

JACKSON CITY COUNCIL AGENDA
Regular Session
December 11, 2017
7:00 p.m.

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

ROLL CALL

VISITORS

John Markley-Speaking regarding the waste landfill.
Tim Matchett-Speaking regarding the waste landfill.
Randy Evans-Speaking regarding the Income Tax.

APPROVAL OF MINUTES

November 27, 2017 Regular Session.

APPROVAL OF AUDITOR'S REPORT

November 2017

COMMITTEE REPORTS

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

ORDINANCES AND RESOLUTIONS

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

ADJOURN

JACKSON CITY COUNCIL
Minutes From
NOVEMBER 27, 2017
7:00 P.M.
REGULAR SESSION

Jackson City Council met in Regular session on Monday, November 27, 2017 at 7:00 p.m. at Jackson City Council Chambers. President Eric Brown called the meeting to order. The Pledge of Allegiance was led by Mr. Ondera. The Prayer was given by Mr. Hensler.

Roll call was taken as follows:

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

VISITORS

John Markley stated he is a citizen of Jackson county. He said he just wants the right thing done when it comes to the cleanup of the site. He said the onsite disposal cell is not good for any of us. The safest way is for the DOE to ship it offsite. He said the DOE said the bedrock was not cracked or fractured below 20 feet, but that is a false statement. Mr. Markley said shipping the waste offsite will take longer, but it will keep the high paying Union jobs here. Congress allocates the funding for the project. Nobody will re-develop this site, because they will inherit the responsibility of what is still there.

The Department of Health said in 2014 Pike County had the highest cancer rates.

In closing, Mr. Markley asked council to waive the 3 readings rule and pass the resolution tonight.

Scott Massie of Geiger Brothers Construction spoke regarding the site also. His speech is attached.

Greg Simonton with the DOE said this is a difficult subject. Safety is very important. They have agreement from the community. It needs to go forward. Economic reuse of the property was what the community wanted. The existing landfills and plumes are closed. They have an Advisory Board which includes 15 people from 4 counties. They were in support of the onsite disposal as long as certain criteria were met. If they have the onsite disposal, they can dig up the current landfills and plumes and put them in it. That would open up the whole area for reuse. The agreement was withdrawn by the Board until the 6 criteria are met.

Mr. Hensler made a motion to let Mr. Simonton continue past the allotted time, seconded by Mrs. Jones. In a voice vote, all members agreed.

He closed in saying they are safe for human health and environment. He said anyone is welcome to take a tour of the facility.

Gary Workman from Insolves stated he is a retired plant worker. He is in support of local small business. He said they need to work with everyone before passing the resolution. They want to be able to welcome new industry and a resolution against the issue sends a message they are not willing to work with industry. Jobs are needed in the area. He said they will have to get money from somewhere to ship the waste offsite. There are about 350 small businesses that depend on this plant. He asked that council get all the facts before they pass the resolution.

JACKSON CITY COUNCIL
Minutes From
NOVEMBER 27, 2017
7:00 P.M.
REGULAR SESSION

APPROVAL OF MINUTES

Mr. Ondera made a motion to amend the minutes to read November 13, 2017, seconded by Mr. Hensler. In a voice vote, all members agreed.

Mr. Hensler made a motion to approve the minutes from November 13, 2017 Regular Session and November 20, 2017 Special Session, seconded by Mr. Ondera. In a voice vote, all members agreed.

COMMITTEE REPORTS

UTILITY

Mayor Heath said he gave everyone a copy of the utility studies that were done. The water was done in 2009 and the waste water in 2012 or 2013. The electric study will hopefully be done soon.

BUDGET & FINANCE-No report.

POLICE, FIRE, & TRAFFIC-No report.

