

# JACKSON CITY COUNCIL

## *Minutes From*

September 9, 2019

7:00 P.M.

## REGULAR SESSION

Jackson City Council met in Regular session on Monday, September 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. Ondera, and the prayer was given by Mr. Ondera. Roll call was taken as follows:

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

### **VISITORS**

### **APPROVAL OF MINUTES**

Mr. Peters made a motion to amend the minutes from the August 26<sup>th</sup> meeting striking the third sentence in the third paragraph under the Ordinance 33-19. The motion was seconded by Mr. Queen. Mr. Ondera made a motion to approve the amended minutes and the minutes from the special meeting on September 3, 2019. The motion was seconded by Mr. Kitchen. In a voice vote all members agreed.

### **COMMITTEE REPORTS**

**UTILITY-** No Report.

**BUDGET & FINANCE-** No Report .

**POLICE, FIRE, & TRAFFIC-** No Report

### **SERVICE – (STREET & ALLEY, RECREATION, BUILDINGS, & GROUND)**

- From Oak St. to State St. the road has been re-patched from last year's gas work.
- The railroad work is done on Dickason St. It is pretty smooth
- Fall baseball/softball leagues have started.
- Demolition was supposed to begin last week at 165 Broadway St. It was then moved to this week. The individual that is tearing it down came in today to talk to the mayor. He said if they start now they won't be done by the Apple Festival and the barricades will have to come way out into the street. He contacted the Apple Festival committee and they want it safe for the people coming to the festival. They agreed to board it up and wait until the week after the festival to start.

Mr. Queen expressed his unhappiness over this situation. He asked who decided that boarding it up for the week would make it safe. Did an engineer look at the building and determine that it was safe for all the people walking by during the week-long festival. If this person wasn't an engineer then how does he know that it is safe. He asked if it was a breach of contract; was there a deadline on when they were supposed to have torn this down?

- Mr. Brown said that work was done this morning on McCarty Lane beside Walmart. However, he didn't feel they addressed the problem completely. He said they ground down about 2" and then paved over. He feels it is a "band aid" to get us through the warranty period, and the problem will occur again within a year.

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Mr. Sheward said they removed the layer that slid and put down a tack coat. There wasn't a tack coat the first time.

- Department of transportation awarded Jackson a small cities grant to work on Broadway St.
- Mr. Queen asked again about the demolition of 165 Broadway St. He asked if there was a deadline. Mr. Kirby said there was no binding agreement that said it had to be torn down by a certain date. Mr. Sheward said they had a date they wanted to start if all permits and everything was taken care of.

**JAIL COMMITTEE-** No report Still working on CASC situation. Things are progressing. They are having regular meetings. They have bids for services happening and things seem to be moving in the right direction.

**CITY AUDITOR-** We are still going into a deficit for 2021 with current employees and budget. Need to look at what we are spending our money on.

Mr. Peters asked if there are any properties the city owns that we could sell rather than hold on to and pay real estate taxes on. Mr. Sheward said he believes everything we have is in a flood plain and not buildable. Mr. Peters pointed out that some of that is zoned for commercial property and we would be paying more taxes for them. But if they are in a flood plain then we should be able to get them rezoned and not have to pay the higher tax.

**CITY ATTORNEY-** The property going back to the railroad is still being worked on. The deed is being prepared. The parcels for Vinton County, Ross County, and Lawrence County are taken care of. However, Jackson isn't finished yet. They are still working to ensure that all Jackson County parcels are placed on the deed.

**POLICE CHIEF-** No Report

**MAYOR:** Announced that Ryan Smith would be the new president of Rio Grande Community College/ University of Rio Grande.

Mayor Heath listed several financial misrepresentations from the special audit 17 years ago in response to the statements given at the last meeting by a visitor.

He announced that Trick or Treat would be October 31, 2019 from 5:30-7:00 PM

**SERVICE SAFETY DIRECTOR –** Mr. Sheward said he wasn't at the meeting when Ordinance 37-19 passed a couple of meetings ago. He wanted to make sure that council understood what they approved, and if that is indeed the way they wanted it. He said that we were forgiving all the past due money from hundreds of people. There might only be 17 still paying the annual dues. But there were hundreds that should be. He felt that those totals should be calculated when the person needed to be buried and then halved and paid. Not wiped clean and switched to perpetual care fees. He felt it was costing the cemetery fund a lot of money. With this ordinance we can no longer bill them.

