

JACKSON CITY COUNCIL
Regular Session
December 13, 2010
7:00 p.m.

Call to Order.....	President Speakman
Pledge of Allegiance.....	Mr. Adams
Opening Prayer.....	Mr. Powell
Roll Call	
Approval of Minutes	

November 22, 2010
December 6, 2010 Special Session

VISITORS

COMMITTEE REPORTS:

- Utility - Brown, Smith, Adams
- Budget & Finance – Adams, 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
November 22, 2010
7:00 p.m.
Regular Session

Jackson City Council met in regular session on Monday, November 22, 2010 at 7:00 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. Brown.

A roll call was taken as follows:

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

Mr. Fain made a motion to approve the minutes from the November 8, 2010 meeting as amended, seconded by Mr. Elliott. In a voice vote, all Council agreed.

Mrs. Colby made a motion to excuse Mr. Powell, seconded by Mr. Smith. In a voice vote, all members agreed.

VISITORS

COMMITTEE REPORTS

UTILITY – No Report

BUDGET & FINANCE – No Report

Mr. Adams scheduled a meeting for December 6, 2010 at 7:30 p.m. to discuss the permanent budget.

POLICE, FIRE & TRAFFIC – No Report

SERVICE – No Report

RAILROAD – No Report

Mr. Fain stated that US Rail had paid the September invoice, but had still not paid the March invoice.

BUILDING/RECREATION – No Report

Mrs. Colby scheduled a meeting for December 6, 2010 to discuss a possible dog park.

CITY AUDITOR – No Report

LAW DIRECTOR

Mr. Detty gave his report, see attached. Mayor Heath stated the city had been named beneficiary in a will for the purpose of Arts, more detail will be given later.

MAYOR

Mayor Heath stated Mr. Sheward had surgery today in Columbus and hopes to be back next week. Mr. Smith asks about the possible removal of trees and no parking on South Street. He requested that the ordinance be reviewed, that some citizens are concerned. Mayor Heath replied he thought they were going to install a 4 way stop and flashing red light. Mr. Smith would like to see the policy reviewed. Mayor Heath stated they were leaning toward the 4 way stop. Mr. Smith stated

lots of trees are being taken out all over the city; the ordinance has been in place since the mid 80's. Mrs. Colby stated this needs to be discussed with Tree Commission. Mayor Heath stated they would review with Mr. Fisher and Mr. Sheward.

SAFETY/SERVICE DIRECTOR

Mr. Woltz discussed the Gorsuch handout provided to the Councilmen. He also stated that Mr. Sheward had met with the departments to assemble temporary budget will meet with Wendy on Wednesday.

ORINANCES AND RESOLUTIONS

ORDINANCE NO. 96-10

AN ORDINANCE MOVING APPROPRIATIONS IN THE WATER FUND, SEWER FUND, AND ELECTRIC FUND, AND DECLARING AN EMERGENCY.

Second Reading

ORDINANCE NO. 100-10

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO, AND THE OHIO HORSE COUNCIL, JACKSON COUNTY CHAPTER, FOR USE OF THE HORSE TRAIL AT HAMMERTOWN LAKE.

Second Reading

Mr. Fain ask if everything was in order. Mr. Detty stated he had changed the renewal for 5 years and included a notice to terminate. Mr. Fain asked the standard. Mr. Smith replied 90 days. Mr. Detty stated 90 days and this can wait until the next meeting.

ORDINANCE NO. 101-10

AN ORDINANCE MOVING APPROPRIATIONS IN THE WATER UTILITY OFFICE FUND, AND DECLARING AN EMERGENCY.

First Reading

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

Mayor Heath stated it is the end of the year and employees are using their cash in pay, this figure can not be determined while preparing the budget. Mr. Fain was concerned with leaving the fund only \$35. Mayor Heath was unsure about that. Mr. Fain stated we may have to move again. Mr. Woltz stated the overtime would only be an emergency, not sure how pay rate is broke out, look at maybe 3 hours overtime, it comes from 3 funds. Mr. Smith asks if we appropriate, does this include shut off/on. Mr. Fain suggested a first reading. Mayor Heath stated he will get the answer. Mrs. Colby stated cash in pay is a problem, we need a closer estimate. Mayor Heath replied no separate funds set aside. Mrs. Colby replied they do this every year. Mr. Smith stated we can almost determine, and ask for the figure in the budget. Mr. Adams stated it is hard to tell how much and how many. Mr. Smith stated put lots in and then move out. Mr. Speakman suggested a separate fund and draw from it, adding December 1st as a cut off date.

