

# JACKSON CITY COUNCIL

*Minutes from*  
March 24, 2014  
7:00 p.m.  
Regular Session

Jackson City Council met in regular session on Monday, March 24, 2014 at 7:00 p.m. at Jackson City Council Chambers. President Ron Speakman called the meeting to order. The Pledge of Allegiance was led by Mr. Foster. The Prayer was given, led 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. Elliott made a motion to approve the minutes from the March 10, 2014 meeting, seconded by Mr. Kitchen.

## VISITORS

## COMMITTEE REPORTS

UTILITY- Mr. Brown thanked all Utility Committee members and all other council members for being present at the special meeting that was held prior to the regular meeting. This meeting was to discuss pursuing an ordinance to waive tap fees for an interim housing project for the homeless.

BUDGET- No report.

POLICE, FIRE, & TRAFFIC – No report. Mr. Brown brought to attention the 2 hour parking situation up town that has gotten out of control. Citizens are leaving their cars parked in the same spots for days. They are using the spaces for long term parking. Also, there are a lot of cars setting in yards around town that are not licensed. The community needs cleaned up.

Mr. Speakman said people are also doing illegal turns in the middle of town and nothing is being done about it.

Mayor Heath said they have received complaints about citizens not observing the 2 hour parking up town. They notified Jackson Metropolitan Housing Authority and told them if it is not resolved, they will start writing tickets the first of next month.

Mr. Foster addressed the parking in the alley by Family Dollar. There should not be anyone parking there for any length of time other than to pick someone up. It is a public alley.

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

CITY AUDITOR – No report.

LAW DIRECTOR –Mr. Kirby reported they had received the money from U S Rail for the taxes and everything is signed and finished.

## MAYOR

Mayor Heath announced the summer recreation signups have been completed and they signed up 294 kids. There are 23 teams. They are looking for sponsors for the teams. The cost would be between \$300-\$325

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to sponsor a team. There is no money put into the recreation program from the general fund. Mayor Heath stated that a few years ago there was \$100,000 budgeted for the recreation program.

Mayor Heath said the police department is down 2 cruisers currently, due to a pursuit the officers were involved in. He wanted to commend the police department for doing a great job in the situation and even though we are down 2 cruisers, they are still able to protect the citizens since they have extra cruisers.

There was a problem with the implementation of the 911 system through the county and it was going to be delayed, so Mayor Heath stated the city will move forward with the project independently of the county. They have received 2 quotes for the project so far.

Mayor Heath has received complaints about the terrible condition of some of the railroad crossings. The new owners of the railroad are looking into getting these fixed. One complaint was regarding the bridge on Camba road, but it is the railroad's responsibility to fix this also.

Mayor Heath said they have been working on destroying old records, which amounted to 7 tons of paper. They were able to recycle the paper and get \$620.50 for it.

Mr. Kitchen asked if the city is going to have a spring cleanup. Mayor Heath said yes they are and they would be meeting with the supervisors the next day to discuss this. He also wanted to know about creek cleanup. The Mayor said that would also be addressed. Mr. Kitchen asked if there were any plans to clean up old buildings, such as the ice plant, county water building, etc. He said we need to fix up these buildings to look nice if new businesses are going to look at locating in Jackson. Mayor Heath and Mr. Sheward said they are working on getting these things done and they will do as much as they can.

Mayor Heath wanted everyone to read through the book regarding the Memorial Building estimates.

Mr. Kitchen also addressed the shelter house at the pool. Mayor Heath said they are discussing whether to tear it down or repair it.

Mr. Queen asked if the Auxillary police are allowed to watch Manpower Park for drug activity. He said he has had people tell him they have found needles on the playground. Mayor Heath said he has never had any complaints about that, but he would let the police department know to keep an eye on it.

## SERVICE DIRECTOR

Mr. Sheward said he secured Chapman Paving to do McCarty Lane as soon as they get asphalt available.

