

JACKSON CITY COUNCIL AGENDA

Regular Session
September 10, 2018
7:00 p.m.

Call to Order..... President Brown

Pledge of Allegiance..... Mr. Kitchen

Opening Prayer..... Mr. Hensler

ROLL CALL

VISITORS

APPROVAL OF MINUTES

August 27, 2018 Regular Session and August 30, 2018 Special Session.

COMMITTEE REPORTS

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

ORDINANCES AND RESOLUTIONS

CORRESPONDENCE

OLD BUSINESS

SIGNED IN VISITORS TO SPEAK

NEW BUSINESS

ADJOURN

JACKSON CITY COUNCIL

Minutes From

AUGUST 27, 2018

7:00 P.M.

REGULAR SESSION

Jackson City Council met in Regular session on Monday, August 27, 2018 at 7:00 p.m. in Jackson City Council Chambers. President Eric Brown called the meeting to order. The Pledge of Allegiance was led by Mr. Foster. The Prayer was given by Mr. Ondera.

Roll call was taken as follows:

- Mr. Ondera-present
- Mr. Kitchen-present
- Mr. Aldrich -present
- Mr. Hensler-absent
- Mr. Queen-present
- Mr. Elliott-present
- Mr. Foster-present

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

Mr. Brown said Mr. Kirby had notified him that he would not be present.

VISITORS

Marie Uribe, the acting Chief for the Police Department, said she has been with the department for 34 years and she said she plans to attend as many council meetings as she can.

Judge Mark Musick said the city has the bulk of the issues they handle. He would encourage them to go forward with their holding cells. They only have 3 other places they can put people. They are Monroe County, Morrow County, and Wood County. The City of Wellston has stepped up to help with a solution to this problem. This would be the CASC facility. He said the holding cells in Jackson would definitely help. Judge Musick has put together a Judicial Commission on municipal prisoners. They will have only limited powers for now, to ask questions, review materials and make proposals for bodies, such as City Council. He asked Ron Speakman to Chair the Commission., Don Willis from the Jackson County Sheriff's office will serve as Vice Chairman, Sergeant Scott Conley, Charles Hudson, Mayor Leonard, Commissioner Paul Haller, and Baliff Derick Kales.

A CASC can operate independently and inexpensively and avoid a lot of restrictions by the State of Ohio. It is a non-jail detention center. They will have medical services for prisoners. He said we need a facility where they can get help for their addictions before they are released. Otherwise, they let them go and they end up right back in jail.

Sergeant Brett Hinsch spoke about what they deal with on a regular basis. When he first started in 2002, they could use close surrounding counties. The supply is so small and the demand it so big for jails right now. Jails only want the best prisoners. He passed out to council a folder of information to read that details more about what is going on with this problem.

Sergeant Scott Conley said 463 calls came into the department they had to handle from August 1st-August 19th. Most of them were felony level charges. There were also 14 transports they had to handle. About half or more are still on the street, because they have no place to put them. He feels citizens look down on them because they are back out on the street, but there isn't anything they can do if there is no place to put them. Some of the stolen items that were recovered from a theft were from juveniles. He is asking council to come up with a plan soon to help resolve the jail problem so they can protect the citizens the way they are supposed to.

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Mr. Queen asked if they still use the ankle monitor system. Sergeant Conley said they do still use it, but it is not very effective. They are still free to roam.

Mayor Heath commented on what a great Police Department we have.

Mr. Ondera said they have a preliminary plan for the Sally Port. They can have a 9 bed/12 hour holding facility for women. They can't do men and women due to needing restroom facilities for each and not enough room for this. There are no numbers yet as far as cost of this. He said he doesn't know how the Police Officers do their job everyday when they can't do it efficiently. They have to come up with a plan to fix this problem.

APPROVAL OF MONTHLY AUDITOR'S REPORT

Mr. Kitchen made a motion to approve the Auditor's report for July 2018, seconded by Mr. Elliott. In a voice vote, all members agreed.

APPROVAL OF MINUTES

Mr. Elliott made a motion to approve the minutes from the August 13, 2018 Regular session, seconded by Mr. Kitchen. In a voice vote, all members agreed.

COMMITTEE REPORTS

UTILITY

Mr. Ondera said they are working on the electric rate reduction and he hopes to have an ordinance for this at the next meeting.

BUDGET & FINANCE-No report.

