

JACKSON CITY COUNCIL
Minutes From
December 9, 2019
7:00 P.M.
REGULAR SESSION

Jackson City Council met in regular session on Monday, December 9, 2019 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. Elliott, and the prayer was given by Mr. Ondera. Roll call was taken as follows:

- Mr. Ondera-present
- Mr. Kitchen-present
- Mr. Aldrich- present
- Mr. Peters-present
- Mr. Queen-present
- Mr. Elliott-present
- Mr. Foster-present

VISITORS

Mr. Jason Stevens, the newly appointed state representative introduced himself to council. He represents House District 93 and will be replacing Ryan Smith. He spoke of his 19 years in local government and how he is enjoying visiting many local communities and attending council meetings.

APPROVAL OF AUDITOR'S REPORTS

Mr. Elliott made a motion with a second by Mr. Aldrich to accept the auditor's report for November 2019. In a voice vote all members agreed.

APPROVAL OF MINUTES

Mr. Peters made a motion to amend the minutes from the November 25, 2019 meeting because page 6 was missing. The motion was made to amend the minutes to include the missing page in the official copy and was seconded by Mr. Ondera. In a voice vote all members agreed.

Mr. Ondera made a motion to approve the amended minutes for the regular meeting on November 25, 2019. It was seconded by Mr. Peters. In a voice vote all members agreed.

COMMITTEE REPORTS

UTILITY- No Report

BUDGET & FINANCE- No Report.

POLICE, FIRE, & TRAFFIC- No Report – Mr. Ondera said he has had 2 complaints about the dumpster on the corner of Harris and Huron Streets that goes with Fantastic Sams. It is a blind spot when coming to a stop behind Fantastic Sams, and the dumpster makes it dangerous. Mr. Sheward said he expressed his concerns 3 months ago and it was explained to Mr. Brisker when Fantastic Sams went into that building that the dumpster could not block the view of traffic. The dumpster is a Rumpke dumpster and not city owned. It was decided that another letter needs to be sent to Mr. Brisker.

SERVICE – (STREET & ALLEY, RECREATION, BUILDINGS, & GROUND) Mr. Foster said that the north-end of Water St. looks really nice with the two houses down and he thanks the land bank.

JACKSON CITY COUNCIL

Minutes From

December 9, 2019

7:00 P.M.

REGULAR SESSION

JAIL COMMITTEE- No Report

CITY AUDITOR- Ordinance 57-19 needs to be approved for the expenses involving McKinley Park. Also the year end ordinances to close out payroll books will need 3 readings. We need to schedule those meetings when enough councilmen can be there. Decision was made to meet on December 26th, 27th, & 30th.

CITY ATTORNEY- No Report

POLICE CHIEF- There were 430 calls in November. The actual number of calls they investigated were down from 2018 as well as the traffic crashes. Trick or Treat went very well. There weren't any problems reported.

MAYOR: Mayor Heath said he felt our community Christmas spirit was up this year. The park trees are very nice. The ribbon cutting went well and the sidewalks were great since it was raining.

The Ohio Valley Coalition is working on the bike path.

Mr. Queen asked if the Hammertown project went away? Mayor Heath said the problem was that the areas marked off were washed away with the rain and flood water.

SERVICE/ SAFETY DIRECTOR – Mr. Sheward said the Fire Fighters Association breakfast with Santa went very well. There were a lot of kids there to see Santa and Sparky and climb on the trucks.

Reminder of the zoning hearing on December 23rd before our next council meeting. The 5 acre lot off of Acy Ave that the Senior Citizens want to build on is industrial and they would like to change that to commercial. The only person close by is the owner of Higgins Metal, and he doesn't have an objection.

Mr. Elliott made a motion with a second by Mr. Aldrich to go into executive session for the purpose of discussing imminent litigation against the city. His motion included the following people to stay for the executive session: all councilmen, council clerk, city attorney, police chief, city auditor, mayor, service director, and the mayor elect and all new elect council members.

A roll call vote was taken and the results are as follows:

Ondera – Yes
Kitchen – Yes
Aldrich – Yes
Peters – Yes
Queen – Yes
Elliott – Yes
Foster – Yes

Council went into executive session at 7:41 p.m.

Council resumed regular session at 8:11 p.m.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO: 55-19

JACKSON CITY COUNCIL

Minutes From

December 9, 2019

7:00 P.M.

