Regular Session December 8, 2014 7:00 p.m.

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

ROLL CALL

APPROVAL OF MINUTES

November 24, 2014 Regular Session

VISITORS

COMMITTEE REPORTS

- Utility Brown, Elliott, and Foster
- Budget & Finance Elliott, Hensler, and Brown
- Police, Fire, & Traffic Kitchen, Queen, and Jones
- Service (Street & Alley, Recreation, Buildings & Grounds) Foster, Queen, and Hensler
- City Auditor
- Law Director
- Mayor
- Service/Safety Director

ORDINANCES AND RESOLUTIONS

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

ADJOURN

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

Jackson City Council met in regular session on Monday, November 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. Brown The Prayer was given by Mr. Brown.

Roll call was taken as follows:

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

Mr. Kitchen made a motion to excuse Mrs. Jones from the meeting, seconded by Mr. Brown. In a voice vote, all members agreed.

Mr. Elliott made a motion to approve the minutes from November 10, 2014, seconded by Mr. Kitchen. In a voice vote, all members agreed.

VISITORS

No visitors were present, but Mr. Speakman advised council to read a letter that was presented to council by Susan Rogers regarding their dog situation.

COMMITTEE REPORTS

UTILITY- No report

BUDGET & FINANCE

Mr. Elliott stated the Budget and Finance Committee had a meeting on November 17th to go over the 2015 budget. It was a productive meeting, with all committee members and council members present. Another meeting was set for December 1st at 6:00 p.m. in Council Chambers.

POLICE, FIRE, & TRAFFIC

Mr. Kitchen stated the Police, Fire, & Traffic Committee met on November 17th and the minutes from the meeting are in the packets. Mr. Brown said it is time to nominate 2 members for the Firefighters Dependency Fund Board. Mr. Brown and Mr. Elliott are the current members. Mr. Kitchen made a motion for Brown and Elliott to remain on the board, seconded by Mr. Hensler. In a voice vote, all members agreed.

SERVICE –(STREET & ALLEY, RECREATION, BUILDINGS & GROUNDS)

There is a meeting of the Service Committee on December 8th at 6 p.m. in Council Chambers..

CITY AUDITOR

Mr. Reed stated he had researched the Rents and Right of Ways Ordinance No. 67-09 which states up to 5 % of revenue of the Electric, Water, and Sewer funds can be transferred to the General Fund each year. This is equivalent to \$385,000.00 extra this year and the same amount extra for next year for the General Fund..

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LAW DIRECTOR

Mr. Kirby stated there was a charge filed against Mr. Rogers before the last meeting. He entered a plea and they found them guilty. Probation will do a pre-sentencing investigation.

Mr. Kirby said the Freeman property will be sold in probably May 2015. There will be no minimum, so it could go very cheap.

Mr. Kirby has been talking to Shannon Weber regarding the Depot in Wellston. The city holds the title to the Depot in Wellston. The city now has all of the documents. Wellston had originally made a loan to the City of Jackson for \$60,000 to purchase property. The \$60,000 was forgiven. Wellston has the survey now. It includes only the building and bike path. They are asking Council to approve the transfer of the deed now. Mr. Kirby will e-mail copies to Council.

MAYOR

Mayor Heath said he received a nice note from Admiral Stanley R. Arthur thanking them for naming Manpower Park in honor of him. He will make copies of the letter for everyone.

He also wanted to remind Council if they have any questions regarding the new budget, to let them know prior to the budget meeting, so they can have answers for them.

Mr. Kitchen asked what the \$50,000 for traffic light expense was for. Mr. Sheward stated it is for upgrades to the traffic lights.

Mr. Queen asked why all of the Creek Cleaning money is being moved into the 228 account. Mr. Sheward said because there is not enough money in the General fund, so they had to move money for fuel, etc. They get about \$200,000 in the 228 account every year.

Mr. Queen asked if there are any disabled vehicles right now. Mr. Sheward stated they are having a meeting next week to discuss cruisers. Mr. Queen stated he would like to see them hold off on buying new vehicles this year. Mr. Speakman said they have to order cruisers in February and do not get them until about July.

