

JACKSON CITY COUNCIL
Regular Session
April 25, 2011
7:00 p.m.

Call to Order..... President Speakman
Pledge of Allegiance..... Mrg. Kitchen
Opening Prayer..... Mr. Powell

Roll Call

Approval of Minutes

April 11, 2011

VISITORS

AMP Ohio

COMMITTEE REPORTS:

- Utility - Brown, Smith, Kitchen
- Budget & Finance – Kitchen, Powell, Elliott
- Police, Fire & Traffic - Smith, Colby, Elliott
- Service – Elliott, Colby, Fain
- Railroad – Fain, Smith, Powell
- Building/Recreation – Colby, Fain, Brown
- City Auditor
- Law Director
- Mayor
- Service/Safety Director

ORDINANCES AND RESOLUTIONS

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

ADJOURN

JACKSON CITY COUNCIL

Minutes from

April 11, 2011

7:00 p.m.

Regular Session

Jackson City Council met in regular session on Monday, April 11, 2011 at 7:02 p.m. at the Jackson City Council chambers. President Ron Speakman called the meeting to order. The Pledge of Allegiance was given, led by Mrs. Colby. The Prayer was given, led by Mr. Powell.

President Speakman introduced Mr. George Kitchen as the newly appointed Council at Large, replacing Mr. Adams.

Mr. Smith requested an executive session to discuss Personnel Matters and Pending Litigation, City vs. US Rail, requesting the Atty. William Martin, administration, auditor, and clerk remain. In a roll call vote, all members agreed. Council moved to executive session at 7:06 p.m.

Mr. Brown made a motion to return to regular session at 8:00 p.m., seconded by Mr. Smith. In a voice vote, all members agreed.

President Speakman asked the audience to keep the muttering and comments quiet, it is a distraction, this was requested by Council.

A roll call was taken as follows:

- Mr. Kitchen – present
- Mr. Brown – present
- Mr. Elliott – present
- Mr. Smith – present
- Mr. Fain – present
- Mr. Powell - present
- Mrs. Colby – present

Mrs. Elliott made a motion to approve the minutes from the March 28, 2011 regular session as amended, seconded by Mr. Fain. In a voice vote, all Council agreed.

VISITORS

COMMITTEE REPORTS

Mr. Detty thanked everyone, Council, President Speakman, Administration, the past twenty plus years were a wonderful opportunity to serve with great people. Even with contention, they always had the best interest of the city at heart. Will be leaving soon, but will stay in touch, and wishes the city the best.

UTILITY – No Report

Mr. Brown stated that he spoke to Joan Waugh in regards to Ordinance No. 10-11, these would be correct. Ordinance No. 11-11, this has always been the case; AMP Ohio did request an ordinance this year. Both are ready to be passed. Mr. Sheward stated it would be helpful if Ordinance No. 11-11 was passed tonight.

BUDGET & FINANCE – No Report

POLICE, FIRE & TRAFFIC – No Report

SERVICE – No Report

RAILROAD

Mr. Fain stated the railroad met tonight to discuss the Standard Lease; there will be an ordinance tonight.

BUILDING/RECREATION

Mrs. Colby asked about the appropriations for the fencing in the dog park. Mayor Heath replied the funding is in place. Mr. Smith stated he visited the site, provided a sketch, not sure of funding. Mr. Sheward stated money in the budget, no. Mrs. Colby asked is it in the budget. Mrs. Sexton replied yes, just need a line item. Mayor Heath asked Mrs. Colby to bring the information to him.

CITY AUDITOR

Mr. Humphreys thanked Mr. Detty personally, stating he always received answers in a timely fashion, and never found wrong, just wasn't always the answer we wanted.

LAW DIRECTOR – No Report

MAYOR

Mayor Heath gave accolades to Mr. Detty for two decades of service. In regards to the new truck purchase, see attached. Mrs. Colby stated this should have been brought to council; there is \$360,000 in the budget for new trucks, mowers, etc. Mr. Smith stated understand, be cognitive, in this economy, good faith. If we need chlorine we would say yes, the truck needed to come to council. We just passed the budget, you said you would bring to council, we even discussed vehicles. Mayor Heath asked at which amount they would like an item brought to council, \$15,000. Mr. Smith replied we need to know, so quick, we are buying a new truck. I look at the Board of Control minutes, there are some legitimate, but we are the watchdog. We need to know where the money is going, we are on the hook. Mayor Heath asks instances, set a certain amount for vehicles. There are always more items purchased in April than any other month because of the permanent budget going into place, Mr. Smith stated we trust you to make the best decision. Mr. Powell added I did not vote for this budget, proudly so, in essence, the Administration thumbed their nose at us.