POLICE, FIRE, & TRAFFIC-No report.

Mayor Heath said they have had the speed trailer out again. They will continue to move it around to other locations.

Mayor Heath said they are painting the stripes on McCarty Lane today. He thanked Mr. Sheward for getting the grants to do this project. They would not have been able to get this project done otherwise.

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

Mayor Heath said there were 4 ordinances that pertained to the recreational projects they have been working on. He said they do the work and then they get reimbursed for it from the State. There will be a sidewalk all around Manpower Park, some period lighting, a PA system, improvements to the Glenna Reed Memorial playground, and more electric.

The other project is the Neighborhood Revitalization project. There is an ordinance tonight to accept the land from the Jackson County Senior Citizens for the park. The park will include a shelter house, a small ball field, a 4 court basketball court, and a parking lot. The senior citizens will share the use of the lot. He said Mr. Ondera suggested using concrete instead of blacktop. They feel this would last longer.

The other project is improving the Beaver Pike side of Hammertown Lake.

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7:00 P.M.

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Mayor Heath discussed the shelter houses. He feels they will do the one at the new park and wait on the one at the pool. He thought the cost was \$25,000.00, but that was only the cost of the materials. He said maybe they can start by bidding out the shelter house project and see where the bids come in. He thinks it is 24X32. They will have to use porta potties for restrooms.

JAIL COMMITTEE- No report.

CITY AUDITOR

Mr. Reed said he is shopping around for bonds for the electric substation and instead of 5% for 20 years that was estimated, they got a rate of 3.6% for 15 years and 4.1% for 15 years. These rates do expire. There will probably be a rate increase at the end of September and that can affect the bonds. This is borrowing \$4.5 million. This is a little less than what was originally suggested.

Mr. Queen asked if we get Rents and Right of Ways on Columbia Gas. Mr. Reed said no. Mayor Heath said he has heard they are hard to collect from. Mr. Reed said they are not doing Rents and Right of ways for the city right now. Mr. Brown said he found on the internet that nobody has been successful in getting that from them.

CITY ATTORNEY-absent

MAYOR

Mayor Heath wanted to thank Judge Musick and the officers for their presentations they gave. He said this helps explain why they need to keep the city income tax. He said Jackson was the last one to impose an income tax. A lot of the other cities have a higher percentage than Jackson's 1%.

They have mowed 25 overgrown properties since last meeting. They will place a \$250.00 charge on the owner's property tax for this. They have also condemned a couple of houses on Water St. The income tax is a must if they are going to keep up the city.

Mr. Queen asked if anyone has looked at the house at the corner of Vine and Boyd Streets. Mayor Heath said it looks like a forest in the back. He said they need to find out what all they are responsible for as far as what they mow. It would need to be cut with a saw or something. He will try to find out from Mr. Kirby what they can do.

SERVICE SAFETY DIRECTOR

Mr. Sheward said they are getting very close to being done with McCarty Lane.

He attended a hearing for the shelter house today and he prevailed with an approval of building it with just porta potties for restrooms.

Brief recess at 8:20 p.m. Returned at 8:29 p.m.

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REGULAR SESSION

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 41-18

AN ORDINANCE OF THE LEGISLATIVE AUTHORITY OF THE CITY OF JACKSON, OHIO TO AUTHORIZE THE MAYOR TO EXECUTE THE PASS THROUGH GRANT AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE MANPOWER PARK PROJECT AND DECLARING AN EMERGENCY.

Second Reading

ORDINANCE NO. 42-18

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

Second Reading

Mr. Reed said this is one they will be running short on this, so if council would, he would like for it to be approved tonight.

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

Mr. Ondera-yes
Mr. Kitchen-yes
Mr. Aldrich-yes
Mr. Hensler-absent
Mr. Queen-yes
Mr. Elliott-yes
Mr. Foster-yes

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

Mr. Ondera-yes
Mr. Kitchen-yes
Mr. Aldrich-yes
Mr. Hensler-absent
Mr. Queen-yes
Mr. Elliott-yes
Mr. Foster-yes

Ordinance No. 42-18 duly adopted.

ORDINANCE NO. 43-18

AN ORDINANCE OF THE LEGISLATIVE AUTHORITY OF THE CITY OF JACKSON, OHIO ACCEPTING OWNERSHIP OF REAL PROPERTY FROM THE JACKSON COUNTY BOARD ON AGING, INC. AND DECLARING AN EMERGENCY.