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

JAIL COMMITTEE

Mr. Ondera said they met with the County Commissioners about possible funding from the State level. They need to find out exactly what the money could be used for. There is no outcome yet. Mayor Heath said the jail situation is a growing problem. He said when the jail was built, there was not any consideration for females. Now there are just as many female prisoners and male. Safety in our community is the #1 priority. The State is saying there is money available for jails and we need to be proactive.

CITY AUDITOR

Mr. Reed said he sent out the monthly audit report for October. Council needs to state the report was received. Mr. Hensler made a motion acknowledging receipt of the report, seconded by Mrs. Jones. In a voice vote, all members agreed.

LAW DIRECTOR-No report.

MAYOR –No report.

Mr. Sheward did say they are making progress on the police contract.

Mr. Kitchen said he read where CT Consultants completed a sludge report. He asked Mr. Sheward if the report was worth the cost. Mr. Sheward said he wouldn't have requested it if it wasn't needed. He also wanted to know if he could see the report and Mr. Sheward said yes.

SERVICE DIRECTOR

Mr. Sheward said they are continuing work on McCarty Lane. They have had some good weather. They should be finishing up soon for the winter, then they will finish the top coat in the Spring. Mr. Ondera said

JACKSON CITY COUNCIL
Minutes From
NOVEMBER 27, 2017
7:00 P.M.
REGULAR SESSION

he hasn't seen much work being done the last few days. Mr. Sheward said they have other commitments they are trying to finish up too before bad weather.

The Firefighters Association will have breakfast with Santa on Saturday, December 2nd from 8:00 a.m. – 10:30 a.m. The Christmas parade will follow. Mayor Heath said the parade will have a different route this year and it will end at Manpower Park. The Santa house will be located there this year. Bellisio donated 2 new blow up figures for Manpower Park. He wanted to thank them for the decorations. There will also be a lighting ceremony at the park Saturday night at 6:45 p.m. He also wanted to thank everyone who was in attendance at the tree lighting ceremony uptown last Saturday.

Mr. Ondera asked to go into Executive Session at 7:56 p.m. to discuss personnel matters, seconded by Mr. Hensler. He asked Mayor Heath, Mr. Sheward, Mr. Reed, Council Clerk, and Mr. Kirby to remain in the meeting. In a roll call vote, council voted as follows:

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

Mr. Queen made a motion to go back into Regular Session at 8:03 p.m., seconded by Mr. Ondera. In a voice vote, all members agreed.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 58-17

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

Second Reading

ORDINANCE NO. 61-17

AN ORDINANCE PROVIDING FOR AN INCOME TAX AT THE ANNUAL RATE OF 1% FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FIRST FOR THE OPERATION OF THE CITY POLICE DEPARTMENT WITH ANY UNUSED FUNDS TO BE USED FOR THE MAINTENANCE, RENOVATION AND REPAIR OF CITY BUILDINGS THAT ARE USED FOR MUNICIPAL PURPOSES BY THE CITY OF JACKSON, OHIO AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Ondera stated he thought the whole amount was to be used for the Police Dept. Mr. Kitchen said he thought there would be more than enough for the Police Dept. and the rest could be used for other things. Mr. Reed said the estimated income tax would be \$1.2-\$1.4 million and the Police Dept. used more than

JACKSON CITY COUNCIL
Minutes From
NOVEMBER 27, 2017
7:00 P.M.
REGULAR SESSION

that this year. Mr. Ondera made a motion to remove the part of the ordinance that states "with any unused funds to be used for the maintenance, renovation and repair of city buildings that are used for municipal purposes by the City of Jackson," seconded by Mr. Kitchen. In a voice vote, all members agreed.

Mr. Queen said he feels they should have put it on the November ballot and let the citizens vote on it.

Mr. Elliott asked how soon they would have to layoff police if they don't have this income tax. Mr. Reed said that is not his call. The problem is year after next. If the transfer goes through, that will give them the ability to get through next year. If the income tax goes through, they will only get 30%-40% the first year.