ORDINANCE NO. 102-10

AN ORDINANCE MOVING APPROPRIATIONS IN THE SEWER COLLECTION FUND AND THE WATER DISTRIBUTION FUND, AND DECLARING AN EMERGENCY.

First Reading

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

Mayor Heath stated this comes from January and February, more breaks than normal and it always happens on the weekend. Noting last weekend a pump went out in the heights. Mr. Smith asks if this would get them through the year. Mr. Fain ask for the fund balance, overtime. Mr. Detty replied less than a \$1000. Mr. Woltz replied zero or in the negative.

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

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

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

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

ORDINANCE NO. 102-10 DULY ADOPTED

ORDINANCE NO. 103-10

AN ORDINANCE FINDING THE LOWEST RESPONSIBLE AND RESPONSIVE BID, AWARDING THE CONTRACT FOR THE ELECTRICAL SCADA (SUPERVISORY CONTROL AND DATA ACQUISITION) PROJECT TO SURVALENT TECHNOLOGY, 2600 ARGENTA ROAD, MISSISSAUGA, ONTARIO, CANADA, AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Woltz explained this allows us to track substations, outages and foresee future problems; it is an asset in troubleshooting. We have talked to Mr. Kisor, this is his recommendation. Mr. Fain ask if he would install. Mr. Woltz replied they will install. Mr. Fain asks when this was bid. Mr. Speakman stated the bid came down November 16th. Mr. Woltz replied he would have to check. Mr. Fain ask why 18 months. Mr. Woltz stated the system we had was old and no parts were available to fix. Mr. Speakman stated it was installed when he was there. Mr. Fain asks if it made a difference if it was passed tonight. Mr. Speakman replied after December 10th no more purchase orders. Mrs. Colby asks if only two bids. Mr. Smith stated Novatech didn't meet specs. He went on to ask have you checked on the \$25000 difference, city will own, they set up, why LCD 42" panel. Mr. Woltz stated it displays 6 windows, main server in the electric building and 2 remote units. Mr. Smith asks if this included training. Mr. Woltz suggested a first reading. Mr. Smith reminded council this was the same guy who had the extra change orders, we need assurance that this includes everything. Mayor Heath stated they will review. Mr. Smith stated this is coming from Canada; we need to know about the training. Mrs. Colby stated they usually get copies.

ORDINANCE NO. 104-10

AN ORDINANCE FINDING THE LOWEST RESPONSIBLE AND RESPONSIVE BID, AWARDING THE CONTRACT FOR THE 13.2 KV 4/0 ACSR CIRCIOT 4 CONVERSION PROJECT TO NEW RIVER ELECTRICAL CORP., 15 CLOVERDALE PLACE, CLOVERDALE, VIRGINIA 24077, AND DECLARING AN EMERGENCY..

First Reading

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

Mr. Woltz stated this is to replace feeder 4, radio station line, and its 40 years old. Mr. Speakman thought it was older than that, it goes out 3 or 4 times a week, this is a problem. Mrs. Colby asks if this would also take care of the residential areas. Mr. Woltz stated they think it may be an issue with birds, tripping relay and it resets. Mr. Fain was concerned that one bid was \$140,000 lower and the timetable. Mr. Woltz was uncertain, and thought it was budgeted for this year. Mr. Smith stated we need, but is leery of MK Power Solutions not having correct bids. He agreed to have a special meeting if this was needed, there is no engineers estimate and requested to see that.

ORDINANCE NO. 105-10

AN ORDINANCE MOVING APPROPRIATIONS IN THE STREET AND ALLEY FUND, AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Woltz stated this is precautionary measure, in case of snow prior to year end.