The city received 50 ton of salt yesterday.

Mr. Sheward said they will be working on the burned house on Vine Street soon.

The feasibility study of the Memorial Building is in the packets for everyone to review. There are quotes for 3 scenarios.

- A. Rennovate the whole building including the auditorium.
- B. Tear down the auditorium and make a parking lot there and renovate the building.
- C. Build a whole new building.

Mr. Speakman told Mr. Foster to get with his committee and come back with a recommendation on the building project.

Mr. Elliott suggested that it be clarified in the ordinances and resolutions, where the money is coming from for the transfers or whatever it might be for.

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Mr. Queen asked where the money comes from for the paving. Mr. Sheward said it comes from the 228 account.

ORDINANCES AND RESOLUTIONS

**ORDINANCE NO. 27-14**

**AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE ELECTRIC FUND: UTILITY DISTRIBUTION SYSTEM AND DECLARING AN EMERGENCY.**

First Reading

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

Mr. Sheward said \$1.8 million had been dedicated to the line re-build. Money was spent last year and not re-appropriated. Mr. Brown asked if that was the bid amount and Mr. Sheward said yes.

Mr. Queen asked if this had to be passed tonight and Mr. Sheward said no. Mr. Queen would like for it to go 3 readings.

**ORDINANCE NO. 28-14**

**AN ORDINANCE AUTHORIZING THE CITY OF JACKSON TO ENTER INTO AN AGREEMENT WITH THE DIRECTOR OF TRANSPORTATION FOR BRIDGE INSPECTION PROGRAM SERVICES AND DECLARING AN EMERGENCY.**

First Reading

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

Mr. Sheward said this is the legislation needed in order to get the bridges built at no cost to the city. This needs passed tonight.

Mr. Elliott 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 to adopt the ordinance, council voted as follows:

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

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Mr. Foster-yes

ORDINANCE NO. 28-14 DULY ADOPTED

**ORDINANCE NO. 29-14**

**AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE WATER 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 members agreed.

Mr. Reed said this ordinance is due to an employee who retired unexpectedly and the funds were short. So this is to replenish the funds in the account.

Mr. Brown 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 to adopt the ordinance, 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

ORDINANCE NO. 29-14 DULY ADOPTED

**ORDINANCE NO. 30-14**

**AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE VISITORS CENTER FUND AND DECLARING AN EMERGENCY.**

First Reading

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

Mr. Reed said this money is used to promote Jackson. Every year they use the prior year's funds, so \$16,582.57 needs to be re-appropriated. Mr. Queen asked if this ordinance had to be passed tonight. Mr. Speakman said they have had to turn down applications already, because they are out of money. The longer they hold off on passing it, the longer the applicants will have to wait.

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ORDINANCE NO. 31-14 DULY ADOPTED

**ORDINANCE NO. 32-14**

**AN ORDINANCE CREATING THE FEMA HAZARD MITIGATION FUND AND ESTABLISHING APPROPRIATIONS FOR SAID 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 members agreed.

Mr. Brown asked if this was for the Huron Street project and Mr. Sheward said yes. Mr. Kitchen asked if they will be getting bids to do the work. Mr. Sheward said they will when they get to that point. The owner of the property is going to pay the city's portion they were responsible for.

Mr. Brown 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-no  
Mr. Elliott-yes  
Mr. Foster-yes

In a roll call to adopt the ordinance, 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

ORDINANCE NO. 32-14 DULY ADOPTED

**ORDINANCE NO. 33-14**

**AN ORDINANCE OF THE LEGISLATIVE AUTHORITY OF THE CITY OF JACKSON, OHIO DIRECTING THE DIRECTOR OF SAFETY AND SERVICE TO ENTER INTO AGREEMENTS FOR THE PURCHASE OF A NEW JOHN DEERE 3150SK BACKHOE WITH ACCESSORIES FOR USE IN THE UTILITY AND DISTRIBUTION DEPARTMENT OF THE CITY IN AN AMOUNT NOT TO EXCEED \$103,456.00 AND DECLARING AN EMERGENCY.**

