

# JACKSON CITY COUNCIL

*Minutes From*

March 9, 2020

7:00 P.M.

## REGULAR SESSION

Jackson City Council met in regular session on Monday, March 9, 2020 at 7:00 p.m. in Jackson City Council Chambers. The Pledge of Allegiance was led by Mr. Coll, and the prayer was given by Mrs. Colby. President, Carisa Edwards called the meeting to order Roll call was taken as follows:

- Mr. Foster -- Present
- Mr. Coll -- Present
- Mrs. Colby -- Present
- Mr. R. Peters - Present
- Mr. J. Peters -- Present
- Mrs. Biggs --Present
- Mr. Bopp --Present

**VISITORS-** Betsy Basheur from the State Auditor's office spoke to council about performance audits. Unlike financial audits, they deal with capital planning in a number of areas, fleet management, and operations.

Valid- over 20 years in Ohio

4 Stages -- Planning, Fieldwork, Reporting, Tracking

Final presentation to public. 15-20k per department. Could be 100k beginning to end.

They are taking on new clients and should be able to start within 30 days.

### APPROVAL OF MINUTES

Mr. Ryan Peters made a motion with a second by Mrs. Biggs to approve the minutes from the February 24, 2020 meeting.

### COMMITTEE REPORTS

**UTILITY~** Planning a follow-up meeting for Monday, March 16, 2020 at 6:30PM

Mr. Peters would like to have any questions out before the meeting so those can be answered at the meeting rather than asking at the meeting and then waiting for another meeting to be answered.

- Street Lights; how many; where located; Can we use LED bulbs?
- Figures- Base Rate Adjustment -- minimum -- bring these figures
- Any consolidation of rates- So much for the first 50,,,
- Adjust PCA to zero
- Compare current data, 2018, & 2019 with Courtney and Associated projections.
- Garbage- Discuss recycling and increased cost - Input from citizens

**BUDGET & FINANCE~** No Report. Need to pass the budget ordinance tonight with emergency clause or schedule a third reading before next Tuesday the 17<sup>th</sup> because the county meeting is next Tuesday.

**POLICE, FIRE, & TRAFFIC~** Meeting March 2, 2020. Fire Chief, David Channel was there to explain the Automatic Aid Agreement. Mr. Coll expressed concern for the fire department budget because of their need for equipment and its expense. Mr. Ryan Peters asked about the FEMA grant, we might get this and then they will have the money needed. Mr. Reed said yes. Council approves for them to apply for the grant, then they apply. If they get the grant, then the money will come in and council will approve the funds to be spent on the equipment. Mr. Swackhammer said he had stopped by the County Fire Chief Meeting and they were working on the verbiage of the Automatic Aid Agreement.

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**SERVICE (STREET & ALLEY, RECREATION, BUILDINGS, & GROUND)** ~ Mr. Peters asked about the legal sale of the cemetery plots. Mr. Kirby said he has someone in his office working on it.

-Mr. John Peters nominated Pete Bopp as the chair for the Planning Commission with a second by Mrs. Biggs. In a voice vote all members agreed.

-Mr. John Peters nominated Ryan Peters to the Zoning Board of Appeals with a second by Mrs. Biggs. In a voice vote all members agreed.

**JAIL COMMITTEE**~ No Report

**CITY AUDITOR/TREASURER**~ ~ Mr. Reed said he believes the general fund will be down next year about \$200,000. The investment market is down so the interest income will be down.

**CITY ATTORNEY**~ Mr. Coll asked Mr. Kirby to provide a complete analysis of our situation landfill litigation. He would like to know what happened before the tolling agreement and what has happened as we have progressed and possibly naming other municipalities. Mr. Kirby said he just received three – four hundred pages from Goodyear’s attorney last week. He will send summaries to Mr. Coll. Not much information prior to the tolling agreement. Mr. Kirby said he will get all the information and determine if the information applies and determine if we want to ignore it, settle, or allow it to go to litigation. He believes the insurance policy will have an exclusion for environmental, but he will look into it.

**POLICE/FIRE CHIEF**~ Incident Reports- February 2019-63 February 2020-113;  
Call Records February 2019 -260 February 2020-454; Traffic Crashes -February 2019- 6 February 2020-11

**MAYOR**~ Looking back at the Performance Audit of 2003, administration noticed that things suggested back then were things they had recently been discussing/planning to do. These were not implemented back in 2003.

-He would like for council to suspend the rules and pass the budget tonight.

-There is still a problem with the budget even though they have cut back two million. There is anticipated revenue of 2.9 million with a spending budget of 3.2 million.

-We have received our part of the CIB – Sales Tax \$235,000 It is match money for upcoming projects such as the High St Bridge replacement; and the 93-139 paving project through town.

