

JACKSON CITY COUNCIL
Regular Session
July 22, 2013
7:00 p.m.

Call to Order..... President Speakman
Pledge of Allegiance..... Mr. Brown
Opening Prayer..... Mr. Brown

Roll Call

Approval of Minutes

July 8, 2013

VISITORS

COMMITTEE REPORTS:

- Utility - Brown, Elliott and Queen
- Budget & Finance – Elliott, Smith and Brown
- Police, Fire & Traffic - Smith, Kitchen and Foster
- Service –Kitchen, Foster and Jones
- Railroad – Jones, Smith and Elliott
- Building/Recreation – Smith, Foster and Queen
- City Auditor
- Law Director
- Mayor
- Service/Safety Director

ORDINANCES AND RESOLUTIONS

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

ADJOURN

JACKSON CITY COUNCIL

Minutes from

July 8, 2013

7:00 p.m.

Regular Session

Jackson City Council met in regular session on Monday, July 8, 2013 at 7:00 p.m. at Jackson City Council Chambers. President Ron Speakman called the meeting to order. The Pledge of Allegiance was given, led by Mr. Kitchen. The Prayer was given, led by Mr. Brown.

A roll call was taken as follows:

- Mr. Brown - present
- Mr. Kitchen - present
- Mrs. Jones - present
- Mr. Smith - present
- Mr. Queen - present
- Mr. Elliott - present
- Mr. Foster - present

Mr. Smith made a motion to approve the minutes from June 24, 2013 regular session, seconded by Mr. Kitchen. In a voice vote, all members agreed.

VISITORS

COMMITTEE REPORTS

UTILITY - No Report

Mr. Brown requested from the administration a report on the sewer fund, to see review progress after raising rates.

BUDGET & FINANCE

Mr. Elliott reported trying to find money, can't find any. Couple of plans floated in the past, in regards to creek cleaning and building issues, add a storm water fee at \$2.00 per month, could raise \$80,000 - \$100,000 per year and a police levy, this would free up those funds currently being taken from general fund. Would like to see how serious we are about creek cleaning. Mr. Kitchen asked to keep looking, appreciate efforts.

POLICE, FIRE & TRAFFIC - No Report

SERVICE

Mr. Kitchen thanked Mayor Heath for arranging meeting and openness. Held meeting on July 1st at 7:00, the buildings are in need of repair. Commented on Michael's Building, still working on it, no word or progress. There appears to be another owner, Mary Ball. Followed up with Health Department, funds had been requested from commissioners to tear down. Basically, if they have money to do. Health Department has records for the past six years of what buildings are looked at and what has been done. Impressed with Health Department, book was provided, good information. Will schedule another meeting. Met on July 2nd at 7:00 p.m., discussed cemetery, Anthony Coyan gave description of work through Genealogical Society, working on map, from a Veteran's stand point. Would like some help from local Veteran's groups with cost of signs, the cost is not yet fully determined. In regards to the creek, Shawn Sexton spoke on creek cleaning and maintenance, approximately 7 miles, all accessible with truck or 4x4. Pointed out proper equipment is critical, track hoe, track mower, dump truck, important to consider, removed tons of debris. Pick up on regular basis, must be done, best time is late September, early October. Not sure of mowing schedule, mowing is required. Estimated cost to clean \$187,000. There is a complete list of owners, city owns 2/3. There were 4 visitors; last 15 minutes were for them to speak. All members were

present and allowed to address, very productive. There are government ¾ ton surplus vehicles, rather plentiful. Ron knows how to get. Appreciate the meeting, free exchange of ideas, almost complete cooperation.

RAILROAD - No Report

BUILDING/RECREATION

Mr. Smith reminded everyone that a meeting is scheduled for July 10th at 7:00 p.m.

CITY AUDITOR

Mr. Reed reported Audit 2012, done in record time, cleanest audit on record, no administrative letter.

LAW DIRECTOR

Mr. Kirby stated he would answer any questions in regards to the letter provided, see attached.

MAYOR

Mayor Heath reported an enjoyable July 4th celebration, thanked the Jaycees, Chamber, there was a parade, 5K, concert, there were approximately 200 runners. Thankful no storm. Thanked Mr. Kitchen for his kind words, both meetings informative. Thanked Mr. Sexton, stating the meeting on Wednesday was very informative. Met with ODOT District 9 to discuss street repaving, Mr. Foster was present, very expensive programs, 20% matching, continuing to keep community neat, some curb painting being done.