Mr. Kitchen asked if they were overspent on the 2014 budget and Mr. Sheward said no, that cannot happen. Mr. Kitchen asked if they are buying 1 or 2 trucks. Mr. Sheward said only 1 for the Electric Dept. as far as he knew. They are replacing the 1996 Dodge. This will come out of the Electric Fund.

SERVICE DIRECTOR

Mr. Sheward informed Council Osco is now connected to the city's electric.

He stated they have received 100 tons of salt so far. They have not received the 400 tons they ordered. It should be on its way.

Mr. Sheward stated there has been a lot of discussion about the property behind Adena for the development of a duplex housing complex. There will be a Planning Committee meeting on December 1st at 7:00 p.m. in Council Chambers to see if they want to bring it before council. They will need to have it re-zoned for it to happen. They will have to wait 30 days after the meeting, so Mr. Sheward said if they could move the last meeting of the month to December 30th. They could have a public hearing before the council meeting.

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Mr. Elliott made a motion to change the last Council meeting of 2014 from December 22nd to December 30th, seconded by Mr. Brown.

In a roll call vote, council voted as follows:

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

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 61-14

AN ORDINANCE AUTHORIZING A WAGE INCREASE FOR THE POSITIONS OF CHIEF OF POLICE AND ASSISTANT CHIEF OF POLICE AND DECLARING AN EMERGENCY.

Third Reading

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

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

Ordinance No. 61-14 Failed

ORDINANCE NO. 67-14

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

Second Reading

ORDINANCE NO. 68-14

AN ORDINANCE ESTABLISHING APPROPRIATIONS FOR JANUARY 1, 2015, THROUGH DECEMBER 31, 2015, AND DECLARING AN EMERGENCY.

Second Reading

ORDINANCE NO. 69-14

AN ORDINANCE TRANSFERRING APPROPRIATIONS FROM THE WATER, SEWER, GARBAGE, ELECTRIC, S.C.M. & R., CEMETERY, VISITOR CENTER FUNDS TO THE GENERAL, COMMUNITY IMPROVEMENT AND S.C.M. & R FUNDS

Minutes from
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7:00 p.m.
Regular Session

FOR REIMBURSEMENTS IN ACCORDANCE WITH THE MAXIMUS COST ALLOCATION STUDY 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 stated this was the result of the Maximus study that was done this year. The State said the study did not have to be done every year, which saves some money. The transfer is usually done earlier in the year, but they were waiting on the new numbers from the Maximus study before doing the transfers.

ORDINANCE NO. 70-14

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN FUNDS SO AS TO COMPLETE REIMBURSEMENTS PURSUANT TO THE COST ALLOCATION PLAN ADOPTED BY THE CITY 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.

This is a companion to Ordinance No. 69-14.

ORDINANCE NO. 71-14

AN ORDINANCE TRANSFERRING APPROPRIATIONS WITHIN THE SEWER 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 stated this is moving money from line items to balance out the sewer plant fund.

Mr. Elliott 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-absent Mr. Hensler-yes

Mr. Queen-yes

Mr. Elliott-yes

Mr. Foster-yes

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

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Mr. Brown-yes

Mr. Kitchen-yes

Mrs. Jones-absent

Mr. Hensler-yes

Mr. Queen-yes

Mr. Elliott-yes

Mr. Foster-yes

Ordinance No. 71-14 duly adopted

ORDINANCE NO. 72-14

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE ELECTRIC FUND: ISSUANCE COST 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 stated this is a bookkeeping thing for Administration for attorney's fees for the reissuance of the electric bonds.

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

Mr. Brown-yes

Mr. Kitchen-no

Mrs. Jones-absent

Mr. Hensler-no

Mr. Oueen-no

Mr. Elliott-yes

Mr. Foster-yes

ORDINANCE NO. 73-14

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE ELECTRIC FUND: RIGHT OF WAY REIMBURSEMENT; SEWER FUND: RIGHT OF WAY REIMBURSEMENT; AND WATER FUND: RIGHT OF WAY REIMBURSEMENT AND DECLARING AND 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 suggested this go before the Budget and Finance Committee before it is voted on.

