

JACKSON CITY COUNCIL AGENDA

Regular Session  
February 26, 2018  
7:00 p.m.

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

ROLL CALL

VISITORS

APPROVAL OF MINUTES

February 12, 2018 Regular Session.

APPROVAL OF AUDITOR’S MONTHLY REPORT

January 2018

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*  
FEBRUARY 12, 2018  
7:00 P.M.  
REGULAR SESSION

Jackson City Council met in Regular session on Monday, February 12, 2018 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. Foster. The Prayer was given by Mr. Hensler.

Roll call was taken as follows:

- Mr. Ondera-present
- Mr. Kitchen-arrived late
- Mr. Aldrich -present
- Mr. Hensler-present
- Mr. Queen-present
- Mr. Elliott-present
- Mr. Foster-present

Mr. Hensler made a motion to excuse Mr. Kitchen to arrive late, seconded by Mr. Ondera. In a voice vote, all members agreed.

#### **VISITORS**

Dennis Foreman said he is a council member in Piketon. He spoke regarding the Piketon Gaseous Diffusion Plant and the waste disposal site. He said even though he is from Piketon and we are in Jackson, we are all connected. We are all in rural America and all have great struggles. He said DOE has said it is going to be a safe site. Mr. Foreman said there is not going to be any industry that would want to locate there by a nuclear dump. The dump will be 1007 feet from the nearest house. They have had 100% support from Athens, Chillicothe, Waverly, and Piketon. He is opposed to the onsite waste disposal.

Billy Spencer, Mayor of Piketon, also spoke about the site. He said they did not hear from the DOE from 1952-2016. They did not start coming around until the site was in question. He said the Site Director lied to them saying the bedrock is not fractured, but it is. He said they paid \$75,000 to hire 3<sup>rd</sup> party to do an assessment. It revealed a fracture. He gave several reasons why shipping it offsite is the better option.

Greg Simenton from the DOE said this is a highly controversial issue. He is an employee of the Federal Government and he said the pathway is safe. DOE has a responsibility to clean up the site. He stands by the decision they have made.

Mr. Brown asked if it would be hazardous or nuclear waste in the site. Mr. Simenton said it would be hazardous, nuclear, and solid waste.

Mr. Elliott asked how potent the material is now compared to what it was. Mr. Simenton said below 20% Uranium. He said most of the product has been shipped off. There is still some residual left in the pipes.

Mr. Hensler asked if the level is increased after they do this and Mr. Simenton said no.

Scott Massie said he has talked 3 times regarding the site. He said if they vote against the onsite disposal, they will be taking the position that top people are flawed and 4 years of public meetings are flawed. He said the 3<sup>rd</sup> party assessment is what this is all based on. He said they need to see how it can be repurposed once it is done. They need to see how they can safely close the facility.

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**APPROVAL OF MINUTES**

Mr. Hensler made a motion to approve the minutes from January 22, 2018 Regular Session and February 5, 2018 Special session, seconded by Mr. Ondera. In a voice vote, all members agreed.

**COMMITTEE REPORTS**

**UTILITY**-No Report.

**BUDGET & FINANCE**

Mr. Elliott said they met on February 8<sup>th</sup>, and Mayor Heath presented a plan. They had a meeting this morning with the Police Dept. He presented 3 plans.

1. No income tax with layoffs.
2. An income tax with layoffs.
3. An income tax with a severance plan.

He said Option #3 is preferred by most of council and definitely by the Police Dept. He said they are presenting a resolution to hire a Law Firm in Columbus to go over everything to see if it is allowed to be done. Mr. Elliott said he took Option #2 as the one he felt would be the best. Mr. Elliott said he knows they are in a hurry, but they have to get it right.

**POLICE, FIRE, & TRAFFIC**

Mr. Hensler said they all should have received the annual Police call log.

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

Mayor Heath said they might not be able to do the Summer recreation baseball this Summer through the city, but there has been a group of parents that do not want to see the program go by the wayside. They have stepped up to try keep it going if possible.