It will take 3 years to get the full return. He said if the transfer doesn't go through, they will have a \$600,000 carryover instead of \$1.2 million.

Mr. Kirby said they all should look over this ordinance very carefully. There are still changes that are possible. Mr. Queen asked Mr. Kirby to look over the Union contract and see if Police would be the last thing to be cut.

Mr. Ondera said without the income tax passing, cuts will have to be made. We need to be proactive. They are going to have to start planning for the 2019 budget. They are being fiscally irresponsible if they don't do something now.

Mr. Elliott said he feels the Tax Commissioner is waiting to see if they are going to pass an income tax before they make a decision on the approval of the transfer.

Mr. Reed said any cuts they would make in any other departments do not affect the General Fund. Administration salaries are cost allocated. If they don't have the transfer, they will be short in 2019. \$1.9 million is salaries and benefits in the Police Dept. out of a \$4.0 million budget. \$2.3 million was their budget this year.

RESOLUTION NO. 20-17

A RESOLUTION TO OPPOSE THE CONSTRUCTION OF AN ONSITE WASTE DISPOSAL FACILITY AT THE US DEPARTMENT OF ENERGY'S PORTSMOUTH GASEOUS DIFFUSION PLANT IN PIKETION, OHIO.

Second Reading

Mr. Kitchen requested this resolution be "tabled" until they can get more information. He feels they need to go down to the plant and take a tour and see exactly what they are talking about. This motion was seconded by Mr. Hensler. In a voice vote, all members agreed.

Resolution No. 20-17 Tabled

CORRESPONDENCE

The Clerk said she had received the annual Ethics information list and asked all council members to look it over after the meeting to verify addresses, etc.

JACKSON CITY COUNCIL
Minutes From
NOVEMBER 27, 2017
7:00 P.M.
REGULAR SESSION

OLD BUSINESS

Mr. Queen said there was a copy of the Council rules, Ordinance 11-93, in the packets. He made a motion to amend the rules to allow 5 people to speak for 5 minutes at the end of the meeting if they sign in prior to the meeting starting. The other process for visitor's will remain the same if they want put on the agenda. The total that can speak in one meeting is 10 unless approved otherwise. This motion was seconded by Mr. Hensler. In a voice vote, all members agreed.

Mr. Queen made a motion to let Carissa Edwards speak, seconded by Mr. Hensler.

Ms. Edwards stated she is a citizen of Jackson. She works at Kroger's and makes minimum wage. She said she cannot afford to pay an income tax. She said they need to re-budget and find out where they can make cuts. This shortfall should not fall on the citizens of Jackson.

NEW BUSINESS

Mr. Kitchen wanted to publicly say how great our Fire Dept. is. They do a great job!

Mr. Brown said they need a couple of council members to serve on the Fire Department Dependency Fund Board. Mr. Kitchen will remain on the board and Mr. Queen nominated Mr. Hensler to serve. In a voice vote, all members agreed.

Mr. Hensler made a motion to adjourn at 8:37 p.m., seconded by Mr. Ondera. In a voice vote, all members agreed.



Sherry Barr, Council Clerk

Date 12-11-17



Eric Brown, Council President

Date 12/11/17

Scott Massie Comments Jackson City Council November 27, 2017
Resolution 20-17

Good Evening Members of Council, my name is Scott Massie, I was raised in Jackson, graduated in 1982, have spent 43 out of my 53 years as a Jackson resident and all of my 53 years in SE Ohio.

I know you have a full agenda tonight so I will try and be sincere, be brief, and be seated.

I am here this evening to challenge Resolution 20-17 which pertains to the Portsmouth D&D Project. The passage of this Resolution would in my opinion be detrimental to the ultimate success of re-purposing the site and would forego an enormous opportunity to once and for all bring closure to the facility.