REGULAR SESSION

AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES THERETO AND DECLARING AN EMERENCY.

First Reading

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

This is an update to all of our current ordinances.

Mr. Ondera made a motion to suspend the rules with Mr. Foster seconding it. A roll call vote was taken, and the results are as follows:

Ondera – Yes
Kitchen – Yes
Aldrich – Yes
Peters – Yes
Queen – No
Elliott – Yes
Foster – Yes

A roll call vote was taken to adopt the ordinance, and the results are as follows:

Ondera –Yes
Kitchen –Yes
Aldrich – Yes
Peters – Yes
Queen – Yes
Elliott – Yes
Foster – Yes

Ordinance 55-19 Duly Adopted

ORDINANCE NO: 56-19

AN ORDINANCE OF THE LEGISLATIVE AUTHORITY OF THE CITY OF JACKSON, OHIO AUTHORIZING THE MAYOR OF THE CITY OF JACKSON TO EXECUTE THE TOLLING AGREEMENT WITH THE GOODYEAR TIRE & RUBBER CO. AND DECLARING AN EMERGENCY.

First Reading

Mr. Ondera made a motion to adopt the ordinance with a second by Mr. Foster. In a voice vote all members agreed.

Mr. Elliott made a motion to suspend the rules with Mr. Foster seconding it. A roll call vote was taken and the results are as follows:

JACKSON CITY COUNCIL
Minutes From
December 9, 2019
7:00 P.M.
REGULAR SESSION

Ondera – Yes
Kitchen – Yes
Aldrich – Yes
Peters – Yes
Queen – Yes
Elliott – Yes
Foster – Yes

A roll call vote was taken to adopt the ordinance, and the results are as follows.

Ondera – Yes
Kitchen – Yes
Aldrich – Yes
Peters – Yes
Queen – Yes
Elliott – Yes
Foster – Yes

Ordinance 56-19 Duly Adopted

ORDINANCE NO: 57-19

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE MCKINLEY PARK RECREATION FUND AND DECLARING AN EMERGENCY

First Reading

Mr. Foster t made a motion to adopt the ordinance with a second by Mr. Aldrich. In a voice vote all members agreed.

This ordinance makes available funds that have been spent for upkeep of the park.

Mr. Elliott made a motion to suspend the rules with a second by Mr. Foster. A roll call vote was taken, and the results are as follows:

Ondera – Yes
Kitchen – Yes
Aldrich – Yes
Peters – Yes
Queen – Yes
Elliott – Yes
Foster – Yes

A roll call vote was taken to adopt the ordinance, and the results are as follows.

Ondera – Yes
Kitchen – Yes
Aldrich – Yes
Peters – Yes

JACKSON CITY COUNCIL

Minutes From

December 9, 2019

7:00 P.M.

REGULAR SESSION

Queen – Yes

Elliott – Yes

Foster – Yes

Ordinance 57-19 -Duly Adopted

ORDINANCE NO: 58-19

**AN ORDINANCE REPEALING AND AMENDING ORD. 37-19 AND THE CITY OF JACKSON
CODIFIED ORDINANCES SECTIONS 941.16 AND 941.17**

First Reading

Mr. Ondera made a motion to adopt the ordinance with Mr. Kitchen seconding it. In a voice vote all members agreed.

Mr. Sheward said this clears up issues we discussed at the last meeting in regards to the cemetery. Mr. Queen said he feels everyone needs to be notified or at least put it in the newspaper. So that people don't pass away and not have a place to be buried.

Mr. Peters made a motion to suspend the rules with a second by Mr. Foster. A roll call vote was taken and the results are as follows:

Ondera – Yes

Kitchen – Yes

Aldrich – Yes

Peters – Yes

Queen – No

Elliott – Yes

Foster – Yes

A roll call vote was taken to adopt the Ordinance, and the results are as follows:

Ondera – Yes

Kitchen – Yes

Aldrich – Yes

Peters – Yes

Queen – No

Elliott – Yes

Foster – Yes

Ordinance 58-19 Duly Adopted

ORDINANCE NO: 59-19

**AN ORDINANCE AMENDING AND REPEALING ORD. 32-13 TO ESTABLISH THE DAVID
BROOKS JONES ENDOWMENT FOR THE ARTS FUND AND ITS MANAGING BOARD AND**

JACKSON CITY COUNCIL

Minutes From

December 9, 2019

7:00 P.M.