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**ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO: 38-19**

**AN ORDINANCE BY THE LEGISLATIVE AUTHORITY OF JACKSON, OHIO TO ENTER INTO AN AGREEMENT WITH THE AFSCME / AFL-CIO LOCAL #3619, THE BARGAINING UNIT, FOR CERTAIN EMPLOYEES OF THE CITY OF JACKSON, AND TO EXECUTE THE CONTRACT BETWEEN THE CITY AND BARGAINING UNIT AS REQUIRED AND DECLARING AN EMERGENCY.**

**Second Reading**

Mr. Sheward said this is the final copy. The only changes are the signature page and a minor adjustment to the sick leave policy. There was a mistake on it. Mr. Peters said he felt like we should have had the contract sooner. By the time council saw the contract there wasn't enough time for three readings before it went into effect on its own. Mr. Brown said that once the union ratifies it there is only 30 days until it takes effect. The only way to get 3 readings, would be to call a special meeting. Mr. Kirby said council can reject it. It will take effect on its own if council does nothing.

Mr. Queen made a motion to suspend the rules. Mr. Elliott seconded the motion. In a roll call vote council voted as follows.

Ondera - yes  
Kitchen - yes  
Aldrich -  
Peters - yes  
Queen - yes  
Elliott - yes  
Foster - yes

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

Ondera - yes  
Kitchen - yes  
Aldrich -  
Peters - ~~yes~~ NO  
Queen - ~~yes~~ NO  
Elliott - yes  
Foster - yes

**Ordinance 38-19 Duly Adopted  
Without Emergency Clause**

**ORDINANCE NO: 39-19**

**AN ORDINANCE TRANSFERRING APPROPRIATIONS FROM THE WATER, SEWER, GARBAGE, ELECTRIC, AND FIRE TAX LEVY FUNDS TO THE GENERAL, COMMUNITY IMPROVEMENT AND ELECTRIC FUNDS FOR REIMBURSEMENTS IN ACCORDANCE WITH THE MAXIMUS COST ALLOCATION STUDY AND DECLARING AN EMERGENCY**

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**First Reading**

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

Mr. Reed said the Maximus Study is where an outside entity studies to see where money is allocated for our budget.

**ORDINANCE NO: 40-19**

**AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND,  
TRANSFER OUT AND DECLARING AN EMERGENCY**

**First Reading**

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

Mr. Reed said the money needs transferred for salaries and wages.

**ORDINANCE NO: 41-19**

**AN ORDINANCE TRANSFERRING APPROPRIATIONS FROM THE GENERAL FUND:  
TRANSFER OUT: TO THE TRANSFER IN FUNDS OF THE STREET C.M. & R. FUND AND  
DECLARING AN EMERGENCY**

**First Reading**

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

Mr. Reed was asked if these are going to hurt the general fund. Mr. Reed said yes, but there was no option. The cash-ins are guaranteed by contract.

**ORDINANCE NO: 42-19**

**AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE FUND FOR  
SALARIES AND WAGES AND VARIOUS CASH IN PAY FUNDS AND DECLARING AN  
EMERGENCY.**

**First Reading**

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

Mr. Reed said all three of these ordinances go together.

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**ORDINANCE NO: 43-19**

**AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE POLICE DEPARTMENT EQUIPMENT FUND AND DECLARING AN EMERGENCY.**

**First Reading**

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

Mr. Sheward said these are the proceeds from the insurance settlement from the police cruiser that was wrecked. We need to transfer this money so we can purchase a new police cruiser.

