

JACKSON CITY COUNCIL

Minutes From

June 14, 2021

7:00 P.M.

REGULAR SESSION

Jackson City Council met in regular session on Monday, June 14, 2021. The pledge was led by Mr. J. Peters and the prayer was given by Mrs. Biggs. President Fulks 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~ Tracie Clutter of 218 Parish St. Requesting a water and sewage tap and electric.

APPROVAL OF MINUTES~ Mrs. Biggs made a motion to approve the minutes with a second from Mrs. Colby. In a voice vote, all members agreed.

COMMITTEE REPORTS

UTILITY ~ Minutes from the meeting on 5-24-21 are in packets. No issues being brought before the committee at this time.

BUDGET & FINANCE~ Mrs. Biggs will schedule meeting with Mr. Swackhammer to go over the budget for council expenses. There is not enough in the budget for the year.

POLICE, FIRE, & TRAFFIC~ There is a resolution in the packets; 23-21 regarding the fire department levy. Needs to be passed tonight.

SERVICE COMMITTEE~ Scheduled a meeting for July 12, 2021 at 6:30 PM regarding the transient merchant ordinance. The deposit needs removed.

JAIL COMMITTEE ~ No Report

CITY AUDITOR/ TREASURER~ There was discussion at the last meeting about the budget numbers possibly being incorrect. Mr. Reed did check on these and they are correct. .

CITY ATTORNEY~ No Report

POLICE CHIEF~ Report is in the packets.

FIRE CHIEF~ No Report

MAYOR ~Project Updates:

- The paving bid for the first annual paving project is in the legislation for tonight to appropriate the money and award the low bid on this contract.
- The Lick Substation improvement bid is out.
- The land bank project Bi-Low building is gone and tanks removed.

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- Only received 30% of the surveys from residents on Florence Ave. Need to get back 80% of those. Reaching out to the people to get those done.
- The Code Enforcement officer is working to address the high grass and dilapidated buildings. He is working with Mr. Kirby to pursue legal action on some.
- Getting back to the water line replacement on Central Ave.
- Questions about the demolition of the house on SR 93S at Walnut St. This property is not in the city. Slark's Collision is clearing and expanding.
- Scheduling a Board of Appeals meeting for Monday, June 28, 2021 at 6:00PM There is a request for conditional use of the property on Huron St.
- Have received the SERB ruling. Andrew Esposito will be here to discuss this in executive session.

SERVICE/SAFETY DIRECTOR ~

- Zoning board of appeals conditional use for a group home. The full application is available. Sent letters out to everyone within a 200-yard radius of the property. It will state what it is for, time, date and location of meeting.
- Mosquito Spray end of June, July, August, and September
- State Wildlife Officer got back with him today for regarding the application to hunt with permission through ODNR. We will be ordering signs, getting permission slips, and then putting up signs on the property and opening up to the public again.
- Posted on FB and social media sites canvassing for hay cutting at Hammertown Lake. Three individuals expressed an interest. None of them offered any monetary value to the city for cutting the hay. However, one did offer a plan for a three-year contract. They would cut the hay for the first year, but not bail it, to, let the nutrients get back in. The next two years he would cut and bail to recoup his time and energy.
- Dan Coll asked where the property was on Huron that we will be discussing at the board of appeals meeting. At 155 & 156 Huron St. there are two vacant lots just west of the Jackson Co Water dept.

ORDINANCES AND RESOLUTIONS

ORDINANCE 35-21

AN ORDINANCE ADDING CHAPTER 737 TO THE CODIFIED ORDINANCES OF THE CITY OF JACKSON TO GOVERN THE OPERATION OF FOOD TRUCKS AND MOBILE FOOD SERVICE VEHICLES.