REGULAR SESSION

**CAUSING IT TO BE INCLUDED IN THE CODIFIED ORDINANCES OF THE CITY AND
DECLARING AN EMERGENCY.**

First Reading

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

Someone is needed to run the fund with city officials to oversee it. There is a seven member board set up of mostly art people. It was suggested to set up a smaller board with one councilman, two public members, the mayor, and the auditor.

ORDINANCE NO: 60-19

**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 2020 IN AN AMOUNT OF \$12,069.42 AND DECLARING AN
EMERGENCY.**

First Reading

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

Mr. Kirby said year to year the city pays a portion of the public defender. This contract is the same as before.

RESOLUTION 43-19

**A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN
THE CITY OF JACKSON, OHIO AND AMERICAN MUNICIPAL POWER INC., FOR
TRAINING SERVICES, AND DECLARING AN EMERGENCY.**

First Reading

Mr. Ondera made a motion to adopt the resolution with a second by Mr. Elliott. In a voice vote all members agreed.

Mr. Sheward said we currently do our training with AEP. AMP has developed a training that is the same as AEP. It is considerably cheaper.

Mr. Ondera made a motion to suspend the rules with a second by Mr. Foster. A roll call vote was taken and the results were as follows:

Ondera – Yes
Kitchen – Yes
Aldrich – Yes

JACKSON CITY COUNCIL

Minutes From

December 9, 2019

7:00 P.M.

REGULAR SESSION

Peters – Yes

Queen – No

Elliott – Yes

Foster – Yes

A roll call vote was taken to adopt the resolution. Council voted as follows:

Ondera – Yes

Kitchen – Yes

Aldrich – Yes

Peters – Yes

Queen – Yes

Elliott – Yes

Foster – Yes

Resolution NO.: 43-19 Duly Adopted

RESOLUTION 44-19

A RESOLUTION AUTHORIZING PAYMENT OF LEGAL FEES NOT TO EXCEED \$8,208.25 FOR LEGAL SERVICES REQUIRED TO DEFEND THE MAYOR OF THE CITY OF JACKSON.

First Reading

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

Mr. Kirby said this is in regards to criminal charges filed against the mayor which were later found groundless and dismissed.

CORRESPONDANCE- None

OLD BUSINESS- Mr. Peters asked to be filled in on the Osco situation from May. Have there been meetings with Amp? Mayor Heath said Osco and Amp have been working together. It is going well and they are resolving the issues.

The shelter house for the Mound St. Park was \$23,800, but the board of control meeting minutes shows \$26,800. What is the difference? Mr. Sheward said Trish construction did some other concrete work in addition to the shelter.

SIGNED IN VISITORS TO SPEAK – John Peters

Mr. Peters expressed concern again for the sidewalk between the shelter house and the basketball court and the need for portable toilets at the Mound St. Park. He wanted to council to be thinking about where we will get them, for what season(s) would we have them and where is the money coming from?

NEW BUSINESS – Mr. Ryan Peters asked about appointing new contract attorney for the new year. We can't go into 2020 with mostly new council members and a new mayor and no attorney. President Brown said he could put something in the paper for resumes. There was discussion about the legality of hiring a contract attorney verses law director. There was a suggestion of hiring an attorney on a one month retainer for

JACKSON CITY COUNCIL
Minutes From
December 9, 2019
7:00 P.M.
REGULAR SESSION

January for the transition. Mayor-Elect Evans said he would take care of finding someone if council would approve that.

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

Meeting Adjourned at 9:05 PM.

Cindi Kuhn
Cindi Kuhn, Council Clerk

Date 12-23-19

E. A. Brown
Eric Brown, Council President

Date 12/23/19

Sponsor: Ondera/Kitchen

ORDINANCE NO. 61-19

AN ORDINANCE REZONING FROM INDUSTRIAL (I) TO BUSINESS (B-3) 5.0 ACRES, MORE OR LESS, LOCATED ON PART OF THE PROPERTY COMMONLY REFERRED TO AS THE INDUSTRIAL PARK IN THE CITY OF JACKSON, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the legislative authority of the City of Jackson has received a recommendation from the Jackson City Planning Commission to rezone the area containing 5.0 acres, as described in the Exhibits attached hereto, from Industrial (I) to Business (B-3); and

WHEREAS, the legislative authority has determined that the recommended change in zoning meets the requirements for rezoning for the reasons that: (1) the requested change is in accordance with the City's development goals and objectives; and (2) a rezoning is supported by a substantial change in the area conditions, rendering the original zoning of industrial for that portion of the property as functionally obsolete.; and