SAFETY/SERVICE DIRECTOR

Mr. Sheward reported water plant is connected to city power, except some fiber optic for communication, very few problems. Mosquito spraying will be July 15th or 16th depending on rain. Tonight will be second reading on ordinance for Knox box, and Ordinance 31-13, additional appropriations for police physicals, not done for several years, requirement. Just so council is aware, ¾ of funds for jail expenses have been used; don't be surprised when we are out of money, female, ton of people in jail. Both male and female, back in realm of transportation. Mr. Brown asked about status of contract negotiations. Mr. Sheward stated July. Mr. Brown asked can we see existing contracts, are you still open for ideas. Mr. Sheward replied of course, please ask for copy. Mr. Brown replied I want a copy. Mr. Reed said he can scan and email. Mr. Sheward stated yes, we have in that form. Mr. Queen also requested a copy. Mr. Kitchen asked Mr. Sheward about construction work outside chambers. Mr. Sheward replied don't know, pay contract amount, generator delivered next week, large generator to operate this building. Command center goes out when we lose power; this is part of feed one project. Mr. Queen asked how many people the jail will hold. Mayor Heath replied 40 beds when built, we get 7 beds at all times, our beds are full, no space available. Mr. Queen asked wasn't it suppose to be a 2 story jail. Mayor Heath stated it would not meet requirements for that.

ORINANCES AND RESOLUTIONS

ORDINANCE NO. 28-13

AN ORDINANCE OF THE LEGISLATIVE AUTHORITY OF THE CITY OF JACKSON, OHIO TO ACCEPT THE BID OF R&R CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$69,121.00 FOR THE MANPOWER BRIDGE PROJECT AS IT WAS THE LOWEST AND BEST RESPONSIVE BID SUBMITTED AND DECLARING AN EMERGENCY.

Third Reading

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

Mr. Brown - yes
Mr. Kitchen - yes

Mrs. Jones - yes
Mr. Smith - yes
Mr. Queen - no
Mr. Elliott - yes
Mr. Foster - no

ORDINANCE 28-13 DULY ADOPTED

ORDINANCE NO. 30-13

AN ORDINANCE TO ADOPTING THE USE OF KEY LOCK BOXES TO BE USED BY THE JACKSON FIRE DEPARTMENT AND INCLUDING SAID ORDINANCE WITHIN CODIFIED ORDINANCES OF THE CITY OF JACKSON AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Queen asked why is this an emergency. Mayor Heath stated if it goes three readings, we still have to wait 30 days to take effect.

Mr. Kitchen made a motion to suspend the rules, seconded by Mrs. Jones. In a roll call vote, members voted as follows:

Mr. Brown - yes
Mr. Kitchen - yes
Mrs. Jones - yes
Mr. Smith - yes
Mr. Queen - no
Mr. Elliott - yes
Mr. Foster - no

ORDINANCE NO. 31-13

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE POLICE DEPARTMENT MEDICAL SERVICES FUND FOR THE PURPOSE OF COMPLETING POLICE DEPARTMENT PHYSICALS AND DECLARING AN EMERGENCY.

First Reading

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

Mr. Queen asked has a date been set to be done. Mr. Sheward replied ASAP, keeps us in line with the ordinance. Mrs. Jones asked if this was one a year. Mr. Sheward replied suppose to, fire department has it done every year, as far as I can tell, believe its been 7-8 years, part of the code. Mr. Speakman stated need to get done, there could injury due to physical disability.

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

Mr. Brown - yes
Mr. Kitchen - yes
Mrs. Jones - yes
Mr. Smith - yes
Mr. Queen - yes
Mr. Elliott - yes
Mr. Foster - yes

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

Mr. Brown - yes
Mr. Kitchen - yes
Mrs. Jones - yes
Mr. Smith - yes
Mr. Queen - yes
Mr. Elliott - yes
Mr. Foster - yes

ORDINANCE NO. 31-13 DULY ADOPTED

Mr. Brown asked about Ordinance 30-13, no language for new structures, attachment says states its there but not in ordinance. Mr. Smith old ones don't. Mr. Brown stated it is not in the ordinance, can we amend at next meeting. Mr. Kirby stated yes. Mr. Sheward stated see section B. Mr. Brown stated 129.04 not listed in the ordinance. Mr. Kirby stated typo.