Mr. Elliott stated this is a difference of opinion, Council put restrictions in place, and this is overseen by the Auditor. We can't cry and moan, they have consistently under spent. Mayor Heath replied, regret comments, if he would have listened. Mrs. Colby stated she did not vote either; this is an open check book. Mr. Sheward stated you act like that we decided to purchase the truck last week. You all had the line item to see where it came from and it replaces two trucks to be placed elsewhere, we would have purchased anyway. Mr. Powell stated maybe thumb your nose was not proper. I did see the truck in the budget; point is lack of communication in this type of situation, in this economy, big purchases, did not know why it was needed. We need communication. Mrs. Colby stated we did not have access until I ask, we went over, and I questioned the \$360,000, you growled about the questions. Mr. Sheward replied we told you the needs. Mr. Brown stated all comments should go to chairman. Mr. Speakman stated we have gone over the rules.

SAFETY/SERVICE DIRECTOR

Mr. Sheward asked for Ordinance 11-11 to please pass, this would save \$30,000-\$50,000 per year, might miss opportunity. The Police Department voted to change to the Teamsters Union, not sure where we go from here. Will be attending a symposium on SB5, our effect. Did receive from the consultant a draft on the insurance proposal. There will be an AMP Ohio meeting next meeting, new gas fired power plant and needs. Could take a while, you have the information, difficult to understand, opportunity to speak to people who know. Mr. Fain made a motion to change the start time of the next council meeting to 6:30 p.m., seconded by Mr. Brown. In a voice vote, all members agreed. Mr. Smith asks about the Board of Control minutes, on April 1st, \$24,000 to pay electric at the water plant, when the water plant will be on city power. Mr. Sheward stated it is in the budget this year. Mr. Smith stated this is a positive to the city.

ORINANCES AND RESOLUTIONS

ORDINANCE NO. 10-11

AN ORDINANCE CORRECTING ORDINANCE NO. 102-09, AMENDING JACKSON CODIFIED ORDINANCE SECTION 927.05(c)(3) – SEWER RATES-SURCHARGES, AND DECLARING AN EMERGENCY.

Second Reading

Mr. Brown made a motion to suspend the rules, seconded by Mr. Smith. In a roll call vote, Council voted as follows:

Mr. Kitchen – yes

Mr. Brown -- yes
Mr. Elliott - yes
Mr. Smith -- yes
Mr. Fain - yes
Mr. Powell -- yes
Mrs. Colby -- yes

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

Mr. Kitchen -- yes
Mr. Brown -- yes
Mr. Elliott - yes
Mr. Smith -- yes
Mr. Fain - yes
Mr. Powell -- yes
Mrs. Colby -- yes

ORDINANCE NO. 10-11 DULY ADOPTED

ORDINANCE NO. 11-11

AN ORDINANCE TO APPROVE THE PARTICIPATION IN THE PJM DEMAND RESPONSE PROGRAMS AND THE EXECUTION OF A DEMAND RESPONSE SERVICE SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC. AND DECLARING AN EMERGENCY.

Second Reading

Mr. Fain made a motion to suspend the rules, seconded by Mr. Brown. In a roll call vote, Council voted as follows:

Mr. Kitchen -- yes
Mr. Brown -- yes
Mr. Elliott - yes
Mr. Smith -- yes
Mr. Fain - yes
Mr. Powell -- yes
Mrs. Colby -- yes

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

Mr. Kitchen -- yes
Mr. Brown -- yes
Mr. Elliott - yes
Mr. Smith -- yes
Mr. Fain - yes
Mr. Powell -- yes
Mrs. Colby -- yes

ORDINANCE NO. 11-11 DULY ADOPTED

ORDINANCE NO. 12-11

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE ELECTRIC FUND, AND DECLARING AN EMERGENCY.