Second Reading

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ORDINANCE NO. 44-18

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE DRUG OFFENSE FUND.

First Reading

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

Mr. Sheward said this is a transfer from the Drug Offense Fund to the General Fund for the purchase of a new cruiser. It will be an SUV fully equipped. There should also be an ordinance for a drug dog that will be \$8,000.00. It will take 4-6 months to get the cruiser.

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

Mr. Odera-yes
Mr. Kitchen-yes
Mr. Aldrich-yes
Mr. Hensler-absent
Mr. Queen-yes
Mr. Elliott-yes
Mr. Foster-yes

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

Mr. Odera-yes
Mr. Kitchen-yes
Mr. Aldrich-yes
Mr. Hensler-absent
Mr. Queen-yes
Mr. Elliott-yes
Mr. Foster-yes

Ordinance No. 44-18 duly adopted.

ORDINANCE NO. 45-18

AN ORDINANCE APPROVING AN ADVANCE OF FUNDS FROM THE RECREATION RESERVE FUND TO THE PARK ENHANCEMENT FUND AND DECLARING AN EMERGENCY.

First Reading

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

Mayor Heath said he will just ask for a first reading on the next few ordinances. This ordinance will let the Tree Harvest Fund transfer money to the General Fund so the work at Manpower Park can be done. Once it is done, the State will reimburse the money and it can be put back into the fund.

JACKSON CITY COUNCIL

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AUGUST 27, 2018

7:00 P.M.

REGULAR SESSION

Mayor Heath is calling a Special meeting for Thursday, August 30th at 8:00 p.m. for the purpose of discussing the ordinances that are left from tonight's meeting.

ORDINANCE NO. 46-18

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

First Reading

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

Mr. Queen asked if they were sure they would be refunded by the State. Mayor Heath said as long as the work is done, yes they will. They will get back the \$89,000.00.

ORDINANCE NO. 47-18

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

First Reading

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

ORDINANCE NO. 48-18

AN ORDINANCE REZONING FROM INDUSTRIAL (I) TO BUSINESS (B-3) A COMBINED 16.113 ACRES MORE OR LESS, LOCATED ON STATE ROUTE 93 AND BEING PART OF THE PROPERTY COMMONLY REFERRED TO AS MERIDIAN IN 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. Sheward said the Planning Commission met and approved the rezoning from Industrial to Business. There was a Public Hearing held this evening and there was nobody present to object to the change. There was a citizen present who was for the change. The CIC would like to have the change done as soon as possible.

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

Mr. Ondera-yes
Mr. Kitchen-yes
Mr. Aldrich-yes
Mr. Hensler-absent
Mr. Queen-yes

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Mr. Elliott-yes
Mr. Foster-yes

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

Mr. Ondera-yes
Mr. Kitchen-yes
Mr. Aldrich-yes
Mr. Hensler-absent
Mr. Queen-yes
Mr. Elliott-yes
Mr. Foster-yes

Ordinance No. 48-18 duly adopted.

ORDINANCE NO. 49-18

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

First Reading

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

Mayor Heath said this is the amount if they do all of the projects. Mr. Foster said he sees no problem. Mr. Brown said he feels they should really check into what they are going to spend on the shelter house. He was also concerned about sharing the parking lot with the senior citizens. They might want to use it in the evening also. Mayor Heath said there will be 45-50 parking spaces. Mayor Heath said he will talk to Mr. Kirby about what was discussed with the senior citizens. He will talk with Susan to see how many activities they have in the evening. Mayor Heath said they can take out the shelter house for now and do it later if that is what they want to do. He will also check with Mr. Woltz about lighting for the park.

Mr. Queen said he still feels like there still should be something done with the park side of Hammertown Lake.

ORDINANCE NO. 50-18

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF ELECTRIC SYSTEM REVENUE BONDS UNDER ARTICLE XVIII OF THE OHIO CONSTITUTION IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,570,000 FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S ELECTRIC SYSTEM BY THE CONSTRUCTION AND IMPLEMENTATION OF A NEW ELECTRICAL SUBSTATION TO INCREASE LOAD CAPACITY AND TO PROVIDE FOR A SECONDARY POINT TO PROVIDE POWER FOR DISASTER PREPAREDNESS OR EQUIPMENT FAILURE PURPOSES, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, 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.