CORRESPONDENCE

Received a request for a liquor permit for Rowdy's, see attached. Mr. Brown made a motion to not request a meeting, seconded by Mr. Elliott. In a voice vote, all members agreed.

OLD BUSINESS

Mr. Speakman spoke on clerk being absent from last two committee meetings, she will notify us, July 10th, she cannot attend due to employment, your pleasure Mr. Smith to have someone else or compel attendance. Mr. Brown suggested someone from committee take minutes, clerk can type. Mr. Brown made a motion to this, seconded by Mr. Smith. In a voice vote, all members agreed.


NEW BUSINESS

Mr. Brown stated, just a though, schools have been tore down, kids lost playgrounds, been 7-8 years, there is one at Hillcrest and West Main. Could we find lots for swings, basketball court, need something to do, some can't make to the others. We do have recreation funds available, nothing extravagant, entertain kids, someplace to meet and talk, safe playground. Mayor Heath stated we will work on. Mr. Speakman asked Mr. Smith to work with the Mayor. Mr. Kitchen commented on the bridge in Diamond area, reports of dirt bike, have called police. Mayor Heath stated he will speak with police.

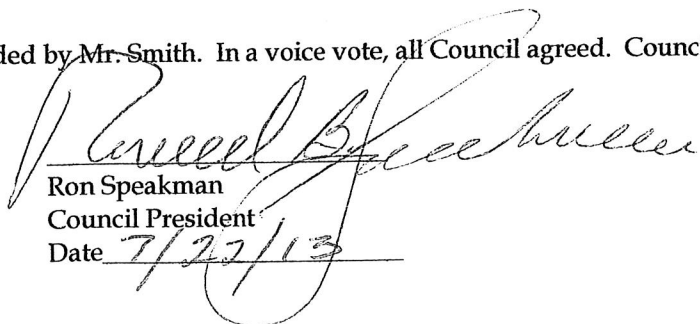
Mr. Smith reminded about meeting on July 10th at 7:00. Also, see fire run report, see attached.

ADJOURN

Mr. Brown made a motion to adjourn, seconded by Mr. Smith. In a voice vote, all Council agreed. Council adjourned at 7:20 p.m.



Tera Brown
Clerk
Date 7-22-13



Ron Speakman
Council President
Date 7/22/13

JOSEPH D. KIRBY

Attorney for the City of Jackson

227 E. Main Street
P.O. Box 573
Jackson, Ohio 45640
Phone: (740) 286-3735
Fax: (740) 288-2161

July 5, 2013

Members of Jackson City Council
Mayor of the City of Jackson
Service Director of the City of Jackson

Dear Council Members, Mayor and Service Director;

I have met with the administration and others concerning issues related to abandoned, run down or unsafe buildings within the City of Jackson and the different options that exist to address the problems created by those buildings. The City does have ordinances in place to address health and safety concerns. Issues regarding non-health and safety matters that are more of an "appearance" nature may not fall within the remedies in the City code. The following is a summary of the options available as found in the City code governing buildings, litter, and sanitary sewer hook-ups.

Unsafe buildings are defined as those buildings that fall within the following categories:

- Structurally unsafe;
- inadequate egress or which constitute a fire hazard;
- otherwise dangerous to human life;
- or, constitute a hazard to health by reason of inadequate maintenance, dilapidation or obsolescence, in relation to existing use.

The City Code states that the Service Director shall examine each building or structure that is reported as or believed to be unsafe. If the building meets the requirement of unsafe by virtue of any of those hazards listed above, then the owner may be issued a citation. That citation shall specifically state the defects that cause the building to be unsafe. The citation also requires the work shall commence within thirty days to remedy the condition. There is not a specific time limit by which the repairs must be completed. However, the notice of demolition procedure does anticipate the Service Director setting a time limit for the repairs in the notice as part of the demolition procedure (1323.06).

If the owner fails to remedy the situation then the City may proceed towards condemnation proceedings. If, upon receiving citation, the owner objects, he may request a hearing within ten days. If, after any requested hearings, the hazardous conditions have not been

corrected, the property may be demolished. The owner may be subject to criminal penalties of a misdemeanor of the 4th degree for failure to comply with the notice of demolition proceeding.