First Reading

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

Mr. Sheward said this is for the backhoe that had been approved to purchase. They have been testing about 3 different ones and the John Deere was the best. They are working on a Safety Grant (BWC grant) which

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will cover the cost of the bucket and thumb, \$6,910 for the bucket and \$6,407 for the thumb. This was a state bid price. They will be moving the older ones around to different areas. Mr. Hensler asked if there was a bid sheet and Mr. Sheward said there was and he could provide it if he wanted to see it.

Mr. Kitchen made a motion to suspend the rules, seconded by Mr. Brown. 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 to adopt the ordinance, 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

ORDINANCE NO. 33-14 DULY ADOPTED

**RESOLUTION NO. 14-14**

**A RESOLUTION AUTHORIZING THE MAYOR OF JACKSON, OHIO TO APPLY FOR, ACCEPT, AND ENTER INTO AN OEPA WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE CITY OF JACKSON FOR DESIGN OF THE WASTEWATER TREATMENT PLANT IMPROVEMENTS PHASE I PROJECT, DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN, AND DECLARING AN EMERGENCY.**

First Reading

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

Mr. Sheward said this is another potential source of funding for the projects that need done with little or no interest, for the design on the sewer plant.

Mr. Brown 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-yes  
Mr. Queen-yes  
Mr. Elliott-yes  
Mr. Foster-yes

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In a roll call 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 NO. 14-14 DULY ADOPTED

**RESOLUTION NO. 15-14**

**A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS FOR PAYMENT TO STANTEC CONSULTING SERVICES, INC. PURSUANT TO A "THEN AND NOW" CERTIFICATE IN THE AMOUNT OF \$11,822.50 AND DECLARING AN EMERGENCY.**

First Reading

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

Mr. Sheward said there must have been more invoices that came in after the original purchase order. This is to pay for the Micro Monitoring being done. They are seeing some significant results from the testing.

Mr. Brown 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 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 15-14 DULY ADOPTED

**CORRESPONDENCE – None**

**OLD BUSINESS – None**

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**NEW BUSINESS** – Mr. Elliott said committees should be informed before new projects are started.

Mr. Kitchen said he would like to thank council for letting him, along with Loretta Jones, Jon Hensler, Ron Queen, and Sherry Barr attend the Ohio Municipal League conference in Columbus. He said it was a very informative meeting and he would like to comment on some of the questions that were brought up.

- First of all, most cities have a Mayor and Service Director’s report at each meeting so everyone knows what is going on.
- He said if a council member asks for information, it should be given to them without any kind of reprimand.
- Mr. Kitchen said when they are bidding a project, there should be at least 2 or 3 bids received, with the one that is best for the city being chosen.
- He said our ordinance and resolution process is not handled like any other city.

Mr. Kitchen said the condition of the city needs to be improved if industry is going to want to locate in Jackson.

Mayor Heath responded by saying he and the Service Director have tried to work as expediently and efficiently as possible.

Mr. Hensler also had some comments regarding the conference. His main concern was how most of the city’s ordinances and resolutions are passed on an emergency basis. They should be read 3 times before being passed. This way it gives council and the public plenty of time to review them and decide on if it should be passed or not. Mr. Hensler’s letter is attached.

Mr. Speakman said what hurts us is not having a city income tax. Almost all cities in Ohio have an income tax which they can use. We have sales tax which is very limited on what it can be used for. It can only be used on things with a life of at least 5 years.