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

Mr. Adams – yes
Mr. Brown – yes
Mr. Elliott - yes
Mr. Smith – yes
Mr. Fain – yes
Mrs. Colby – no

ORDINANCE NO. 106-10

AN ORDINANCE MOVING APPROPRIATIONS IN THE GENERAL FUND: POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

First Reading

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

Mayor Heath stated this qualifies as an emergency, higher jail costs, we are currently housing two females from the Wal-Mart heist and the probation department has been very busy, the probation violation expense goes back to the city, we are down to zero. Mr. Fain questioned if there was enough remaining in the fund we were taking from. Mayor Heath replied yes.

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

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

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

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

ORDINANCE NO. 106-10 DULY ADOPTED

ORDINANCE NO. 107-10

AN ORDINANCE MOVING APPROPRIATIONS IN THE SEWER FUND, AND DECLARING AN EMERGENCY.

First Reading

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

Mayor Heath stated it is important to have enough funds for chemicals. Mr. Fain stated he spoke with Mr. Gambino, and due to changes, utilities budgeted high. Mr. Speakman replied see the attached letter.

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

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

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

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

ORDINANCE NO. 107-10 DULY ADOPTED

CORRESPONDENCE

Council received request in regards to liquor license transfers for CVS, Mr. Brown made a motion to no objection, seconded by Mr. Fain. In a voice vote, all members agreed. Council received request in regards to liquor license transfers for Los Amigos, Mr. Brown made a motion to no objection, seconded by Mr. Fain. In a voice vote, all members agreed.

OLD BUSINESS

Mayor Heath stated if a special meeting is needed he can schedule. Mr. Fain made a motion to schedule a special meeting for December 6, 2010 at 6:00 p.m. to discuss any and all open ordinances, seconded by Mr. Smith. In a voice vote, all members agreed.

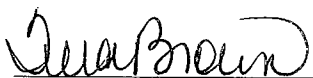
Mr. Smith asks about an executive session. Mayor Heath stated there has been a tentative settlement, nothing to review; we can do at next meeting. Mr. Detty stated you only have 30 days; there will not be enough for three meetings before December 31st. Mayor Heath stated the thirty days starts upon presentation to council. Mr. Detty stated when it's presented to the city.

Mr. Fain made an amendment to the special meeting to include labor agreement, seconded by Mr. Smith. In a voice vote, all members agreed. Mrs. Colby asks what if we don't agree. Mr. Smith stated that is why we want three readings. Mrs. Colby asks if he had been involved in the negotiations and are you aware of the changes. Mayor Heath replied he is aware of major changes.

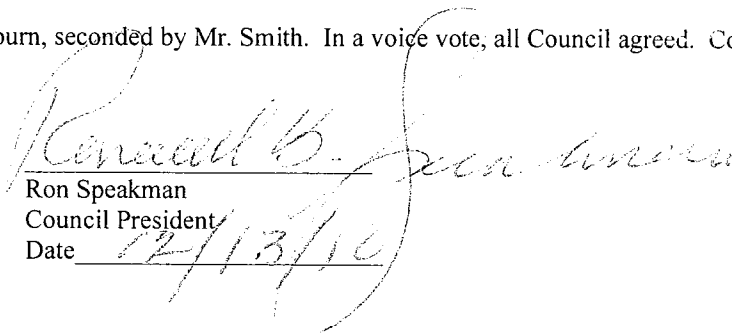
NEW BUSINESS

ADJOURN

Mr. Brown made a motion to adjourn, seconded by Mr. Smith. In a voice vote, all Council agreed. Council adjourned at 7:50 p.m.



 Tera Brown
 Clerk
 Date 12/13/10



 Ron Speakman
 Council President
 Date 12/13/10

JOHN L. "JACK" DETTY

Jackson City Law Director

145 Broadway Street

Jackson, Ohio 45640

Phone: 740-286-2201

Fax: 740-286-3492

jdetty@jacksonohio.us

Jackson City Council

November 22, 2010

REPORT OF THE LAW DIRECTOR

The following is the Report of the Law Director:

• **ORDINANCES/RESOLUTIONS**

- Ordinance 100-10 is the ordinance to allow the Ohio Horse Council, Jackson County Chapter the use of the horse trails at Hammertown Lake. I have made the agreement for a 5 year term.
- Ordinances No. 101-10 through 103-10, and 106-10 and 107-10 are all ordinances involving fund transfers and they can be explained by the administration.
- Ordinances No. 104-10 and 105-10 are to award bids on various electrical projects. The administration can explain these ordinances.

