

# JACKSON CITY COUNCIL

*Minutes from*  
April 28, 2014  
7:00 p.m.  
Regular Session

Jackson City Council met in regular session on Monday, April 28, 2014 at 7:00 p.m. at Jackson City Council Chambers. President Pro Tem Eric Brown called the meeting to order. The Pledge of Allegiance was led by Mr. Kitchen. The Prayer was given by Mr. Brown.

Roll call was taken as follows:

- Mr. Brown-present
- Mr. Kitchen-present
- Mrs. Jones-present
- Mr. Hensler-present
- Mr. Queen-present
- Mr. Elliott-present
- Mr. Foster-present

Mr. Kitchen made a motion to excuse President Speakman from the meeting, seconded by Mr. Elliott. In a voice vote, all members agreed.

Mr. Kitchen made a motion to approve the minutes from the April 14, 2014 meeting, seconded by Mrs. Jones.

**VISITORS** - None

## **COMMITTEE REPORTS**

UTILITY- No report.

BUDGET- No report. POLICE, FIRE, & TRAFFIC – No report.

SERVICE –(STREET & ALLEY, RECREATION, BUILDINGS & GROUNDS) –No report.

CITY AUDITOR – No report.

LAW DIRECTOR – Mr. Kirby has been asked about abandoned vehicles. Please refer to the letter attached for information.

## **MAYOR**

Mayor Heath said they are in the process of implementing the new emergency response system. Landlines will go in and then cell phones and everything else will follow. Cell phones will have to be registered online by the individuals if they wish to be notified in that way. There will be news articles in both papers to inform everyone about this new system. Mayor Heath wanted to thank Mr. Kitchen and Mr. Elliott for being leaders in getting this done for the community.

Mayor Heath said last Wednesday he and several others attended a meeting at Wellston High School regarding drugs. He said he would like to praise the Launch program and the Executive Director, Todd Barlow in being instrumental in this regard. There were a lot of prominent people who also attended the meeting.

He wanted to remind everyone the Health Department has a levy on the ballot. He said the Health Department does a lot of important things for the city. They provide a lot safety benefits to the community.

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Cleanup week will start this week and will continue through the end of the week. Mr. Queen asked if they could continue it for another week due to the rainy weather and Mr. Sheward said they might be able to schedule another week a little later.

Mr. Hensler asked if the cleanup trash was not set out on trash day, could it be picked up later and Mr. Sheward said no. He said possibly if they call, they might pick it up.

He also wanted to let everyone know they can't pick up paint cans with liquid in them or chemicals. They will take paint cans where the paint is dried up.

**SERVICE DIRECTOR**

Mr. Sheward wanted to also remind customers they must register for Hyper Reach themselves in order to be contacted.

Mr. Sheward said the mowing season will start at the end of the week.

The bids have been opened for the 3 and 3A electrical project. The lowest bid was for \$3,737,514.56. there was only about \$6,000.00 difference in the 2 lowest bids.

Mr. Sheward said they are finishing up the work on the bid specs for the paving project. They plan to spend around \$100,000.00 on this project.

**ORDINANCES AND RESOLUTIONS**

Mr. Brown stated that Resolution 16-14 was not defeated. It was not brought to the table.

**ORDINANCE NO. 34-14**

**AN ORDINANCE AUTHORIZING THE CITY TO PARTICIPATE IN THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM.**

Second Reading

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

Mr. Brown-yes  
Mr. Kitchen-yes  
Mrs. Jones-yes  
Mr. Hensler-no  
Mr. Queen-no  
Mr. Elliott-yes  
Mr. Foster-yes

**ORDINANCE 36-14**

**AN ORDINANCE RE-NAMING AND RE-DEDICATING MANPOWER PARK AS "MANPOWER PARK, DEDICATED IN HONOR OF ADMIRAL STANLEY R. ARTHUR."**

First Reading

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

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Mrs. Jones stated she served on the committee and some people thought they should name the new Veteran's park after him, but that park is for all veterans.

**RESOLUTION 17-14**

**A RESOLUTION AUTHORIZING THE MAYOR OF JACKSON, OHIO TO APPLY, AND THE RURAL COMMUNITY ASSISTANCE PARTNERSHIP (RCAP) TO SUBMIT THE ELECTRONIC APPLICATION, FOR CDBG RESIDENTIAL PUBLIC INFRASTRUCTURE PROGRAM FUNDING TO THE OHIO DEVELOPMENT SERVICES AGENCY FOR THE WASTE WATER TREATMENT PLANT IMPROVEMENTS, PHASE I PROJECT AND DECLARING AN EMERGENCY.**

First Reading

Mr. Kitchen made a motion to adopt the resolution, seconded by Mrs. Jones. In a voice vote, all members agreed.