First Reading

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

Mrs. Colby questioned the transfer out into reserve, \$1.3 million in surplus; we are charging too much to the people, we need to give some back.

ORDINANCE NO. 13-11

AN ORDINANCE TRANSFERRING FUNDS AND DECLARING AN EMERGENCY.

First Reading

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

ORDINANCE NO. 14-11

AN ORDINANCE AUTHORIZING THE CITY INTO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO, AND THE BOARD OF COMMISSIONERS OF JACKSON COUTNY, OHIO, FOR THE PROVISION OF A PUBLIC DEFENDER FOR INDIGENTS, AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Brown asks Mr. Detty to give a brief description. Mr. Detty stated this is a contract with county, done two times per year, has increased \$400-\$500 to cover the cost. Mrs. Colby asked if this was an emergency. Mr. Detty stated the contract is in place.

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

Mr. Kitchen – yes
Mr. Brown – yes
Mr. Elliott - yes
Mr. Smith – yes
Mr. Fain - yes
Mr. Powell – yes
Mrs. Colby – yes

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

Mr. Kitchen – yes
Mr. Brown – yes
Mr. Elliott - yes
Mr. Smith – yes
Mr. Fain - yes
Mr. Powell – yes
Mrs. Colby – yes

ORDINANCE NO. 14-11 DULY ADOPTED

ORDINANCE NO. 15-11

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE CITY GARDEN CLUB FUND, AND DECLARING AN EMERGENCY.

First Reading

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

Mayor Heath stated the funds are coming from a group raising money to put flowers downtown, we will be working with the Municipal Court community service to water, will allow to use vehicle to water. This will enhance the downtown, no problem, just no money. The money is donated. Mrs. Sexton stated Judy Wiggins is soliciting donations now and it will go into the fund.

Mr. Smith made a motion to suspend the rules, seconded by Mr. Brown. In a roll call vote, Council voted as follows:

Mr. Kitchen – yes

Mr. Brown -- yes
Mr. Elliott - yes
Mr. Smith -- yes
Mr. Fain - yes
Mr. Powell – yes
Mrs. Colby – yes

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

Mr. Kitchen – yes
Mr. Brown – yes
Mr. Elliott - yes
Mr. Smith – yes
Mr. Fain - yes
Mr. Powell – yes
Mrs. Colby – yes

ORDINANCE NO. 15-11 DULY ADOPTED

ORDINANCE NO. 16-11

AN ORDINANCE APPROVING A STANDARD SHORT LINE LEASE AGREEMENT AND AUTHORIZING LEGAL COUNSEL TO OFFER THE AGREEMENT AS A SETTLEMENT DOCUMENT, AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Fain made a motion to suspend the rules, seconded by Mr. Brown. In a roll call vote, Council voted as follows:

Mr. Kitchen – yes
Mr. Brown – yes
Mr. Elliott - yes
Mr. Smith – yes
Mr. Fain - yes
Mr. Powell – yes
Mrs. Colby – yes

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

Mr. Kitchen – yes
Mr. Brown – yes
Mr. Elliott - yes
Mr. Smith – yes
Mr. Fain - yes
Mr. Powell – yes
Mrs. Colby – yes

ORDINANCE NO. 16-11 DULY ADOPTED

CORRESPONDENCE

The clerk read a request from the Division of Liquor Control, to issue a new permit to Scioto Oil. Mr. Sheward stated it is now controlled by an attorney not Mr. Evans, anything less than 500', we must be notified. Mr. Smith made a motion not to object, seconded by Mr. Brown. In a voice vote, all Council agreed.

OLD BUSINESS

Mr. Humphreys stated on Mrs. Colby's question on the reserve fund transfer, \$2.1 million, for a total of \$7 million once this is moved. Mr. Speakman stated this could be used to pay indebtedness. Mrs. Sexton replied you could. Mr. Humphreys stated that cannot be done until 2014, would save a million in interest.

NEW BUSINESS

Mr. Fain made a motion to schedule a meeting for Monday, April 18th at 6:30 for the purpose of replacing the law director, seconded by Mr. Brown. In a voice vote, all members agreed.