ORDINANCE NO. 74-14

AN ORDINANCE TRANSFERRING APPROPRIATIONS FROM THE WATER, SEWER, AND ELECTRIC FUNDS TO THE GENERAL FUND FOR

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REIMBURSEMENTS IN ACCORDANCE WITH THE CITY'S RIGHT OF WAY REIMBURSEMENT PLAN 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.

This is a companion to Ordinance No. 73.14.

ORDINANCE NO. 75-14

AN ORDINANCE OF THE LEGISLATIVE AUTHORITY OF THE CITY OF JACKSON, OHIO AWARDING THE CONTRACT FOR VISION INSURANCE, DENTAL INSURANCE, AND LIFE INSURANCE COVERGE TO THE GUARDIAN LIFE INSURANCE CO., THROUGH PEOPLES INSURANCE, 78 BROADWAY STREET, JACKSON, OHIO AS IT WAS THE LOWEST AND BEST RESPONSIVE PROPOSAL SUBMITTED 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 stated this ordinance is for the dental, vision, and life insurance. He said it is actually lower than last year, because they got a discount on the dental rates. It should be approved tonight if possible, since it is getting close to the end of the year.

Mr. Sheward stated they publicly invite bids, but this one was the only one they received.

Mr. Elliott 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-absent

Mr. Hensler-yes

Mr. Queen-yes

Mr. Elliott-yes

Mr. Foster-yes

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

Mr. Brown-yes

Mr. Kitchen-yes

Mrs. Jones-absent

Mr. Hensler-yes

Mr. Queen-yes

Mr. Elliott-yes

Mr. Foster-yes

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ORDINANCE NO. 76-14

AN ORDINANCE OF THE LEGISLATIVE AUTHORITY OF THE CITY OF JACKSON, OHIO AWARDING THE CONTRACT FOR HEALTH INSURANCE COVERAGE TO THE UNITED HEALTHCARE, THROUGH PEOPLES INSURANCE, 78 BROADWAY STREET, JACKSON, OHIO AS IT WAS THE LOWEST AND BEST RESPONSIVE PROPOSAL SUBMITTED 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. Sheward stated the original renewal came in at a 36% increase. The insurance committee and agents worked out different scenarios and by using the same company, buying a different deductible, and using the Max 105, they were able to get it down to a 5% increase. It is projected even with the buy down, they will still raise the balance in the Max 105 by the end of the year. They went from a \$300 deductible to a \$2,500 deductible, which is run through the Max 105. Mr. Hensler asked how much the employees contribute to the insurance premium and Mr. Sheward said 6%. Mr. Brown stated the Max 105 is a way of the city self-insuring part of the insurance. This gives the city more control. The Max 105 has a balance of \$1.2 million currently and should be over that next year.

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-absent Mr. Hensler-yes Mr. Queen-yes Mr. Elliott-yes Mr. Foster-yes

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

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

Ordinance No. 76-14 duly adopted

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RESOLUTION NO. 27-14

A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS FOR PAYMEN TO RON EVANS ENTERPRISES PURSUANT TO A "THEN AND NOW" CERTIFICATE IN THE AMOUNT OF \$7,500 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. Sheward said he doesn't know what happened with this. It was for the Community Development and it was a legitimate charge. Jan McKibben, the Office Manager, said it was her fault. The Purchase Order wasn't in place at the right time.

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-absent 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-absent

Mr. Hensler-yes

Mr. Queen-yes

Mr. Elliott-yes

Mr. Foster-yes

Resolution No. 27-14 duly adopted

CORRESPONDENCE - None

OLD BUSINESS

Mr. Kitchen asked about the leak in the auditorium. Mr. Sheward stated they are not using the steam for heat. They are going ahead with the furnace.

NEW BUSINESS

Mr. Kirby stated Holzer wants to create their own police department. Hospitals and Universities by statute have the right to do this with approval from the city. It will be no cost to the city.

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

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Regular Session

Council adjourned at 7:56 p.m.