Mr. Sheward said they are actively looking for sources of funding and one is for the sewer.

Mr. Hensler made a motion to suspend the rules, seconded by Mrs. Jones. In a roll call vote, council voted as follows:

Mr. Brown-yes  
Mr. Kitchen-yes  
Mrs. Jones-yes  
Mr. Hensler-yes  
Mr. Queen-yes  
Mr. Elliott-yes  
Mr. Foster-yes

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

Mr. Brown-yes  
Mr. Kitchen-yes  
Mrs. Jones-yes  
Mr. Hensler-yes  
Mr. Queen-yes  
Mr. Elliott-yes  
Mr. Foster-yes

**RESOLUTION 17-14 DULY ADOPTED**

**CORRESPONDENCE** – None

**OLD BUSINESS** – Mrs. Jones said she is the Chairman of the Tree Commission and in celebration of Arbor Day 2 trees were planted at Southview School. They will have a little ceremony the first pretty day we have.

**NEW BUSINESS** –None

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

Council adjourned at 7:26 p.m.

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Sherry Barr  
Sherry Barr, Council Clerk

Date 5/12/14

Ronald Speakman  
Ronald Speakman, Council President

Date 5/12/14

# **JOSEPH D. KIRBY**

**Attorney for the City of Jackson**

227 E. Main Street  
P.O. Box 573  
Jackson, Ohio 45640  
Phone: (740) 286-3735  
Fax: (740) 288-2161

April 28, 2014

Ron Speakman, President of Jackson City Council  
Members of Jackson City Council  
William Sheward, Service Director of the City of Jackson

Re: Abandoned and Junk Vehicles

Dear President Speakman, Mr. Sheward and Members of Council;

I was asked at a recent meeting to review the City Codified Ordinances as they relate to junk vehicles and abandoned vehicles and to provide information regarding the ordinance to this Council. The City's Codified Ordinances does address these junk and abandoned vehicles and provides a remedy for such vehicles within the City. In the City of Jackson, junk vehicles and abandoned motor vehicles are treated as a public nuisance. Such nuisances can be ordered to be removed or remedied in accordance with the City's laws on nuisances.

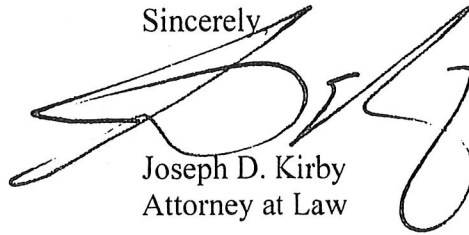
City Code 303.09 prohibits vehicles being left on public or private property without permission or notification. Such vehicles may not be left on private property, such as parking lots, for more than seventy-two hours without permission. Such vehicles may not be left on public property for more than forty-eight hours without notification to the Chief of Police. Vehicles that are so left without permission or notification may be removed. In addition, the person guilty of abandoning the vehicle may also be assessed the costs incurred in disposing of the vehicle and charged with a minor misdemeanor offense.

The City Code also addresses those vehicles that are found to be junk motor vehicles which are stored on private property. Such vehicles may be treated as a public nuisance. Junk vehicles are defined as a motor vehicle that meets any three of the following requirements: 1) is three years or older; 2) is extensively damaged, including but not limited to, missing wheels, tires, motor or transmission; 3) does not comply with all safety laws and equipment provisions for motor vehicles; 4) has a fair market value of \$800.00 or less; and 5) is not running and is not operable so as to be able to be started and driven under its own power. Any vehicle that meets three of the above five requirements is considered a junk motor vehicle and, if "left in the open", may be declared a nuisance and abated in accordance with Jackson City Code. This section does not apply to vehicles stored in a garage or by a licensed towing or salvage facility, in a licensed scrap yard, licensed auto repair garage, etc...

The Director of Public Safety may, in accordance with City Code 303.10(c), give notice to have the vehicle removed as a public notice. The notice provision does give the land owner an opportunity to request and have a hearing.

If you have any additional questions concerning nuisance by abandoned or junk motor vehicles, please feel free to contact me.

Sincerely

A handwritten signature in black ink, appearing to read 'JDK', written over the word 'Sincerely'.

Joseph D. Kirby  
Attorney at Law

JDK/srb