Mr. Fain went on to thank Mr. Detty for what he had done, inherited US Rail. Mr. Speakman stated Mr. Detty is a good guy to work with; I was here when you came here.

ADJOURN

Mr. Brown made a motion to adjourn, seconded by Mr. Fain. In a voice vote, all Council agreed. Council adjourned at 8:43 p.m.

Tera Brown
Tera Brown
Clerk
Date 4-25-11

Ron Speakman
Ron Speakman
Council President
Date 4/25/11

REPORT FROM THE MAYOR

A council member asked a question about the purchase of a pick-up truck for the water distribution department and why it was not brought before council before being approved by the board of control.

This is the first truck for any of the three major utility departments (electric, water or sewer) we have purchased in four years.

This truck will ultimately replace a 1989 Dodge truck that is currently used in the cemetery department that is 22 years old. When the new truck arrives, which will still be about 3-4 months away, the departments will look at moving some trucks around to best suit each department's needs and one of those trucks currently in service will go to the cemetery so a new truck does not have to be bought out of cemetery fund, which would not have sufficient funds to do so.

This is a way we can gain a serviceable truck for the cemetery without having to buy a new truck for the cemetery as money in the cemetery fund is just not available at this time for such a purchase. Yet, the cemetery has to have a vehicle they can depend on because burials can't wait while we continue to try to repair and find parts for a truck that is more than 20 years old.

If you look on page 61 of your detailed budget, line item 708-7510-54002, you will see that a notation was made specifically stating a truck was going to be purchased from that line item, so I want to make it clear that even if the budget had been a line item budget, the administration could still have moved forward with the purchase without specific council approval as it was technically approved with the passage of the budget.

The reason it was purchased as soon as the budget was passed is because there are only a certain number of vehicles available state-wide through the state purchasing process, and many times they are spoken for early in the process. If you apply too late and then have to wait a year, the cost could be much higher and the cemetery truck very possibly might not last another year.

It is estimated we saved the city about \$3,000 by going through state purchasing and buying at this time.

When we had the discussion about the purchase of major items during the council meeting, maybe I interpreted the discussion a little different from others, but we were talking about major items, and of course, anything over \$25,000 has to be brought before council. That is the law.

When we spoke concerning a vehicle, I guess in my mind I interpreted it as "like a vehicle over \$25,000", using a vehicle over \$25,000 simply as an example, which yes would be brought before council, rather than any vehicle we bought, regardless of the price. The money for this truck also can't be used for anything but the water or water distribution department since that is the fund it came out of.

There was certainly no intent to circumvent council or do it without their knowledge, especially since it was specifically noted in the budget. Since this was less than \$25,000, because of the possible limited supply, and since it was the first utility truck we have purchased in four years and will ultimately replace a truck that is 22 years old, and since it was not technically an item that had to be presented to council and was technically approved with the budget, I never really gave it a second thought that this would be something council would want to debate since I interpreted the discussion at council to be that a "major item" for discussion would be one of \$25,000 or more, and if through state purchasing it would have been more than \$25,000, it would have come before council.

I certainly feel under these conditions the administration certainly did not do anything wrong in approving the purchase of this truck, and I am sorry if anyone felt like it should have brought forward for discussion. While sometimes it is very hard to second-guess what council wants to discuss and not, we will try to be more mindful of such purchases in the future.

If you have any questions, please feel free to ask.

Thank you.
Randy

City of Jackson

Phone: 740-286-1112

Fax: 740-286-8788

E-Mail: jdetty@jacksonohio.us

John L. "Jack" Detty

Law Director

TO: Ronald B. Speakman, Council President
Eric Brown, Council Member
Marva Colby, Council Member
Troy Adams, Council Member
Randey Smith, Council Member
Steven Fain, Council Member
Jeff Elliott, Council Member
Vinson Powell, Council Member
Tera Brown, Council Clerk

FROM: John L. "Jack" Detty

Cc: Randy R. Heath, Mayor
William Sheward, Service Director
James Humphreys, Auditor