WHEREAS, time is of the essence in and that the proposed change in zoning will be a benefit for the citizens and this matter constitutes an emergency as its commencement at the earliest possible date necessary to preserve and promote the public safety, health and welfare of the city.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF JACKSON, THAT THE 5.0 AREA DESCRIBED AS ATTACHED HERETO AND INCORPORATED HEREIN, SHALL BE REZONED FROM INDUSTRIAL (I) TO BUSINESS (B-3) ZONING AND THAT THE CHANGE IN THE ZONING SHALL BE REFLECTED ON THE PLANNING AND ZONING MAPS OF THE CITY. BE IT FURTHER ORDAINED THAT THIS MEASURE IS AN EMERGENCY NECESSARY TO PRESERVE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITY.

In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause, and shall take effect at the earliest time permitted by law.

It is hereby found and determined that all formal actions of this Council concerning and relating to adoption of this ordinance were adopted in an open meeting of this Council and the deliberations of this Council and any of its committees that resulted in such formal action were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 23rd day of December, 2019.



President of Council

ATTEST:

Cindi Kuhn
Clerk of the Legislative Authority

Approved this 23rd day of December, 2019.

Randy Heath
Mayor

**JACKSON CITY PLANNING COMMISSION
CITY OF JACKSON, OHIO**

IN THE MATTER OF:

**REQUEST OF THE JACKSON COUNTY
BOARD ON AGING, INC.
FOR REZONING OF A PART OF
THE PROPERTY KNOWN AS THE
INDUSTRIAL PARK OF 5 ACRES**

*
*
*
*
*
*
*
*
*

RECOMMENDATION


This matter came for consideration before the Jackson Planning Commission, on the 20th day of November, 2019 upon the request of the Jackson County Board on Aging, Inc. Present was Commission Chairman, Jon Ondera, Commission members Pete Bopp, Rodney Smith, and Mayor, Randy Heath. Also present was William Sheward, City Service / Safety Director and WILLIAM MARTIN JANE Rubinstein of the applicant corporation.

Before the Commission was a request from the Jackson County Board on Aging, Inc., the owner of the real property to be rezoned from industrial (I) to business (B-3). The area subject to the request for rezoning includes a 5.0 acre tract (as shown in the attached tax map photo and legal description). Also presented with the request, and attached here, is a certificate from a reputable, practicing attorney in this county, that the legal description is complete and proper, and a list of property owners within 200 feet of the property to be rezoned.

This Commission finds that the request meets the requirements for rezoning for the reasons that: (1) the requested change is in accordance with the City's development goals and objectives; and (2) a rezoning is supported by a substantial change in the area conditions, rendering the original zoning of industrial for that portion of the property as functionally obsolete.

The Commission members present, being of a number sufficient to recommend the requests be approved, unanimously recommend to Jackson City Council that this request for rezoning, be granted.

Dated: 11/20/19



JON ONDERA, Chairperson
Jackson City Planning Commission
City of Jackson, Ohio

DESCRIPTION OF A 5.00 ACRE TRACT

The following described tract is located in Scioto Salt Reserve Lot #92, City of Jackson, Salt Lick Township, Township #7 North, Range #18 west, Jackson County, Ohio. Being part of the Jackson-Grandview Builders, Inc. (Tract 1) as recorded in Official Record 101 at Page 811 and being more accurately described as follows;

Beginning at an iron pin previously set at the northwest corner of Scioto Salt Reserve Lot #92, thence South 40°51'44" East, a distance of 923.92 feet to an iron pin set on the south line of David Higgins Properties No. 2, LLC. tract as recorded in Official Record 81 at Page 1272 and being the **TRUE POINT OF BEGINNING** for the herein described tract;

Thence through the tract of which this description is a part, the following three (3) courses;

South 45°19'49" East, a distance of 512.06 feet to an iron pin set;

South 49°47'53" West, a distance of 444.31 feet to an iron pin set;

North 45°19'49" West, a distance of 472.25 feet to an iron pin set on the south line of Higgins' property;

Thence North 44°39'29" East, along the south line of the Higgins' property, a distance of 442.53 feet to the true point beginning.

Containing 5.000 acres and being part of Auditor's Parcel #H14-001-01-037-01.