• **RAILROAD – *Fenton Rigging v US Rail and City Suit***

- A pretrial conference was held on this matter on November 9, 2010. I attended via telephone. US Rail did not appear, and the court has set the next conference in this matter for late January 2011.
- I will keep you informed as this matter progresses.

- **CITY v U.S. RAIL**

- We are reviewing and looking at a proposed Standard Lease Agreement. Once this has been thoroughly reviewed by legal counsel we will bring that to you for discussion.
- I assume everyone has received a copy of the letter from Maibach (Paul Wheaton).
- I will keep you informed as this matter progresses.

- **JONES WILL**

- Apparently the City has been named a beneficiary in the Last Will and Testament of David Brooks Jones.
- The gift is to the City of Jackson Recreation Department towards an endowment for “Arts Programs for Youth”.
- I just received this information last week and I am exploring the necessary steps we need to take.
- I will keep you informed as more information becomes available.

- **MISCELLANEOUS**

- Municipal Court remains extremely busy.
- My office continues to work on other projects as time and resources become available. These include delinquent real estate tax collections, miscellaneous research projects, and other miscellaneous items.

*Thank you for your service, and
if at any time you have any questions or would like to
discuss any issues with me please feel free to stop
by my office, or call me at 710-1214.*

John L. “Jack” Detty

CLERK OF JACKSON CITY COUNCIL
145 BROADWAY ST
JACKSON OHIO 45640-1656

Township Fiscal Officer

Clerk of City Council

Clerk of County Commissioner (Title)-

(Date)

11-22-10

(Signature)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(MUST MARK ONE OF THE FOLLOWING)

(TRANSACTION & NUMBER)

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING. REFER TO THIS NUMBER IN ALL INQUIRIES

IMPORTANT NOTICE

B TRFO 1255600

MAILED 11/05/2010 RESPONSES MUST BE POSTMARKED NO LATER THAN 12/06/2010



3275345	PERMIT NUMBER	02 01 2009	ISSUE DATE	11 03 2010	FILING DATE	D5	PERMIT CLASSES	40 022	TAX DISTRICT	RECEIPT NO.
J S E INVESTMENTS INC	TYPE	181 WEST MAIN ST & PATIO	JACKSON OHIO 45640							

FROM 11/05/2010

1255600	PERMIT NUMBER	02 01 2009	ISSUE DATE	11 03 2010	FILING DATE	D5	PERMIT CLASSES	40 022	TAX DISTRICT	RECEIPT NO.
TRFO	TYPE	DBA LOS AMIGOS & PATIO	181 WEST MAIN ST			JACKSON OHIO 45640				

TO

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

CLERK OF JACKSON CITY COUNCIL
145 BROADWAY ST
JACKSON OHIO 45640-1656

Township Fiscal Officer

Clerk of City Council

Clerk of County Commissioner

(Date)

(Signature)

11-22-10

Handwritten signature

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

WE DO NOT REQUEST A HEARING.

THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT

(MUST MARK ONE OF THE FOLLOWING)

(TRANSACTION & NUMBER)

REFER TO THIS NUMBER IN ALL INQUIRIES B TRFO 6517242-0875

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL

IMPORTANT NOTICE

MAILED 11/18/2010 RESPONSES MUST BE POSTMARKED NO LATER THAN 12/20/2010



73153073419	PERMIT NUMBER	DBA CVS PHARMACY 3419	TYPE
02 01 2010	ISSUE DATE	353 E MAIN ST	
11 16 2010	FILING DATE	JACKSON OHIO 45640	
C1 C2	PERMIT CLASSES		
40 022	TAX DISTRICT		RECEIPT NO.