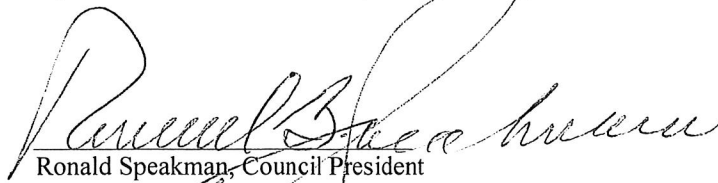
Mr. Brown spoke up and said Jackson lives on grants and low interest loans. If we wait 3 readings, we have a chance of losing the low bid or the bid expiring. There are a lot of cities applying for the grants and if we wait, then we have a slim chance of getting the grant.

Mayor Heath said when he took office, the city was in the red. He said he has tried to work as efficiently as possible and maybe sometimes could have probably spent a little more. He said they will do everything they can to get the buildings fixed up, but it takes time.

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

Council adjourned at 8:26 p.m.

  
\_\_\_\_\_  
Sherry Barr, Council Clerk

  
\_\_\_\_\_  
Ronald Speakman, Council President

Date 4-14-14

Date 4/14/14



TO: President Ron Speak  
CC: Members of Jackson City Council and Administration

FROM: Jon Hensler – Ward 1A

DATE: March 24, 2014

On Saturday, March 22, 2014 I had the pleasure, along with council members Loretta Jones, Ron Queen, George Kitchen and also Council Clerk Sherri Barr, to attend the Annual Newly Elected Council Seminar, hosted by The Ohio Municipal League. I felt there was a lot of great information provided to us and I am sure that the others would agree it will take some time to process it all. With that being said, tonight I would like to relay one thing that was made abundantly clear to all in attendance at our training seminar; the issue of passing city ordinances with emergency clauses attached.

At the seminar we were addressed by multiple speakers, city solicitors, attorneys and professors, all of which agreed that it is not, I repeat NOT, common practice in the state of Ohio, whether charter or statutory cities such as ourselves, to pass 90% of its legislation as an emergency. I, as well as other members of this council, have raised concern about the high volume of ordinances brought before us that are asked to be passed as an emergency. The general consensus at our seminar seemed to be that it is an overreach for a legislative body to continuously pass its legislation by suspending the rules, thus allowing no time for not only council members, but members of the general public, to digest, process, research, or question the proposed law of the land. Example: If a member of my ward were to call me about a city ordinance that they heard on the local cable station tonight, 9 times out of 10, the ordinance that they have heard for the first time tonight will have already been passed by emergency, therefore shortly adopted into law. I have looked into how difficult it is to reverse an emergency ordinance once put into place according to the Ohio Revised Code and the process is very extensive and in my opinion is unlikely to prevail. While council may not be violating any laws by continuously passing ordinances via emergency, I believe we hold a certain ethical responsibility to our constituents to allow for due process. Though some may think this is not of grave concern, I take strong issue when we as a governing body allow administration to submit ordinances for our approval that are not of “true” urgent need to the citizens of Jackson.

According to the Ohio Revised Code Title [7] VII Section 731.30, ordinances that measure necessity for the immediate preservation of the public peace, health or safety in such municipal corporation, shall go into immediate effect.

I am sure we can all agree that this section is left open for much interpretation so that if the need arises for a true emergency, this council can authorize the use of its power to pass an emergency ordinance. While I believe some of our ordinances are true emergencies, I do not believe the vast majority are a justifiable emergency.

In closing, I would like to make two final points. One, that a no vote on my part to suspend the rules moving forward in no way means that I do not support said legislation or its origin, but that I do not believe there are enough facts given to us to support its passage as an emergency ordinance. Two, my statement today is not directed towards any specific individual whether on council, or administration, but as a whole for your consideration.

Lastly, I respectfully ask that moving forward this council begin to examine more heavily, the ordinances that are brought before us and whether or not they truly are an emergency and must be passed immediately.

Thank you,

A handwritten signature in black ink, appearing to read "Jon Hensler". The signature is written in a cursive, flowing style with a long, sweeping underline that extends to the left.

Jon Hensler  
Ward 1A Councilman