The City Code requires that "The cost of the demolition work shall be paid by the City." The City can, however, seek reimbursement. The Ohio Revised Code, R.C. Section 715.261, sets forth two methods to seek reimbursement. The first is to, within one year of the demolition, have the City Clerk certify the cost of the demolition to the County Auditor to be placed as a special assessment on the property. The property could then be sold. Such sale would include payment of this lien and real estate taxes. The second method is to file a civil action. That would be a civil suit against the land owner for reimbursement of the cost of demolition. Any judgment would be a civil judgment and subject to collection by any of the available civil means. This would include garnishment, execution on personal property, etc.

The City may review properties for litter issues. It is a violation of the City Code to allow litter to be deposited on any occupied private property within the City or vacant property. Litter includes garbage, refuse, rubbish and all other waste material, more fully defined by Jackson City Code 559.02. A littering violation constitutes a minor misdemeanor for each day that such violation is committed or permitted to continue. The City also has the option to remove the litter. Prior to doing so, the Service Director shall notify the owner of the condition and allow the owner five days from the date of receipt of the notice to clear the litter. Failure to do so will permit the City to remove the litter. The City may bill its actual costs incurred in the removal plus 6% per year. Again the costs for removal can be collected by making the costs a special assessment on the real estate tax duplicate or by civil action.

Also, Jackson City Code Section 1313.04 provides that each building shall connect to the sewer main in accordance with the ordinance's rule and regulations of the City. Failure to maintain such a connection can carry criminal penalties.

Please feel free to contact me at your convenience to discuss this matter further or if there are any additional questions.

Sincerely,

Joseph D. Kirby
Attorney at Law

JDK/srb

JACKSON FIRE DEPT. RUN LOCATIONS 2013

TOWNSHIP	2013										June		FALSE ALARM
	STRUCTURE	BRUSH	VEHICLE	ENTRAP	ACCIDENT	STANDBY	OTHER	CANCELLED	HAZMAT	ODOR/ SMOKE			
CITY OF JACKSON	5 (1)	2 (1)	4	1	2 (2)		9 (3)	4 (1)	6 (1)	4		7	
LICK	6 (1)		4	1 (1)	6		5 (1)	1	2	3 (1)		4 (1)	
FRANKLIN	1	2		1	3		2	3				2	
COAL	3	1											
JACKSON													
MILTON													
WASHINGTON													
JEFFERSON	2												
MADISON													
SCIOTO			1										
LIBERTY													
HAMILTON													
CITY OF WELLSTON	2 (2)							1					
BLOOMFIELD						1							
YEAR TOTAL	19	6	8	3	11	1	16	9	8	7	13	101	
MONTH TOTAL	(4)	(1)	0	(1)	(2)	0	(4)	(1)	(1)	(1)	(1)	(16)	

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

TO

7415650	N	ROWDYS SMOKEHOUSE BARBECUE LLC
PERMIT NUMBER	TYPE	DBA ROWDYS SMOKEHOUSE
ISSUE DATE		495 RALPH ST
03 08 2013		JACKSON OH 45640
FILING DATE		
D5		
PERMIT CLASSES		
40 022 B	A03378	
TAX DISTRICT	RECEIPT NO.	

FROM 07/02/2013

PERMIT NUMBER	TYPE	
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT	RECEIPT NO.	



MAILED 07/02/2013

RESPONSES MUST BE POSTMARKED NO LATER THAN. 08/02/2013

IMPORTANT NOTICE

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 B N 7415650
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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:

Jera Brown _____ 7-8-13
(Signature) (Title) Clerk of County Commissioner (Date)
 Clerk of City Council
 Township Fiscal Officer

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

FOR OFFICE USE ONLY	
NEW	TRANSFER
PERMIT # 745650	

OHIO DEPARTMENT OF COMMERCE - DIVISION OF LIQUOR CONTROL
 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005
 Telephone: (614) 644-2431 - http://www.com.ohio.gov/liqr



LIMITED LIABILITY COMPANY DISCLOSURE FORM
 (This form must accompany all applications of an LLC business entity)

SECTION A.

Name of Limited Liability Company Rowdy's Smokehouse Barbecue LLC	DBA Name Rowdy's Smokehouse
Permit Premises Address 495 RALPH STREET	City, State JACKSON, OH
Township, if in Unincorporated Area	Zip Code 45640
	Tax Identification No (TIN) 46-0972688

Limited Liability Company ("LLC") - Chapter 1705 Ohio Revised Code. Indicate below the managing members, LLC Officers, and all persons with a 5% or greater membership or voting interest, and attach a copy of the Articles of Organization filed with the Ohio Secretary of State.