-OVRDC (Ohio Valley Regional Development Committee) – Mapping project of City Utilities – putting the location of our city utilities on the GIS Type Map. They are doing that for free.

-Met with the Railroad Commission. The takeover of the rail road is still being worked on. It isn’t happening as quickly as we had originally thought it would, but is still in the process.

-Looking for direction from council on how to proceed with recycling. If we choose to not do curbside recycling but do container only recycling, it would save the city over \$100,000 a year. This is not a service they will cut if council wants to keep it.

-Would like input from citizens and council about the Christmas lights on the poles. It has turned into a huge project. It is all over town, not just on Main St. This is a lot of labor and electric expense. He is not directing just giving the information and wanting input. Money donated for these are used to buy the

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decorations. It was originally a Chamber of Commerce Program, and it has now been turned over to the city.

-It was suggested maybe JAFE might be interested in taking over this project. City electric department puts them up, repairs them, takes them down, and stores them each year.

-Land Bank is in the process of re-selling a piece of land they received. It's a possible property for an economic development site.

-Mayor Evans visited Iron City Pipe & Supply for a ceremony and wanted to complement them on how neat and clean their facility was. He said it is a first class operation and Jackson is lucky to have them.

-Mr. Coll asked the mayor about the corridor project. Mayor Evans said this is the ODOT project that we committed to in 2019. Mr. Swackhammer said the Northern half through town is set to start in June of 2021 and the southern piece will start in 2022 and will go from 32 back to Four Mile Rd. Council approved \$80-90 for sidewalk and curb upgrades and repairs and we have found this is going to be a much bigger project than we thought and we need to get it done ahead of the paving project

#### **SERVICE/SAFETY DIRECTOR~**

-Met with BWC – Miss Adkins – Economics Consultant. Completing the paperwork for a 40k grant. Focus of this grant - Traffic control signals – Self contained unit that manages traffic when there is work being done, so that 2 employees do not need to be tied up. It could be moved and used across multiple departments.

-OVRDC – met with grant writers today. Looking into what other grants are out there that we might qualify for or might be able to assist us. They are becoming a great resource.

-Heath Fields doing the research and planning for the mapping process.

-Met with Tammy Fife. – From the Jackson area. She is a professional grant writer and might be interested in working with us in the future.

-Met with John Barkhurst/ Safety consultant. Need to review and update manuals and action plans. Request safety site evaluations for each department. We currently have one safety coordinator. Want to share that knowledge across all of our superintendents. Will be establishing a rotating safety coordinator position. Plan: 2 year term. First year- a lead person and a back up, then in the 2<sup>nd</sup> year the back-up person becomes the lead, a new person becomes the back up. So that all supervisors will have a more in-depth knowledge of the safety industry and awareness.

-Mrs. Biggs asked if the Safety coordinator position would be a new hire or somebody within? Mr. Swackhammer said Robin has the current position. He has asked for volunteers to shadow Robin this year. That person would take the lead next year with someone to shadow them.

-Met with Rick Ward- Local ODOT Contact

-Attended the Lillian Jones Museum board meeting. They had some questions, said they haven't been able to get answers to in the past. He told them to get those together and he would be speaking with Mr. Reed when he received those questions.

-Met with the historical society.

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\*Monday , March 16<sup>th</sup> 9:00 AM Visitors and Conventions Commissions Meeting

**ORDINANCES AND RESOLUTIONS**

**ORDINANCE 02-20**

**AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS AS NECESSARY TO TRANSFER REIMBURSEMENTS FROM THESE FUNDS TO CLOSE OUT EACH FUND.**

**Third Reading**

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

FOSTER	Yes
COLL	Yes
COLBY	Yes
R. PETERS	Yes
J PETERS	Yes
BIGGS	Yes
BOPP	Yes

**Ordinance 02-20 Duly Adopted**

**ORDINANCE 03-20**

**AN ORDINANCE ESTABLISHING THE SURETY BOND AMOUNTS FOR THE CITY AUDITOR, CITY TREASURER AND DIRECTOR OF THE LILLIAN JONES MUSEUM AS REQUIRED BY OHIO LAW AND DECLARING AN EMERGENCY**

**Third Reading**

Mr. John Peters said as discussed in the last meeting we still have Ordinance 6-95, Codified Ordinance 147.02. Shouldn't we have an ordinance to repeal and replace 6-95? Mr. John Peters made a motion with a second from Mrs. Colby to move Ordinance 03-20 back to a second reading. In a voice vote all members agreed. Mr. Kirby will amend the ordinance for the next meeting.