Third Reading

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

Foster	No
Coll	Yes
Colby	Yes
R. Peters	Yes
J. Peters	Yes
Biggs	Yes
Bopp	No

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Ordinance 35-21 Duly Adopted

ORDINANCE 37- 21

**AN ORDINANCE REPEALING AND AMENDING THE CITY OF JACKSON'S CODIFIED
ORDINANCE SECTION 921.13 ON CONTRIBUTIONS IN AID TO CONSTRUCTION.**

Third Reading

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

Foster	Yes
Coll	Yes
Colby	Yes
R. Peters	Yes
J. Peters	Yes
Biggs	Yes
Bopp	Yes

Ordinance 37-21 Duly Adopted

Mr. J. Peters made a motion with a second from Mrs. Colby to bring Ordinance 38-21 from the table. In a voice vote, all members agreed.

ORDINANCE 38- 21

**AN ORDINANCE REPEALING AND AMENDING THE CITY OF JACKSON'S CODIFIED
ORDINANCE SECTION 921.11 FOR PRIVATE AREA LIGHTING.**

Third Reading

Mr. J. Peters said throughout this ordinance it references both the property owner and the customer. Is there a distinction between these? The property owner and customer might want different things. Mr. Kirby said only the property owner could request the light. The customer does not have the authority to make the decisions. The customer will pay for it, but must have the permission from the property owner.

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

Foster	No
Coll	Yes
Colby	Yes
R. Peters	Yes
J. Peters	Yes
Biggs	Yes
Bopp	Yes

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Ordinance 38-21 Duly Adopted

ORDINANCE 40- 21

**AN ORDINANCE REPEALING AND AMENDING THE CITY OF JACKSON'S
CODIFIED ORDINANCE SECTIONS 1311.03, 1311.04, 1311.05, 1311.06 AND 1311.08
GOVERNING BUILDING PERMIT FEES AND APPLICATION REQUIREMENTS TO OBTAIN
A PERMIT AND DECLARING AN EMERGENCY.**

Third Reading

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

Foster	Yes
Coll	Yes
Colby	Yes
R. Peters	Yes
J. Peters	Yes
Biggs	Yes
Bopp	Yes

Ordinance 40-21 Duly Adopted

ORDINANCE 50-21

**AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE CITY INCOME
TAX FUND: ADMINISTRATIVE EXPENSES AND DECLARING AN EMERGENCY.**

First Reading

Mr. J. Peters asked Mr. Reed if these fees are similar as before. Mr. Reed said they estimated high so we are actually ahead on this.

ORDINANCE NO. 51-21

**AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE CITY INCOME
TAX FUND: STREETS, HIGHWAYS AND SIDEWALKS AND DECLARING AN EMERGENCY.**

First Reading

Mr. J. Peters asked why the ordinance is for \$600,000 and the resolution for the paving is \$411,000. Mayor Evans said the bid came in lower than expected. Since they budgeted for more, they want to do additional paving this year. Need to award the contract and get on the schedule to do the paving. Need emergency tonight.

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Because of the urgency, Mr. J. Peters made a motion to suspend the rules with a second from Mrs. Biggs. A roll call vote was taken and the results are as follows:

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 as follows:

Foster	Yes
Coll	Yes
Colby	Yes
R. Peters	Yes
J. Peters	Yes
Biggs	Yes
Bopp	Yes

Ordinance 51-21 Duly Adopted

RESOLUTION 17-21

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH JACKSON COUNTY BROADCASTING, INC., FOR BROADCASTING SERVICES, AND DECLARING AN EMERGENCY.

Second Reading

Lengthy discussion over the contract with Total Media. It began with Davis Broadcasting. They have not negotiated a new contract with Total Media.

- Mr. Kirby said there should not be an issue with the change of names. They did merge via a stock purchase and the name change was filed with the state in July 2020.
- Mr. R. Peters feels that the public is under the assumption that Spectrum gives money for the channel. Spectrum pays a utility pole tax. Questions asked about how much this is and what it is used for.
- Mayor Evans says he has been researching this. He believes the city does receive a percentage of the sales, which he believes is 5% for about 90k per year. In the past there were fees paid to the city. Pole fees or other, However, for the last decade they have received a franchised fee. We do allow them to use our poles and we do maintain the poles.
- Mr. R. Peters asked if this was similar to Rumpke. They pay the city a fee to run their business within the city.
- Mr. Fowler expressed interest in possibly buying the station and doing a 75%-25% split on advertising. However, he changed his mind.
- Mr. Tim Maxwell also expressed an interest for a short while, but would rather help the city and current officers come to an agreement.

