction, seconded by Mr. Fain. In a voice vote, all members agreed.

Mr. Elliott 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 vote to adopt the ordinance, 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. 69-10 DULY ADOPTED AS AMENDED

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ORDINANCE NO. 70-10

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

First Reading

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

Mr. Fain made a motion to amend the ordinance, fund name correction, seconded by Mr. Powell. In a voice vote, all members agreed.

Mr. Brown 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 – 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 – yes  
Mr. Powell – yes  
Mrs. Colby – no

ORDINANCE NO. 70-10 DULY ADOPTED AS AMENDED

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ORDINANCE NO. 71-10

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

First Reading

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

Mr. Brown made a motion to amend the ordinance, fund name correction, seconded by Mr. Fain. In a voice vote, all members agreed.

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 – yes

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 – yes  
Mr. Powell – yes  
Mrs. Colby – yes

ORDINANCE NO. 71-10 DULY ADOPTED AS AMENDED

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ORDINANCE NO. 72-10

AN ORDINANCE AMENDING ORDINANCE 79-08, AMENDING JACKSON CODIFIED ORDINANCE SECTION 945.04, COLLECTION RATES FOR BUSINESSES, AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Brown 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 vote to adopt the ordinance, 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. 72-10 DULY ADOPTED

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**CORRESPONDENCE**

**OLD BUSINESS**

**NEW BUSINESS**

Mr. Fain made a motion to go into executive session to discuss Horwrath v. City, pending litigation and City v. US Rail pending litigation, seconded by Mr. Smith. In a roll call vote, all Council agreed. Council moved into executive session at 7:25 p.m.

Mr. Smith made a motion to return to regular session, seconded by Mr. Fain. In a voice vote, all Council agreed. Council returned to regular session at 7:50 p.m.

In a motion to allow the tower, encouraging Mr. Sheward to issue a permit, a roll call vote was taken:

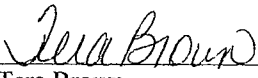
Mr. Adams – yes  
Mr. Brown – yes  
Mr. Elliott – yes  
Mr. Smith – no

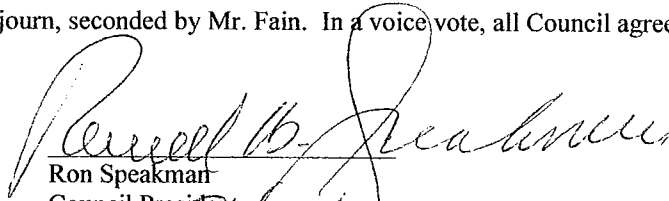
Mr. Fain – abstain  
Mr. Powell – no  
Mrs. Colby – no  
Mr. Speakman – yes

Motion granted to encourage Mr. Sheward to proceed.

**ADJOURN**

Mr. Smith made a motion to adjourn, seconded by Mr. Fain. In a voice vote, all Council agreed. Council adjourned at 7:55 p.m.

  
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Tera Brown  
Clerk  
Date 9/13/10

  
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Ron Speakman  
Council President  
Date 9/13/10