**ORDINANCE 04-20**

**AN ORDINANCE TRANSFERRING APPROPRIATIONS FROM VARIOUS FUNDS FOR THE PURPOSE OF REIMBURSING THE GENERAL FUND AND CLOSING ACCOUNTS FOR COMPLETED PROJECTS.**

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**Third Reading**

Mr. John Peters said that Ordinance 35-19 passed by previous council reads under section 2 *This Ordinance is hereby declared to be an emergency ordinance necessary to maintain public health, safety, and welfare as these additional appropriations are needed to post the final bookkeeping entry for the Harding Avenue Bridge Project for the money paid on behalf of the city by OPWC, so that the final entry can be posted to close the project in the financial records of the city.*

Mr. Peters said he interprets that to mean this previous ordinance closed out the Harding Ave Bridge Replacement Fund 442-7610-53064. Mr. Reed said he would have to research it.

Mr. J. Peters said he remembers attending that meeting on 8-26, and it being an emergency ordinance in the amount of \$70,800 that went to the contractor.

Mr. John Peters made a motion to table this Ordinance until more information can be provided relating to the closeout of that account. Mr. Coll seconded the motion. In a voice vote all members agreed.

**ORDINANCE 05-20**

**AN ORDINANCE TRANSFERRING APPROPRIATIONS FROM VARIOUS WATER DEPARTMENT PROJECT FUNDS FOR THE PURPOSE OF REIMBURSING THE WATER FUND AND CLOSING ACCOUNTS FOR COMPLETED PROJECTS**

**Third Reading**

Mr. John Peters asked that the Line Item number 401-7510-56001 Broadway Water St. Project Fund: Transfer Out be changed to read Broadway St. Water Line Project Fund: Transfer Out. Mrs. Biggs made a second with all members in favor.

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

FOSTER	Yes
COLL	Yes
COLBY	Yes
R. PETERS	Yes
J PETERS	Yes
BIGGS	Yes
BOPP	Yes

**Ordinance 05-20 Duly Adopted**

**ORDINANCE 06-20**

**AN ORDINANCE TRANSFERRING APPROPRIATIONS FROM VARIOUS SEWER DEPARTMENT PROJECT FUNDS FOR THE PURPOSE OF REIMBURSING THE SEWER FUND AND CLOSING ACCOUNTS FOR COMPLETED PROJECTS.**

**Third Reading**

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

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COLL	Yes
COLBY	Yes
R. PETERS	Yes
J PETERS	Yes
BIGGS	Yes
BOPP	Yes

**Ordinance 06-20 Duly Adopted**

**ORDINANCE 08-20**

**AN ORDINANCE CREATING FUND NUMBER 449: LIFT STATION UPGRADES FUND AND DECLARING AN EMERGENCY**

**Second Reading**

**ORDINANCE 09-20**

**AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE LIFT STATION UPGRADES FUND: PROJECT EXPENSE AND DECLARING AN EMERGENCY**

**First Reading**

**ORDINANCE 10-20**

**AN ORDINANCE ESTABLISHING APPROPRIATIONS THROUGH DECEMBER 31, 2020 AND DECLARING AN EMERGENCY.**

**Second Reading**

Mr. R. Peters made a motion to suspend the rules with a second from Mrs. Biggs.

A roll call vote was taken to suspend the rules, and the results are below:

FOSTER	Yes
COLL	Yes
COLBY	Yes
R. PETERS	Yes
J PETERS	Yes
BIGGS	Yes
BOPP	Yes

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

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FOSTER	Yes
COLL	Yes
COLBY	Yes
R. PETERS	Yes
J PETERS	Yes
BIGGS	Yes
BOPP	Yes

**Ordinance 10-20 Duly Adopted**

**ORDINANCE 11-20**

**AN ORDINANCE REPEALING AND AMENDING ORD. 64-17 SO AS TO REVISE THE RULES OF ORDER GOVERNING THE COUNCIL OF THE CITY OF JACKSON**

**First Reading**

Mr. J Peters made a motion to adopt with a second from Mrs. Colby. In a voice vote all members agreed.

Mr. Coll pointed out that Mr. Kirby is not our Law Director. He didn't run for this position. Mr. Peters said he left it in the governing rules to read Law Director because we might have one someday.

**ORDINANCE 12-20**

**AN ORDINANCE REPEALING ORD 12-76, AS CODIFIED AT THE JACKSON CODE OF ORDINANCES SECTION 125.04, THAT ESTABLISHED A LIBRARY UTILITY CREDIT**

**First Reading**

Mr. J Peters made a motion to adopt with a second from Mrs. Biggs. In a voice vote all members agreed.

This is at the request of the public library. They contacted Mr. Swackhammer. Many years ago the city had paid the library \$200.00 a month for a space the library use to have before its new location. When it built its new facility the city wanted to subsidize by paying the library's utilities with an amount equaling about \$200.00 a month. It was determined later that wasn't legal (about 20 years later). Then they said they would rent a space at the municipal building from the library even though they weren't the owners of it, for \$200/month. The library wants no ownership in this "invisible" building and they agreed to stop this contract of the city renting from them. This has been going on since 1976. This is just another part of the clean up process that the mayor and service director have been working on. They agreed that this would be retroactive to the first of the year.