Mr. Queen asked if he had heard anything on a soccer field. Mayor Heath said he is working on it.

**JAIL COMMITTEE**-No report.

**CITY AUDITOR**

Mr. Reed said he would like to see some meetings between Administration and Council to get the financial situation worked out. For one or the other to be excluded will not work.

**LAW DIRECTOR**

Mr. Kirby said he has Ordinance 18-08 which addresses the Council Clerks salary and it states she should get paid an hourly rate for Special meetings and Committee meetings in addition to her normal monthly salary.

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**MAYOR**

Mayor Heath said the financial situation of the city weighs on him constantly. He gave his comments on the Police Officers who lost their lives in Westerville this weekend. He asked what our Police Officers are worth, if anything. He said if they aren't worth anything, they just need to start layoffs. Mayor Heath said the 1% income tax is just a penny on a dollar. Most of the income tax money is not coming from the citizens. It will be up to the citizens to make the decision.

Mr. Hensler commented that he was sure everyone sympathizes with the Westerville Police Dept. and would agree that we have a great Police Dept., but he felt Mayor Heath's comments were kind of shallow and it was not right to use the deaths of the Officers to drive his point home on the City of Jackson's income tax. He feels the two issues should have been kept separate and it was inappropriate.

Mr. Brown said for council to not speak against each other or the Administration. Mayor Heath apologized for any statements he made that were not appropriate.

Mr. Queen said he is glad they are not talking about abolishing our Police Dept. like he had heard they were going to.

**SERVICE DIRECTOR**

Mr. Sheward said everyone should have received the annual Police report. He also passed out a notice of a city auction Saturday, February 17<sup>th</sup>.

Mr. Sheward said for everyone to slow down due to the potholes. They are trying to patch them as they can.

Mr. Ondera asked about the holes in front of KFC. Mr. Sheward said some of it had to do with KFC, but they are waiting on some better weather to fix it correctly. The city does have to pay for this.

Mr. Queen asked if the city still does sewer taps. He had someone asking about it. Mr. Sheward said they still do sewer taps.

**ORDINANCES AND RESOLUTIONS**

**ORDINANCE 03-18**

**AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE ELECTRIC FUND NECESSARY TO PAY AMERICAN ELECTRIC POWER AND DECLARING AN EMERGENCY.**

**First Reading**

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

Mr. Reed said this Purchase Order was closed out and it should have been a carryover. It was closed out by mistake, so the funds need to be re-appropriated. They have not received the bill yet, but it will be coming soon. It is for the tap fees for the substation.

Mr. Queen asked if they are still building the substation and Mr. Sheward said they are, but they will have to wait until Spring.

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

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

**Ordinance No. 03-18 duly adopted.**

**ORDINANCE NO. 04-18**

**AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND, ADMINISTRATIVE SERVICES: CASH-IN PAY AND ADMINISTRATIVE SERVICES: MEDICARE 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.

Mr. Reed said an employee left the Administration's office and there was not enough money in the temporary budget line item and they need it to finish paying out her benefit. It needs paid.

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

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

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

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

**Ordinance No. 04-18 duly adopted.**

**ORDINANCE NO 05-18**

**AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR MAYOR'S OFFICE, CITY COUNCIL, AND LAW DIRECTOR WORKER'S COMPENSATION AND DECLARING AN EMERGENCY.**

**First Reading**

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

Mr. Reed said Worker's Comp went from being paid at the end of the year to an estimate. This is the balance due at the end of the year and it is due now.

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

**Ordinance No. 05-18 duly adopted.**

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**ORDINANCE NO. 06-18**

**AN ORDINANCE ESTABLISHING APPROPRIATIONS THROUGH DECEMBER 31, 2018, 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.

Mr. Sheward said this will be the first reading. They will need to call a meeting in the future regarding this. They had no idea what the General Fund should look like. Council will need to transfer recommended budget once they find out how they are going to handle the shortage. Mr. Elliott would like to have council go over the budget and make notes with any questions they may have prior to the next budget meeting.