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Mr. Reed asked if the channel was allowed to make money if it is a public channel.

- Mr. Maxwell said we need to talk with Spectrum and see what is allowed before doing a new contract. There are three parties involved: The city of Jackson, Spectrum, and Total Media.
- Jennifer Radcliffe from Total Media said there is a copy of all of this. They began in 1984 with Cablevision. It has changed hands many times to Frontier, Adelphia, Time Warner, Spectrum, ect... The contract says the city should be awarded \$15,000/yr for maintenance of public channel and \$5.25 per pole of 1600 poles averaging about \$23,000 per year. This is the most recent contract that was given to them through a public records request. This contract should end in 2029. Somehow, now the City is getting \$90,000 and there is no paperwork to back this up. Do not know why the city is getting this much.
- Mr. R. Peters asked the administration to look into this and find details with Spectrum. Administration must do the negotiating on this and bring the contract to council to approve. Council does not actually have anything to do with the negotiations.
- Mr. Swackhammer said Ordinance 108-08 November of 2008 instituted a video service fee/franchise fee of 5% including advertising revenue. It is collected from video customers to the city of Jackson as a line item on bills and remitted back to the city quarterly. We are finding new information on a daily basis as they research this.
- Mrs. Colby asked if we own it why aren't we doing the contract. Mr. Kirby said we have the right to operate it, but we don't actually own it.
- Mr. Coll recommends we approve this for a year while we work on this. Mr. R. Peters said Total Media wasn't going to approve this.
- Karena Fulks from TM said they are willing to work at the date. Would be interested in a 3-5 year contract.
- Mrs. Biggs said shouldn't we find out if we are allowed to have the advertising and make money on this before we do anything.
- Mr. Swackhammer said he is still researching and finding out new information every day.
- Mr. Maxwell said we need to wait to sign any contract until we check with Spectrum and see what we are legally allowed to do. We can't do anything until we know what we are absolutely allowed to do.
- Total Media said they can legally operate through 6-24-21 and then the channel goes black if we have not reached an agreement.
- Mr. Kirby said Spectrum has nothing to do with our contract. They are not part of our negotiations, but we do need to make sure we do not violate the terms. The station is acting on behalf of the city.
- Mr. Maxwell said if given advertising rights as part of the contract we are fine. However, if we are not legally allowed to do it, then do not do it.
- Mr. Kirby said it has was accepted from Adelphia in 1984 and the agreement has never been questioned.
- Mayor Evans agrees with Mr. Coll. We need to either approve tonight or have a special meeting to approve before the channel goes dark. Mr. Swackhammer negotiated this contract. He tried to get \$1000.00 from Total Media. They are not able to do that. They do not make a profit on the channel and cannot afford to pay the city this amount. If they do not operate it, then no one will. Total Media does a good job with it and are trying to improve it. If council does not like the contract then vote it down, and they will renegotiate if they can. Do not let the channel go black. Afraid they will not get it back if they do.
- Mr. J. Peters would like to know the difference in a local origination channel and a public access channel. There are probably some FCC rules that could impact us also.
- Mrs. Biggs suggested council do a second reading tonight and a special meeting for third reading after administration has gotten answers to all of these questions.
- President Fulks scheduled a Third Reading: Monday, June 21, 2021 @ 7:00PM

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RESOLUTION NO. 19-21

A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS FOR PAYMENT TO OHIO DEPARTMENT OF TRANSPORTATION PURSUANT TO A "THEN AND NOW" CERTIFICATE IN THE AMOUNT OF \$8,380 AND DECLARING AN EMERGENCY.