Sherry Barr, Spuncil Clerk

Date 12/8/14

Ronald Speakman, Council President

Date

Dear Council Members,

We had asked to speak to appear before you personally tonight, but due to emails crossing, we were not able to appear on the agenda. President Speakman shared with me that we can, instead, put our five-minutes worth of comments in writing for each of you to review at your own convenience.

My husband and I would like to update you on the status of "the dogs" that have become such a source of complaint by our neighbor and were brought to you, apparently about a month ago.

First, we want everyone to be aware that WE never CHOSE to have the multiple dogs who were at issue in the first place. Our adopted daughter Kelly came home one cold afternoon about four years ago with these two pathetic looking, half-starved female dogs that she and a friend had "rescued" from under a house trailer. Our response was, "no Kelly, we have our two Huskies and our German Shepherd in the yard and our little dogs in the house. We don't have room for two more." But she begged, and it was cold, and my husband is very soft-hearted, particularly to our daughter. My husband finally told her she could only have them if she took care of them. Needless to say that lasted a few months, but unfortunately both the dogs were already well along with pups, and by late winter we had two litters, a total of 13 puppies—just plain dogs. Many would call them mutts—big, gawky, not so pretty, but sweet pups.

But it's hard enough to find homes for cute little dogs. No takers on the pups. We put "free puppy" flyers out, posted pictures at various veterinarian offices and other places around town. The dogs grew and it's even harder to find homes for full-grown dogs. We reached out to Deb Fout (even before she was dog warden) and she came over, took photos, shared them. We shared photos on Facebook. Several Council members are on my Facebook page and you may have seen posts and photos where we tried to find new homes for them to go to. We had ALL the dogs spayed and neutered in an effort to make them more appealing to potential adopters. We tagged all the dogs. We reached out to the Humane Society and at first we were just told to take them one or two at a time to the pound, which was not much help. (BUT two of their volunteers have since been able to help us place several of them, which we have most appreciated.) We also reached out to the Gallia Co Friends of Animals group who took photos, but were only successfully able to place one of them. Our efforts to find homes for the dogs never ceased.

As the dogs got bigger they began to figure out how to get out under the privacy fence, so we bought kennels. The dogs didn't like being in kennels so they barked more. So we bought anti-barker devices for the kennels, which worked great at first but after time wore out. The dog warden then made us aware that there were actually non-veterinary grade anti-barker collars available to purchase, so we bought several, but not understanding how they worked, bought the non-rechargeable (the others are very expensive) which eventually wore out as well. So we went to the expense of the rechargeable ones, as we could afford, and eventually we have secured every dog, *even our indoor house dogs, just so NO ONE can say anything, with* anti-barker collars, and those dogs whom we have found homes for recently have left with their collars on for their new owners to maintain.

As of the beginning of October we were down to seven "non-housedogs", which we had secured on an enclosed and unused back porch and allowed them to go out into a small fenced in area immediately outside the back porch door thru a dog door my husband installed. As we agreed to with the City in

September, we DID NOT RETURN ANY of the dogs to the outside kennels; in fact we began the process of tearing the kennels down. Unknown to us at first however, the dogs figured out how to squeeze between the dog door and the door frame and make their way outside and back in again. I had more than one argument with my husband asking him why he let the dogs out, until one morning when I got up unusually early and caught one squeezing her way back in. At that point we secured the dog door with screws and only let them out by hand.

The next statement we are going to make we debated about mentioning at all, so it will be brief; we will not elaborate unless in person, but we feel in context of all that has happened, we must note that over the years we have, unfortunately, had a long history of unpleasant experiences with our neighbor, our neighbor's landlord, and our neighbor's ex-girlfriend who now lives in another apartment on the same lot. We will not go into those issues here because we do not want to say anything that makes it sound like we are making excuses. We did allow Kelly to bring them to our yard, and we did allow them to stay after Kelly moved out of town for college. But John and I both can personally convey quite a few instances that have happened over the past many years, including complaints that I have made to the city about the property next door—such as allowing that unattached and previously unused tiny garage to be made into the complaining neighbor's apartment since we have always been told it is on alley right of way and it sits so very close to our house — which makes us feel like there are hard feelings that have been exacerbated instead of being worked thru.