DATE: April 5, 2011

SUBJECT: Notice Of Resignation

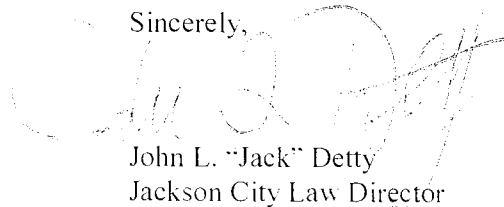
Dear Council President and Council Members:

Thank you to each of you for the opportunity you have provided me to serve as the Law Director for the City of Jackson currently and for the past 20 plus years. Due to my appointment to the position of Jackson County Prosecuting Attorney I hereby submit my resignation as Jackson City Law Director. This resignation is effective in 60 days, or as soon as a successor can be appointed. I hope you will appoint a replacement as quickly as possible. I will be available to provide guidance and assistance to assure a smooth transition to the new Law Director.

The years I have served as City Law Director are years I will always cherish. I have had the opportunity to work with many excellent people who have served as council president, council members, and in the administration. I wish the City nothing but great things in the future. As Prosecutor I fully intend to establish an excellent working relationship with the City.

Please accept my resignation.

Sincerely,



John L. "Jack" Detty
Jackson City Law Director

OHIO DEPARTMENT OF COMMERCE-DIVISION OF LIQUOR CONTROL

6606 Tussing Road. P.O. Box 4005.

Reynoldsburg, Ohio 43068-9005 Ph (614) 644-2431

INSTITUTION NOTICE FOR LIQUOR PERMIT

Name of Institution To: AUTHORITY IN CONTROL OF :
HILLCREST POOL / PARK
122 E HURON ST., JACKSON, OHIO 45640
C/O CITY OF JACKSON
145 BROADWAY STREET
JACKSON, OHIO 45640

Type of Application Re: TREX C1
Application Number #7918176-0045
Applicant Name SCIOTO OIL CO INC
DBA DBA JACKSON SHELL
Address 137 E HURON STREET & DRIVE UP WINDOW
Address JACKSON, OHIO 45640

Dear Institution Representative: **Approx. Distance 495 Feet**

A liquor permit has been applied for at the above captioned location. The Division of Liquor Control is required to notify any church, school, library, public playground, or township park that is located within 500 feet of a proposed permit premises. Your institution, as well as the local legislative authority, is being given the opportunity to object to the issuance of this permit. This is your opportunity to object to the above referenced permit application.

Please complete and return this form no later than 30 days from the date of this notice. Include the name, title, address and telephone number of the representative of the institution who is to attend the hearing. If an objection is filed and a hearing is scheduled, your representative should appear and testify in support of the objection. Otherwise the objection will be overruled. Objections based solely upon philosophical opposition to alcohol consumption are not sufficient grounds for sustaining an objection. You may wish to retain legal counsel to represent your interests, as the hearing is a legal proceeding.

PLEASE CHECK THE APPLICABLE BOX AND RETURN THIS FORM WITHIN 30 DAYS

We do not object to this Permit.

We request the Division of Liquor Control document our objection to the issuance of this permit but we do not request a hearing. In choosing this option I understand that it is only an objection for the record and will not adversely impact the issuance of this permit.

We object and request a hearing on the advisability of issuing of this permit. Please hold the hearing in Columbus.

We object and request a hearing on the advisability of issuing of this permit. Please hold the hearing in the county seat of the premises.

(Signature of Authority in Control of Institution) <i>Wendy Brown</i>	(Telephone Number) 740-286-2201	(Date) 4-11-11
(Name, Title of person to Attend Hearing) Council Clerk	(Address)	

CERTIFICATE OF SERVICE

The above notice was served to WILLIAM P. MEIXNER (Name) 145 Broadway, Jackson, Ohio (Address) 4/11/11 (Date) by _____ the authority in control of subject institution on _____ (Telephone) _____ (Date)

CERTIFIED MAIL, RETURN RECEIPT REQUESTED or PERSONAL SERVICE or STOREFRONT

(Signature and Title of Recipient) <i>William P. Meixner</i>	(Time)	(Compliance Officer, Unit #, Date) WILLIAM P. MEIXNER #483 4/17/2011
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(Print Name and Title of Recipient) BEC 400	FOR TTY USERS DIAL ORS 1-800-750-0750 EOE/ADA SERVICE PROVIDER
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CERTIFIED MAIL #