Included with the above described 5.000 acre tract is the following described fifty foot (50') wide ingress/egress easement.

Beginning at an iron pin set at the southeast corner of the above described 5.000 acre tract;

Thence North 49°47'53" East through the tract of which this description is a part, a distance of 242.40 feet to a point on the westerly right of way of Acy Avenue (50' wide);

Thence South 45°19'49" East, along the westerly right of way of Acy Avenue, a distance of 50.20 feet to a point;

Thence South 49°47'53" West, through the tract of which this description is a part, a distance of 677.71 feet to a point;

Thence South 44°17'30" East, continuing through the tract of which this description is a part, a distance of 1,129.73 feet to a point on the right of way of McCarty Lane (80' Wide);

Thence South 50°40'11" West, along the north right of way of McCarty Lane a distance of 50.18 feet to a point;

Thence North 44°17'30" West, through the tract of which this description is a part, a distance of 1,179.09 feet to a point;

Thence North 49°47'53" East, continuing through the tract of which this description is a part, a distance of 484.53 feet to the point of beginning.

Included with the above described 5.000 acre tract is the following seventy nine (79') wide utilities easement.

Beginning at an iron pin set at the northwest corner of the above described 5.000 acre tract;

Thence through the tract of which this description is a part the following three (3) courses;

South 45°19'49" East, a distance of 79.00 feet to a point;

South 44°39'29" West, a distance of 550.24 feet to a point;

North 44°53'46" West, a distance of 79.00 feet to the southerly line of David Higgins Properties NO. 2 LLC. tract as recorded in Official Record 81 at Page 1271;

Thence North 44°39'29" East, along the southerly line of the Higgins property, a distance of 549.64 feet to the point of beginning for the here in described utility easement.

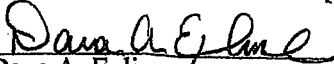
Being more particularly described and delineated on a 8½" x 14" plat (drawing #19071A02) attached hereto and made a part hereof. This description is valid only if the plat is attached and recorded with the description as a complete document in its original form and not retyped or altered in anyway.

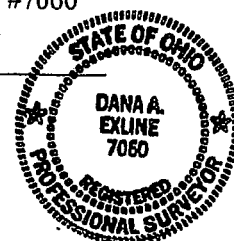
Bearings are oriented to the Ohio State Plane Coordinate System, South Zone, NAD 1983.

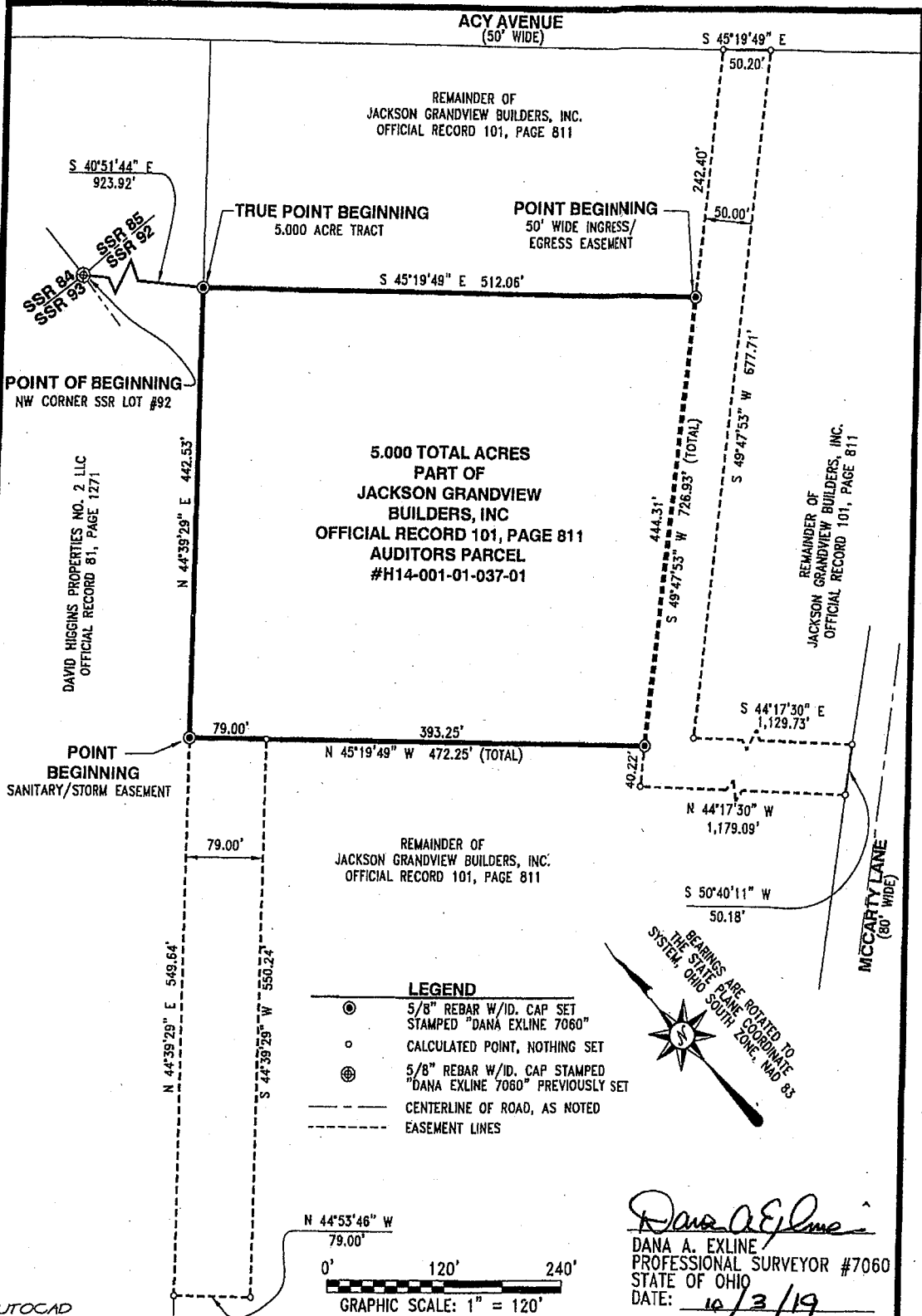
The above description was prepared from an actual field survey completed in September 2019 by Dana A. Exline, Ohio Professional Surveyor #7060.