We would also note that I have personally reached out to the complaining neighbor and tried to talk to him on more than one occasion over the past year to let him know that we were making efforts to find homes for the dogs other than in our yards. He has gone into the house when I approached. I have left our phone number on his door with a note saying call to us if the dogs bark. I did catch him outside one day well over a year ago and handed him our number on paper and said call US anytime, even at 4am! But we never received a call from him. His only calls went to the police department—and usually on weekend nights.

But despite past incidents, we do not bear any animosity to the neighbors and for anyone to say otherwise is untrue. I have heard from one source that the neighbors even said we could be retaliatory; to that I just say that anyone who knows my husband or I know that we are Christians who do our best to live our life worthy of that faith. I did in fact speak face to face with the neighbor last Thursday when I was able to catch him coming home from work, and asked him to please not walk away from me but to allow me to talk, which he did. I explained to him where we were with re-homing the dogs, and invited him to come into the yard if he didn't believe me. And I asked him to please put the hostility behind us. For his response to that, we will have to wait and see.

As of the first of this month we had found a home for two more, and another one went to live with one of my brothers. As of *this* week, still another left for her new home. One of the humane society volunteers told me Friday that he would swing by this week and take the two smallest ones. We owe a big thanks to him as he was instrumental in finding homes for the other dogs as well. That leaves just ONE and then *all of the outside* dogs are re-homed. As stated earlier, our kennels are down or coming down as all have been donated. The dog pound, the humane society, and two "dog foster" families are the beneficiaries of the kennels.

I will state for the record that *my indoor dogs* have never been of concern to the neighbor or anyone else that we know of. I have my small dogs—Boston Terrier, Jack Russell, Chihuahua, Cocker Spaniel, and Chihuapug—all of whom could fit in one large chair at any one given moment—and our very old German Shepherd and one of the Huskies, who are now so old that they spend their lives on their rugs in our den, sleeping their last days in contentment. These dogs are mine and my grandchildren's, and are my responsibility, not my husband's. They are paper-trained and live IN the walls of our house. The little ones have not been, and the big old girls never again will be, outside dogs. We do walk them all from time to time on leashes, and take the big girls out on leashes each morning and evening. We have had dogs ever since I bought the house in 1986. We have never had a complaint about dogs prior to the ones which Kelly brought home and their subsequent puppies, and I do not expect, now that all of those dogs have been rehomed, that there should ever be a valid reason to again.

If we are guilty of anything, it is of loving our daughter too much to say no to start with, guilty of not forcing her to deal with the dogs herself, guilty of appreciating her compassion for animals, and guilty of not being hard hearted enough to just get rid of these dogs even in ways that were not appealing. My husband suggested we take dogs to the pound from the start but after visiting the pound we decided that clearly the pound is always full, that the dog warden (and now asst warden) make every effort to place their homeless, hungry dogs who have no home—we felt at least we could keep "our dogs" safe and warm and fed and off the streets until we found people to take them. The dogs did grow to love us, particularly my husband. We NEVER had the heart to just "dump them" as so many people tend to do—just ask the dog warden about that. Yes the dogs were often annoying, and always expensive, to us, but in our kindness we continued to try to work for the best outcome. It was not our intent to have the dogs in our yard permanently. We actually look forward to next summer being able to put in the pool that our grandchildren have been asking for now that we don't have outside dogs to contend with.

In closing, we invite any one of you to come to our house at any point in time. The side porch gate has been removed (to get some of the kennel panels out) and you can enter the yard to see, hear, and smell what it looks like now, and if you have any questions, please feel free to contact either of us. We can assure you that we don't have outside dogs and kennels to bother anyone.

Jackson has become our home. We own or co-own three houses within the city limits; in fact, the house we live in was my grandparents' home, the home where my mom was born. We have tried be part of the life of City by being involved in many civic activities. We plan to stay here and hope to give our grandchildren many happy memories of this community, in this town that neither my husband nor I grew up in but have chosen to call home. We have belief that the current elected leadership is a strong group to lead the City forward. We are asking you to understand now our side of the story which we had not previously chosen to share.