FROM 11/18/2010

65172420875	PERMIT NUMBER	DBA CVS STORES LLC	TRFO
02 01 2010	ISSUE DATE	353 E MAIN ST	
11 16 2010	FILING DATE	JACKSON OHIO 45640	
C1 C2	PERMIT CLASSES		
40 022	TAX DISTRICT		F04149

TO

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

EOE/ADA SERVICE PROVIDER
FOR TTY USERS, DIAL ORS 1-800-750-0750

CEO/PRESIDENT SOCIAL SECURITY# _____

VICE-PRESIDENT SOCIAL SECURITY# _____

TREASURER SOCIAL SECURITY# _____

SECRETARY SOCIAL SECURITY# _____

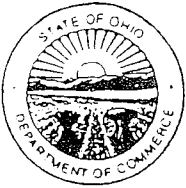
COMPLETE THE CURRENT LIST OF YOUR TOP FOUR(4) OFFICERS.
IF NO ONE HOLDS THAT OFFICE, INDICATE 'NONE', PLEASE PRINT OR TYPE.

NAME	SOCIAL SECURITY #	TITLE	BIRTHDATE

IF INFORMATION LISTED ABOVE IS NOT ACCURATE, PLEASE INDICATE CHANGES BELOW.

PARTNERS OF A PARTNERSHIP, MANAGING MEMBERS, PERSONS HOLDING 5% OR GREATER MEMBERSHIP OR VOTING INTEREST IN A LLC	LAST FOUR DIGITS OF SOCIAL SECURITY #	INTEREST	TITLE
LINDA M CIMBRON THOMAS S MOFFATT MELANIE K LUKER CVS PHARMACY INC ZENON P LANKOWSKY CAROL A DENALE	***** ***** ***** ***** ***** ***** ***** ***** ***** *****		ASST SECR. SECRETARY ASST SECR. ASST SECR. ASST SECR. ASST SECR. PRESIDENT VICE PRES.

RENEWAL YEAR 2010-2011



**Department
of Commerce**

Division of Liquor Control

Ted Strickland, Governor
Kimberly A. Zurz, Director

**NOTICE TO LEGISLATIVE AUTHORITIES
Re: Permit Renewal Objections**

40-022

NOVEMBER 04, 2010

CLERK OF JACKSON CITY COUNCIL
145 BROADWAY ST
JACKSON OHIO 45640-1656

Dear Clerk of Legislative Authority:

The purpose of this letter is to notify you that all permits to sell alcoholic beverages in your political subdivision will expire on **February 1, 2011**. In order to maintain permit privileges, every permit holder must file a renewal application.

Ohio Revised Code Section 4303.271(B) provides the legislative authority with the right to object to the renewal of a permit and to request a hearing. The hearing may be held in the county seat of the county in which the permit premises is located if that request is made in writing. This will be your only opportunity to object to the renewal of a liquor permit premises which might be a problem in your community.

In order to register a valid objection with this Division and obtain a hearing, the legislative authority must pass a resolution which specifies the reason for objecting. The reasons for the objection must be based upon the grounds set forth in Ohio Revised Code Section 4303.292(A). The Chief Legal Officer of your political subdivision must also submit a statement with the resolution that, in the Chief Legal Officer's opinion, the objection is based upon substantial legal grounds within the meaning and intent of Ohio Revised Code Section 4303.292(A). **The resolution and Chief Legal Officer's statement must be addressed to the Division of Liquor Control, Attn: Legal Section, 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005 and postmarked no later than January 3, 2011.**

For your convenience, we have enclosed a brochure entitled "How to Object to the Issuance or Renewal of a Liquor Permit", which explains the process in more detail.

You may wish to contact the law enforcement agency for your jurisdiction to determine if it has any information which will aid in your decision whether or not to object and request a hearing. If you wish to obtain a list of permit holders in your jurisdiction, you may now access this list from our website at www.com.ohio.gov/liqr, and at the left click on Permit Holder Info." and then click on "ACTIVE Permit Holders By County,.....(In print image format)". If you do not have access to the Internet, this list can be provided by this Division upon written request.

If you have any questions, please contact the Legal Section at (614)644-2489.

Very truly yours,

A handwritten signature in black ink, appearing to read "E. Davis".

Ernie Davis, Acting Superintendent

Licensing Renewal Section
6606 Tussing Road
PO Box 4005
Reynoldsburg, OH 43068-9005 U.S.A.

614 | 644 3162
Fax 614 | 644 6968
TTY/TDD 800 | 750 0750
www.com.ohio.gov/liqr

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