First Reading

Mrs. Biggs made a motion with a second from Mr. Coll to adopt the resolution. In a voice vote, all members agreed.

Need extra money for the ODOT paving project. This money is budgeted. Not asking for more just pulling it from the line item.

Because we need to pay this bill, Mrs. Biggs made a motion with a second from Mrs. Colby to suspend the rules. A roll call vote was taken and the results are as follows:

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 Resolution, and the results are as follows:

Foster	Yes
Coll	Yes
Colby	Yes
R. Peters	Yes
J. Peters	Yes
Biggs	Yes
Bopp	Yes

Resolution 19-21 Duly Adopted

RESOLUTION NO. 20-21

A RESOLUTION AUTHORIZING THE MAYOR OR THE DIRECTOR OF SERVICE AND SAFETY TO FILE AN APPLICATION TO THE STATE OF OHIO BUREAU OF WORKERS COMPENSATION FOR TRANSITIONAL WORK GRANT PROGRAM AND DECLARING AN EMERGENCY.

First Reading

Mr. Coll made a motion with a second from M. R. Peters to adopt the resolution. In a voice vote, all members agreed.

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This grant is open year round, no window of time. Can go three readings.

RESOLUTION NO. 21-21

A RESOLUTION REPEALING AND AMENDING RES 12-21 TO ESTABLISH THE METHOD BY WHICH SALARY INCREASES MAY BE DETERMINED FOR ALL DEPARTMENTS.

First Reading

Mrs. Biggs made a motion with a second from Mr. Bopp to adopt the resolution. In a voice vote, results were ambiguous. A roll call vote was taken, and the results are as follows:

Foster	Yes
Coll	Yes
Colby	Yes
R. Peters	No
J. Peters	No
Biggs	Yes
Bopp	Yes

This resolution has minor revisions to an ordinance already passed. Section 6 is the only change. Administration raises will be given as the same as the ASFME contract for cost of Living. These jobs are the IT coordinator, Executive assistant personnel manager, and the project manager. These jobs are not part of another department. They work alone with no one under them. Because of this, the wording needs changed so that the Ordinance is doing what it was intended to.

RESOLUTION 22-21

A RESOLUTION OF THE LEGISLATIVE AUTHORITY OF THE CITY OF JACKSON, OHIO TO ACCEPT THE BID OF G & J PAVING, INC., IN AN AMOUNT NOT TO EXCEED \$441,217.16 FOR THE 2021 CITY OF JACKSON STREET PAVING PROGRAM AS IT WAS THE LOWEST AND BEST RESPONSIVE BID SUBMITTED AND DECLARING AN EMERGENCY.

First Reading

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

Because of the timeliness of the bid, Mr. J. Peters made a motion to suspend the rules with a second from Mrs. Biggs. A roll call vote was taken and the results are as follows:

Foster	Yes
Coll	Yes
Colby	Yes
R. Peters	Yes
J. Peters	Yes
Biggs	Yes
Bopp	Yes

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

Foster	Yes
Coll	Yes
Colby	Yes
R. Peters	Yes
J. Peters	Yes
Biggs	Yes
Bopp	Yes

Resolution 22-21 Duly Adopted

RESOLUTION NO. 23-21

A RESOLUTION OF NECESSITY FOR A FIRE LEVY AND REQUESTING THE AUDITOR OF THE COUNTY OF JACKSON TO CERTIFY THE TOTAL TAX VALUATION AND REVENUE THAT WILL BE GENERATED UPON A REPLACEMENT OF THE 1.0 MILL FIRE LEVY THAT COMMENCED IN 1994 FOR THE FOR BENEFIT OF THE CITY OF JACKSON FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES, BUILDINGS OR SITES AND DECLARING AN EMERGENCY.

First Reading

Mrs. Colby made a motion with a second from Mr. Bopp to adopt the resolution. In a voice vote, all members agreed.