All iron pins set or previously set are a 5/8" rebar (30" long) with id. cap stamped "Dana Exline 7060".

Subject to all easements and/or encumbrances.

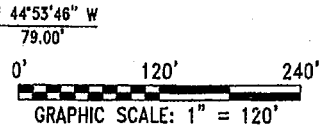
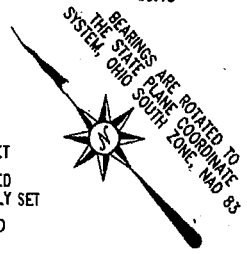

Dana A. Exline
Professional Surveyor #7060
State of Ohio
Date: 10/3/19





LEGEND

- 5/8" REBAR W/ID. CAP SET STAMPED "DANA EXLINE 7060"
- CALCULATED POINT, NOTHING SET
- ⊗ 5/8" REBAR W/ID. CAP STAMPED "DANA EXLINE 7060" PREVIOUSLY SET
- - - CENTERLINE OF ROAD, AS NOTED
- - - EASEMENT LINES



Dana A. Exline
 DANA A. EXLINE
 PROFESSIONAL SURVEYOR #7060
 STATE OF OHIO
 DATE: 10/3/19

AUTOCAD

- NOTES:**
- 1) THIS BOUNDARY SURVEY DOES NOT PURPORT TO REFLECT ALL EASEMENTS AND/OR ENCUMBRANCES AFFECTING THE TITLE TO THE SUBJECT PROPERTY.
 - 2) NO TITLE REPORT FURNISHED.
 - 3) DEED REFERENCE: OFFICIAL RECORD 101, PAGE 811

BOUNDARY DIVISION SURVEY
 A DIVISION OF THE PROPERTY OF
JACKSON GRANDVIEW BUILDERS, INC
 SCIDTO SALT RESERVE LOT #92, T-#7-N, R-#18-W
 CITY OF JACKSON, SALT LICK TOWNSHIP, JACKSON COUNTY OHIO



CALC. BY: D.EXLINE	SCALE: 1" = 120'	SURVEY DATE: 9-30-19
DRAWN BY: C.LORE	DRAWING NO.: 19071A02	
CHECKED BY: D. EXLINE	RECORD RESEARCH DATE: 9-23-19	

10356 State Route 139
 Jackson, Ohio 45640 Phone: (740) 266-7024

EXLINE SURVEYING, INC.

Fax: (740) 266-0321