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

Ondera - yes  
Kitchen - yes  
Aldrich -  
Peters - yes  
Queen - yes  
Elliott - yes  
Foster - yes

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

Ondera - yes  
Kitchen - yes  
Aldrich -  
Peters - yes  
Queen - yes  
Elliott - yes  
Foster - yes

**Ordinance 43-19 Duly Adopted**

**RESOLUTION 27-19**

**A 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**

**Second Reading**

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

Ondera - yes  
Kitchen - yes  
Aldrich -

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Peters - yes  
Queen - yes  
Elliott - yes  
Foster – yes

**Resolution 27-19 Duly Adopted**

**RESOLUTION NO. 28-19**

**A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS FOR PAYMENT TO THE TREASURER OF THE STATE OF OHIO, OHIO DEPARTMENT OF TRANSPORTATION, PURSUANT TO A “THEN AND NOW” CERTIFICATE IN THE AMOUNT OF \$35,387.80 FOR THE MAIN STREET PROJECT AND DECLARING AN EMERGENCY.**

**Second Reading**

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

Ondera - yes  
Kitchen - yes  
Aldrich -  
Peters - yes  
Queen - yes  
Elliott - yes  
Foster – yes

**Resolution No. 28-19 Duly Adopted**

**RESOLUTION NO. 30-19**

**A RESOLUTION IN SUPPORT OF THE OHIO DEPARTMENT OF TRANSPORTATION'S PROPOSED STATE ROUTE 93 CORRIDOR PROJECT AND DECLARING AN EMERGENCY**

**Second Reading**

There is still a lot of confusion and discussion over what curbs and/or sidewalks were figured into our matching funds for Project 1. Council members are very concerned about moving forward with project 2 because most of that property is not in the city limits. Mayor Heath said he would look at the GIS map to see exactly how much of the 1.54 miles is actually in the corporation limits. Mayor Heath said that ODOT does want us to do both projects not just project 1. However, they do not have to do the safety project at the intersection. Council members have expressed a concern that this resolution covers all projects and feels we should have multiple resolutions to approve or reject each project.

**RESOLUTION NO. 31-19**

**A RESOLUTION OF THE LEGISLATIVE AUTHORITY OF THE CITY OF JACKSON, OHIO TO ACCEPT THE BID OF BRIDGE UNLIMITED, IN AN AMOUNT NOT TO EXCEED**

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**\$67,575.00 FOR THE MANPOWER PARK SIDEWALK PROJECT AS IT WAS THE LOWEST AND BEST RESPONSIVE BID SUBMITTED 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. Sheward said there were 3 bids for the sidewalk. One did not have a bid bond that was required. Of the two that were left Bridge Unlimited was the lowest. The other bid was for \$99,346. The low bid was about \$3,000 under engineer's estimate. Most of this will come from the State Capital Grant and might also use the Nature Works Grant. Mr. Brown asked who Bridge Unlimited is. Mr. Sheward said they were a young company that do very good work. The sidewalk will follow the contour of the existing ground. It will be designed to take drainage away when it rains. The sidewalk will be in a circular path around the shelter. Mr. Queen asked about the electric work. Mr. Sheward said it will be done with the sidewalk. The tubes will go under the sidewalk and the electric work will be done within house. Mayor Heath doesn't know the amount, he will have to get with Tom.

Mr. Brown asked what concrete work has this company done? Mr. Sheward said none for us. They work weekends and evenings as they have other day jobs. Mr. Brown expressed his concern over hiring a part-time company. If there is a problem in 6 months will this company still be around. Mr. Sheward said they are certified contractors. Mr. Queen asked if there was a deadline. Mr. Sheward said 90 days, and Mr. Heath said we need to get started asap.

Mr. Kitchen asked if we could use blacktop instead to save money. Several members stated that the sidewalk would be under water from time to time and concrete would be better.

**RESOLUTION NO. 32-19**

**A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO RUMPKE OF OHIO, INC., FOR LANDFILL SERVICES, AND DECLARING AN EMERGENCY.**

**First Reading**

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

Mr. Sheward said that we have a 3 year contract with Rumpke with a 3% increase each year. They are charging \$55/ton to haul our recycling to Chillicothe. We have about 30 tons per month.

Mr. Sheward said recycling is "going upside down" everywhere. He will check with Athens and see if there are any other recycling companies that he can check pricing on. We can still have our contract with Rumpke but not have them haul away our recycling.

CORRESPONDENCE- None.

OLD BUSINESS:

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**NEW BUSINESS:**

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

Meeting Adjourned at 8:47 PM.

  
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Cindi Kuhn, Council Clerk

Date 9-23-19

  
\_\_\_\_\_  
Eric Brown, Council President

Date 9-23-19