This is not a new. This is a continuing levy. Not changing the verbiage just updating to current rates. Once this passes at council, it will go to the county auditor. She has 10 days to get numbers back to council, and then we decide whether to put on the ballot. This is time sensitive.

Mrs. Colby made a motion to suspend the rules with a second from Mr. Coll. A roll call vote was taken and the results are as follows:

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 Resolution, and the results are as follows:

Foster	Yes
Coll	Yes
Colby	Yes
R. Peters	Yes
J. Peters	Yes

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Biggs	Yes
Bopp	Yes

Resolution 23-21 Duly Adopted

RESOLUTION NO. 24-21

A RESOLUTION AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE AND SAFETY TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO, AND ZENON ENVIRONMENTAL CORPORATION, FOR PURCHASE OF MEMBRANE MODULES NEEDED BY THE WASTEWATER TREATMENT PLANT FOR A PURCHASE COST NOT TO EXCEED \$350,482.00 AND DECLARING AN EMERGENCY.

First Reading

Mrs. Biggs made a motion with a second from Mrs. Colby to adopt the resolution. In a voice vote, all members agreed.

This is for the cost of the third of four membranes that are part of the new system. They purchased the second one last year, and will replace the fourth one next year. These last about ten years a piece. Need to do on emergency so they can place the order. Will be installing in house to save money.

Mrs. Biggs made a motion to suspend the rules with a second from Mr. Coll. A roll call vote was taken and the results are as follows:

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 Resolution, and the results are as follows:

Foster	Yes
Coll	Yes
Colby	Yes
R. Peters	Yes
J. Peters	Yes
Biggs	Yes
Bopp	Yes

Resolution 24-21 Duly Adopted

CORRESPONDENCE~ Mrs. Kuhn had information on the Ohio Municipal League conferences and books. Currently there are no workshops planned for 2021. When they are planned for 2022, she will

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announce them. The spiral bound informational booklets are for sale in paper form and on CD Rom. Mrs. Biggs made a motion to approve purchasing two books and one CD that will remain in the mayor's office and can be checked out by council members when needed. The cost of the books are \$30/piece and the CD is \$25. Mr. R. Peters seconded the motion. In a voice vote, all members agreed.

Motion Carried

OLD BUSINESS~

SIGNED IN TO SPEAK~ None

NEW BUSINESS~ Traci Clutter applying for water, sewer taps and electric to her property outside of the city limits at 218 Parish. Mrs. J. Peters made a motion to approve with a second from Mr. Bopp. In a voice vote, all members agreed.

Motion carried.

Discussion over the offer to cut the hay at Hammertown lake. Since it is under the \$1000 limit, they do not need to do a contract. Administration can do this by memo if council chooses to handle it that way. Mr. R. Peters made a motion with a second from Mr. Bopp to allow administration to handle this. In a voice vote, all members agreed.

Special Meeting about Ordinance 17-21 will be June 21, 2021 @ 7:00 PM

Board of Appeals meeting will be June 28, 2021 @ 6:00 PM

Service Meeting over Transient Merchants, July 12, 2021 @ 6:30PM

Mr. J. Peters asked several questions regarding Board of Control Minutes.

Mr. R. Peters made a motion with a second from Mr. Coll to enter into executive session for the reason: Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of employment. Mr. Peters motion included all council members, clerk, auditor, Mr. Kirby, mayor, service director, and Andrew Esposito.

A roll call vote was taken to enter into executive session, and the results are as follows:

Foster	Yes
Coll	Yes
Colby	Yes
R. Peters	Yes
J. Peters	Yes
Biggs	Yes
Bopp	Yes

Motion Carried.

Entered executive session at 9:00PM

Mrs. Biggs made a motion to resume regular session with a second from Mr. R. Peters. In a voice vote, all members agreed. Resumed regular session at 10:05 PM.

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

Meeting Adjourned 10:06 PM

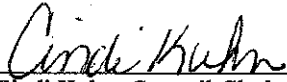
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Cindi Kuhn, Council Clerk


Dan Fulks, President

Date 6/28/21

Date 6-28-21