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

SECTION B. List the top five (5) officers of the captioned business. If an office is NOT held, please indicate by writing NONE.

EACH OFFICER LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO NONE		
2) President NONE		
3) Vice-President NONE		
4) Secretary NONE		
5) Treasurer NONE		

SECTION C. List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

1) Name NATHAN S. KITS	Social Security No (if individual) [REDACTED]	<input type="checkbox"/> Managing Member
Residence Address 2701 CAMBA RD	Tax Identification No (if applicable)	<input type="checkbox"/> 5% or greater voting interest
City and State JACKSON OH 45640	Zip Code 45640	<input checked="" type="checkbox"/> 5% or greater membership interest
Telephone No 740 357 9240	Date of Birth 10-2-74	
2) Name HANNAH E. KITS	Social Security No (if individual) [REDACTED]	<input type="checkbox"/> Managing Member
Residence Address 2701 CAMBA RD	Tax Identification No (if applicable)	<input type="checkbox"/> 5% or greater voting interest
City and State JACKSON OH 45640	Zip Code 45640	<input checked="" type="checkbox"/> 5% or greater membership interest
Telephone No 740-418-6081	Date of Birth 3-26-83	

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE)

STATE OF OHIO, JACKSON COUNTY ss,

I, NATHAN S. KITS being first duly sworn, according to law, deposes and says that he/she is (Title) MEMBER

of the Rowdy's Smokehouse Barbecue LLC, a business duly authorized by law to do business in the State of Ohio, and that the statements made in the foregoing affidavit are true

(Signature) [Signature] (Print Name and Title) NATHAN KITS MEMBER

Sworn to and subscribed in my presence this 21 day of February, 2013

[Signature] (Notary Public) 6-17-2017 (Notary Expiration)

DLC4032 (LIMITED LIABILITY COMPANY DISCLOSURE FORM)

SECTION C.
(CONTINUED)

List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.
 THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

3) Name	Randall L Evans	Social Security No	[REDACTED]	<input type="checkbox"/> Managing Member
Residence Address	700 Harns Street Apt. #1	Tax Identification No (if applicable)		<input type="checkbox"/> 5% or greater voting interest
City and State	Jackson, Ohio	Zip Code	45640	<input checked="" type="checkbox"/> 5% or greater membership interest
Telephone No	740-418-6543	Date of Birth	5-1-59	
4) Name		Social Security No (if individual)		<input type="checkbox"/> Managing Member
Residence Address		Tax Identification No (if applicable)		<input type="checkbox"/> 5% or greater voting interest
City and State		Zip Code		<input type="checkbox"/> 5% or greater membership interest
Telephone No		Date of Birth		
5) Name		Social Security No (if individual)		<input type="checkbox"/> Managing Member
Residence Address		Tax Identification No (if applicable)		<input type="checkbox"/> 5% or greater voting interest
City and State		Zip Code		<input type="checkbox"/> 5% or greater membership interest
Telephone No		Date of Birth		
6) Name		Social Security No (if individual)		<input type="checkbox"/> Managing Member
Residence Address		Tax Identification No (if applicable)		<input type="checkbox"/> 5% or greater voting interest
City and State		Zip Code		<input type="checkbox"/> 5% or greater membership interest
Telephone No		Date of Birth		
7) Name		Social Security No (if individual)		<input type="checkbox"/> Managing Member
Residence Address		Tax Identification No (if applicable)		<input type="checkbox"/> 5% or greater voting interest
City and State		Zip Code		<input type="checkbox"/> 5% or greater membership interest
Telephone No		Date of Birth		
8) Name		Social Security No (if individual)		<input type="checkbox"/> Managing Member
Residence Address		Tax Identification No (if applicable)		<input type="checkbox"/> 5% or greater voting interest
City and State		Zip Code		<input type="checkbox"/> 5% or greater membership interest
Telephone No		Date of Birth		
9) Name		Social Security No (if individual)		<input type="checkbox"/> Managing Member
Residence Address		Tax Identification No (if applicable)		<input type="checkbox"/> 5% or greater voting interest
City and State		Zip Code		<input type="checkbox"/> 5% or greater membership interest
Telephone No		Date of Birth		

2013 FEB 22 PM 12:00
 OH DIVISION OF
 CONTROL
 L. CENSUS REG. DIV. SK 2