First of all, though, full disclosure:

- Geiger Brothers (of which I am an Owner) is one of 350+ local small businesses in the surrounding communities that does participate in FBP/DOE contracts. I want to acknowledge right up front we do work there.
- We have worked or are currently working at DOE sites in Piketon, OH, Paducah, KY and Oak Ridge, TN and historically that work has accounted for 11% of our business.
- Finally, I want to be clear that I am not a representative or advocate for FBP or DOE, but rather here on my own accord.

That being said I have always tried to stay clear of publicly expressing my views about subjects or politics where there are emotional opinions or responses on one side or the other. In the past I always felt it was best to just stay behind the proverbial curtain and keep my opinions to myself. However, Resolution 20-17 hits home and is in direct opposition to several issues that I am very, very passionate about: The construction and engineering industry of which I have spent 31 years of my life in, and the SE Ohio community that I will always call home. A community that includes not only me and my wife and kids but many of our employees and their families as well.

Clearly this is an emotional issue to many and there are many competing interests at play on both sides. My perspective or POV is one that approaches this project from my construction and engineering experiences over almost 3 decades of working on DOE projects. In those 30-years I have come to have an understanding of how past work, current work and proposed work is or will be accomplished on the Piketon site. I have experienced first-hand how Fluor and the DOE operates and approaches engineering projects. The culture was/is/always will be Public or Worker Safety First-Quality-Schedule-Cost. Everything, and ladies and gentlemen I mean everything, they do is through that prism or lens.

When we are involved in a project it typically takes us several months to even start the simplest of jobs due to all the planning and training that happens first. Just as a brief example if we dig more than 6" in the ground, or work on more than 20V's of electricity, or are required to be more than 6' in the air, we have to have our work crew interviewed by a High Hazard Review Board to discuss and vet how we are mitigating the risks in each of those activities. As you can imagine there aren't many construction or engineering projects that don't involve excavation, >20V of electricity or require fall protection. Sometimes on simpler projects we spend more time training and qualifying the workforce in order to prepare for the work activity than we do in completing the work activity itself. They (FBP/DOE) leave absolutely no stone unturned and this most likely is why they have succeeded in meeting or exceeding many of their site Safety goals on a continual basis.

This approach I described above to standard construction projects is the same as what they do for their own operations and engineering work. It is just who they are, deliberate, fact based, and no nonsense they always ask:

- What is the safest way?
- How do we mitigate the risks?
- How can we improve it once we start, is there a better way?
- Are there been any previous lessons learned that we can apply?

I have learned to appreciate their approach to problem solving and how each project (simple or complicated) has the same process. There really is no pre-determined answer they simply go where the engineering and facts lead them working through the Safety-Quality-Schedule-Cost matrix to find the best solution.

That quick background brings me full circle to why I am here this evening. When I first noticed the reports circling on social media and read the newspaper articles alleging certain "findings" from The Ferguson Group ("3rd Party Assessor") it simply did not jive with what I knew and have experienced in the last 30 years of working at Piketon. I thought to myself no way. This can't possibly be right, this is not how they operate. No way is Fluor (one of the largest engineering firms in the world) - and the DOE - and the OEPA - and all the other parties that were involved, after 4+ years of work not going to find the best solution. I had attended several of the public meetings during that 4-year period and witnessed how deliberative the process was. It was apparent to me that they were grinding through the evaluation and analysis as usual and ultimately would make the best decision placing public and worker safety and quality at the forefront.

After I read the social media postings and news articles from The Ferguson Group I did what everyone does these days and opened up Google and typed in their name. I expected to see when their home page emerged a large, high-octane, well respected Engineering/Construction firm with example after example of complicated projects they designed and completed all over the world. Imagine my surprise when I didn't find that. You know what I found? I found out that The Ferguson Group wasn't an engineering/construction firm at all. Nope, they are a

Washington DC based Lobbyist, located a couple blocks from Capitol Hill. Folks this firm isn't engaged in engineering, construction or problem solving, I am not even certain they have ever designed a project in-house or self-performed construction of anything.