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

FOSTER	Yes
COLL	Yes
COLBY	Yes

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R. PETERS	Yes
J PETERS	Yes
BIGGS	No
BOPP	Yes

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

FOSTER	Yes
COLL	Yes
COLBY	Yes
R. PETERS	Yes
J PETERS	Yes
BIGGS	No
BOPP	Yes

**Ordinance 12-20 Duly Adopted**

Mr. J Peters wanted council to know that Mrs. Biggs wasn't voting for this ordinance because they had agreed to not vote for any legislation on emergency unless it was an actual emergency. Mr. Kirby said they had suspended the rules but weren't doing it as an emergency. Mrs. Biggs said she had misunderstood that part and wasn't against passing this ordinance.

**RESOLUTION 7-20**

**A RESOLUTION OF THE LEGISLATIVE AUTHORITY OF THE CITY OF JACKSON, OHIO TO ACCEPT THE BID OF MCDANIEL ELECTRIC, INC., IN AN AMOUNT NOT TO EXCEED \$221,000.00 FOR THE PUMP STATION GENERATOR CONNECTIONS AND PORTABLE GENERATOR PROJECT AS IT WAS THE LOWEST AND BEST RESPONSIVE BID SUBMITTED AND DECLARING AN EMERGENCY.**

**First Reading**

Mr. Ryan Peters made a motion to adopt the ordinance with a second from Mrs. Biggs. In a voice vote all members agreed.

Mr. John Peters asked about the amounts in this project. Total in the fund \$296,710.00 and we are subtracting \$221,000. We are leaving \$75,710. Was this an OPWC funding project and was it bid for this much? Concern is will there be a big fund balance that we will have to transfer out after the project is finished? Is this balance ear marked for something else for the project?

Mr. Swackhammer said this was a match type with a minimum of around \$293k. We also need to put up fencing to keep public out as a safety measure. We had to add some things in order to get the amount up to meet the match. For safety reasons the fencing should have been part of the original project amount.

**RESOLUTION 10-20**

**A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF JACKSON TO APPROVE AND PAY THE CHANGE ORDER AND CITY SHARE OF THE NORTH END DRAINAGE AND WATERLINE PROJECT IN AN AMOUNT NOT TO EXCEED \$31,131.50 IN ACCORDANCE**



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WITH THE CITY OF JACKSON CDBG PARTICIPATION AGREEMENT AND DECLARING AN EMERGENCY.

First Reading

Mr. Ryan Peters made a motion to adopt the resolution with a second by Mrs. Colby. In a voice vote all members agreed.

Mr. John Peters asked where we are on this. Mr. Swackhammer said we are in the final stages. Mr. Riegel presented the contractor a list with the bullet items that were left. For example an old valve couldn't reopen and needed replaced. There was a detailed list which was completed in the 4<sup>th</sup> quarter of last year. Mr. Swackhammer said all of the work has been done. We just need to pay the contractor.

Mr. John Peters pointed out that it used to be called the North End Neighborhood Revitalization. Mr. Swackhammer caught a mathematical error in the total amounts throughout the resolution. Instead of \$31,131.50 it needs to be \$39,131.50.

Mr. R. Peters made a motion to correct the title of the resolution to read North End Neighborhood Revitalization and to correct the mathematical errors. Mrs. Biggs made a second with all council members in favor

**CORRESPONDANCE~ n/a**

**OLD BUSINESS~** Mr. Swackhammer asked if there was any way to get the contractor paid. He has been waiting 3 months. There was some discussion about moving money around, but decided not to cause more work, but to wait for the Ord 10-20 to have errors fixed and look at it in 2 weeks at the next meeting.

**SIGNED IN VISITORS TO SPEAK~**

**NEW BUSINESS~** Angela Hale has requested city utilities at newly created addresses 1A & 1B Pleasantview Dr. in Jackson. These residents will reside on the same parcel as 15 Pleasantview Dr. The address is outside of the city limits. She has a rental on this property. But now wants to split the rental. They share utilities. She wants separate utilities for these.

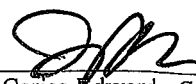
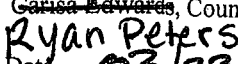
Mrs. Colby said this used to have to go to the planning commission and then to council. Mr. Swackhammer said he will get back with her to let her know it needs to go before the planning commission.

Mr. R. Peters made a motion to adjourn with a second from Mr. Coll. In a voice vote all members agreed.

Meeting Adjourned at 9:33 p.m.

  
Cindi Kuhn, Council Clerk

Date 3-23-20

 PRO TEM  
Garisa Edwards, Council President  
  
Date 03/23/2020