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Mr. Reed said this can wait until next meeting. He said the amount is a little less than the original, because Mr. Woltz said he feels \$4.5 million is enough. The rates do expire.

Mr. Sheward said the bid documents are ready. It is prudent to keep this project on track. Mayor Heath thanked Mr. Reed for the work he has done.

RESOLUTION NO. 18-18

A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS FOR PAYMENT TO AMERICAN ELECTRIC POWER PURSUANT TO A "THEN AND NOW" CERTIFICATE IN THE AMOUNT OF \$11,600.00 AND DECLARING AN EMERGENCY.

Second Reading

Mr. Sheward said this was missed when Mr. Woltz took over the Electric Dept. It is currently overdue and needs to be paid.

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

Mr. Ondera-yes
Mr. Kitchen-yes
Mr. Aldrich-yes
Mr. Hensler-absent
Mr. Queen-yes
Mr. Elliott-yes
Mr. Foster-yes

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

Mr. Ondera-yes
Mr. Kitchen-yes
Mr. Aldrich-yes
Mr. Hensler-absent
Mr. Queen-yes
Mr. Elliott-yes
Mr. Foster-yes

Resolution No. 18-18 duly adopted.

RESOLUTION NO. 19-18

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Reed said they do this every year. They need it by the end of September.

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Mr. Sheward said they may need to look at updating the levies for the Fire Department, because they are running out of money.

RESOLUTION NO. 20-18

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF JACKSON, OR HIS DESIGNEE, TO FILE AN APPLICATION TO THE STATE OF OHIO BUREAU OF WORKERS COMPENSATION FOR THE FIREFIGHTER EXPOSURE TO ENVIRONMENTAL ELEMENTS GRANT PROGRAM FUNDING AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Sheward said this is a grant application. It does have a deadline.

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

Mr. Ondera-yes
Mr. Kitchen-yes
Mr. Aldrich-yes
Mr. Hensler-absent
Mr. Queen-no
Mr. Elliott-yes
Mr. Foster-yes

CORRESPONDENCE-None

OLD BUSINESS

Mr. Queen said he would like to make sure they get the best candidate for the Chief of Police. Just because they get the best score, doesn't mean they are the best person for the job. Mr. Sheward said they have to pass the test, how they have done on their evaluations, military service, and length of service. Mr. Queen feels that council should have some input in the hiring. Mr. Aldrich said he had asked Mr. Kirby if they could do it any other way, but he has not gotten an answer. Mr. Sheward said the Civil Service has established the guidelines for this. He said they are already into the process.

SIGNED IN VISITORS

John Peters spoke about the mowing ordinance. He is in charge of 2 West Mound Street. He mowed it on Thursday and got a certified letter on Friday saying the mowing had not been done. The letter should have been for the property across the street. Mr. Peters said he has some questions for Mr. Kirby. They are as follows:

There are 4 sections of the ORC that refers to the same things the city ordinance refers to.

Section ORC 731.51 -731.53

Exhibit A, Chapter 557-Weed control. Most cities determine their mowing by the height of the grass. Our ordinance just states it must be cut 4 times a year.

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In 557.01 , if you violate the section on required cutting you are guilty of a minor misdemeanor and fined \$150. Why not just pay the fine instead of letting the city putting a \$250.00 lien against the property.

It says council sends the notices out to the property owners and files the paperwork. This is according to the ORC.

ORC 731.51 also covers litter. So the legislative authority can also require the litter be picked up.

The ordinance intermixes the terms "and" and "or". The one that raised the fee to \$250 has both terms in it. It says it has to be mowed, cut, and destroyed.

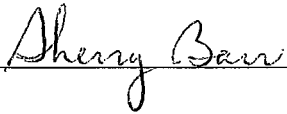
Section 557.02 The city may or will immediately proceed to mow, cut, and destroy.

The Mayor and Service Director lack statutory authority to send out letters and collect the fees for this ordinance. It should be council.


NEW BUSINESS

Mr. Queen asked if the flags are at half staff due to the death of John McCain. Mayor Heath said he will make sure they are.

Mr. Aldrich made a motion to adjourn at 9:18 p.m., seconded by Mr. Queen. In a voice vote, all members agreed.



Sherry Barr, Council Clerk
Date 9-10-18



Eric Brown, Council President
Date 9-10-18