Mr. Elliott set another Budget & Finance Committee meeting for Thursday, February 15<sup>th</sup> at 7:00 pm.

**ORDINANCE NO. 07-18**

**AN ORDINANCE OF THE LEGISLATIVE AUTHORITY OF THE CITY OF JACKSON AUTHORIZING THE MAYOR TO ENTER INTO THE INDIGENT DEFENSE CONTRACT WITH THE JACKSON COUNTY COMMISSIONERS SO AS TO PROVIDE LEGAL COUNSEL TO INDIGENT PERSONS CHARGED WITH VIOLATIONS OF THE JACKSON MUNICIPAL CODE FOR THE FIRST HALF OF 2018 IN AN AMOUNT OF \$12,069.42 AND DECLARING AN EMERGENCY.**

**First Reading**

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

Mr. Kirby said this is the same contract for Public Defenders for people who can't afford an attorney.

Mr. Hensler 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-yes  
Mr. Queen-no  
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-yes  
Mr. Queen-yes  
Mr. Elliott-yes

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Mr. Foster-yes

**Ordinance No. 07-18 duly adopted**

**RESOLUTION NO. 07-18**

**A RESOLUTION APPROVING THE DIRECTOR'S FINAL JOURNAL ENTRY ON THE MCCARTY LANE RELOCATION AND OVERPASS PROJECT.**

**First Reading**

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

Mr. Sheward said they are required to journalize the project is closed.

**RESOLUTION NO. 08-18**

**A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS FOR PAYMENT TO RUMPKE WASTE, INC. PURSUANT TO "THEN AND NOW" CERTIFICATE IN THE AMOUNT OF \$9,190.61 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. Reed said this did not get to the office quick enough for the last round. They should be done with the "Then and Nows".

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-yes  
Mr. Queen-no  
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-yes  
Mr. Queen-yes  
Mr. Elliott-yes  
Mr. Foster-yes

**Resolution No. 08-18 duly adopted.**



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**RESOLUTION NO. 09-18**

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

**First Reading**

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

Mr. Brown said there has been a lot of community involvement in this.

Mr. Elliott said this has been around for 50 years. He feels it is a lot better than it was 50 years ago.

Mr. Hensler said the project has already started. He is opposed to it as well.

**RESOLUTION NO. 10-18**

**A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A CONTRACT FOR SERVICES WITH FISHEL, HASS, KIM, ALBRECHT, DOWNEY, LLP FOR PURPOSES OF CONSULTING WITH THE CITY AND DEVELOPING A SEVERANCE PROGRAM FOR CERTAIN EMPLOYEES OF THE CITY AND DECLARING AN EMERGENCY.**

**First Reading**

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

Mr. Elliott said he would like to act on this as soon as possible, so they can find out what the law firm has to say. Mr. Kirby said the law firm has a lot of experience in this field. First they will see if the city can pay someone to terminate employment. They will also be preparing a plan to comply with any age discrimination and EEOC regulations, tax issues, and any Union matters.

Mr. Hensler confirmed they are just getting the information so they can do it if they decide that is the path they want to take.

Mr. Queen wanted to make sure there was enough money in the Law Director's budget for outside consultation to do this. Mr. Reed said if they are considering this path, they should get these questions answered first.

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

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

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

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

**Resolution No. 10-18 duly adopted.**

**CORRESPONDENCE**

The Clerk said she passed out some Worker's Comp forms that needs to be completed by each council member and returned to Lynn.

She also said put information in the packets regarding the Financial Disclosures that are coming due.

**OLD BUSINESS-None**

**NEW BUSINESS**

Mr. Odera asked if they can just keep the copies of the legislation that isn't passed from the previous meeting and the Clerk just make copies of any new ones. Everyone agreed on this process.

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

  
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Sherry Barr, Council Clerk

Date 2-26-18

  
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Eric Brown, Council President

Date 2-26-18