To further blur the line or invoke some fear somewhere along the line the term "Radioactive Dump" was coined and the project labeled accordingly. Boy that sure stirs the emotions, doesn't it? Nothing quite as inflammatory as the phrase "Radioactive Dump". It kind of has the connotation of just loading up some contaminated material in the back of a pick-up truck and slinging it off the side of some country backroad.

However, that is not what we have here. What we have is a billion-dollar technically advanced engineering project, developed over 4 years, by one of the world's largest E/C firms. A project that is designed to ship > 99% of the radioactive materials off site and place the balance in the on-site facility. And, "oh yeah", by the way - Fluor and DOE did this once before at the former uranium processing facility at the Fernald site just west of Cincinnati, Ohio. I am leaving a Fact Sheet on this project along with some other information for your reference.

I personally have high confidence that FBP/DOE can construct the landfill in the manner described that will allow for it to continue in perpetuity as designed. I know Safety and Quality comes first over Schedule and Cost and this facility will be built to the best engineering standards available. The decision to place less than 1% of the radioactive demolition debris and rubble materials locally, while shipping 99% off-site seems to be more than a reasonable balance in order to finally be able to close the site and re-purpose the area in a timely fashion.

American ingenuity and engineering has prevailed on many projects much more complicated than this proposed disposal facility. Our area needs this project to continue, we need it to be successful, and we need it to be completed as we have kicked the can down the road as far as we can. The site has languished unused in "cold storage" for almost 20 years, it is time to maintain the momentum of work finally underway and finish the closure once and for all. The site has served its purpose, and is now time for something or someone else to utilize the area once the work is completed. If the project for some reason becomes stalled I fear the site may once again return to an empty relic that lays dormant for yet again another undetermined period of time. I also fear the passage of 20-17 sends a chilling message to local House and Senate representatives for future funding.

Let's be perfectly clear here. Public safety should never be trumped for any reason, not jobs or anything else, but when you have well thought out technically sound engineering solution, replete with redundant controls, that places public safety in the forefront of the decision tree, then I feel we must as an area be part of the solution. All of the stakeholders taking part in the process (FBP management and engineers, the DOE, the skilled USW workers inside the process buildings performing the D&D work, the outside contractors that will be hired to construct the disposal facility) are extremely qualified to perform the closure. Not only are we bypassing the direct employment and the indirect employment of thousands of workers and hundreds of small businesses by closing the facility now while there is momentum and funding, but (and in

my mind perhaps even more important) we are foregoing the same future opportunities for thousands of people and hundreds of small businesses to participate in future employment once the work is complete and the area available for re-use.

In closing I would like to suggest the following since I understand this is an important vote to each of you:

- Table the Resolution tonight, wait 2 more weeks for the 3rd reading.
- During that 2-week period for those of you unfamiliar with the site, the public road access is now such that much of what we are talking about can be seen from what is known as perimeter drive. I am extending an offer to each of you either individually or collectively as a group to travel 20 minutes down the road with me and I can help you visualize the impossibility of the doing this project if everything were to be shipped off site.
- Likewise, if you wanted to go see how the former Fernald UPF Closure Project turned out we can travel a couple hours to Cincinnati and you can see first-hand the Visitor's Center, the 7-miles of trails, the bird sanctuary, and the entire restoration of 1,000 acres of a similar project.

Thank you very much for the opportunity to speak, I am glad you waited until the second reading and at least allowed an alternative viewpoint and information to be presented.

I have left my card with a copy of this statement, please do not hesitate to contact me if you want to take me up on the offer to visit either location or if you just have a question(s) that I can help answer in some way.

Handouts Include:

- Fact Sheet Fernald Preserve, Ohio Site
- PORTS D&D Project Information Sheet
- Plan for the Waste Information Sheet
- Information on Fluor – www.fluor.com
- Information on The Ferguson Group – www.thefergusongroup.com