

JACKSON CITY COUNCIL
Regular Session
March 28, 2011
7:00 p.m.

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

Roll Call

Approval of Minutes

March 14, 2011

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
March 14, 2011
7:00 p.m.
Regular Session

Jackson City Council met in regular session on Monday, March 14, 2011 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 Mr. Elliott. The Prayer was given, led by Mr. Brown.

A roll call was taken as follows:

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

Mr. Adams made a motion to approve the minutes from the February 28, 2011 regular session, seconded by Mrs. Colby. In a voice vote, all Council agreed.

Mr. Adams made a motion to excuse Mr. Fain, seconded by Mr. Powell. In a voice vote, all members agreed.

VISITORS

Mike and Deanna Stroth, Community Development. Mr. Stroth was seeking approval of the resolution to apply for the next CHIP funding application, due April 1st, funding will be available in the fall. Mayor Heath asked how the shortfall on the state level will impact this application. Mr. Stroth stated it will be very competitive; we will give it all we got. Mrs. Colby asked how much? Mr. Stroth stated the program had received \$500,000 two years ago. Mayor Heath stated it may be cut in half. Mr. Stroth replied anywhere from 10% to 60%.

COMMITTEE REPORTS

UTILITY – No Report

BUDGET & FINANCE – No Report

POLICE, FIRE & TRAFFIC – No Report

SERVICE

Mr. Elliott stated the committee met prior to tonight’s meeting, to discuss the cemetery ordinance, this time fees included, checked to make sure it was okay. Mr. Humphreys ask if we were currently charging old or new rates. Mr. Sheward replied yes, don’t really know. Mrs. Colby stated these are just amendments from August.

RAILROAD

Mr. Sheward spoke of a Wednesday meeting with the Railroad to discuss line maintenance. Mr. Smith inquired about payments. Mrs. Sexton replied they were three months behind. Mr. Humphreys stated a second letter had been sent, the one last March, it took them four months to respond. Mrs. Sexton stated if no payment is received tomorrow, they will be four months behind. Mr. Elliott asks if the communication was via attorneys. Mayor Heath replied pretty much.

BUILDING/RECREATION

Mrs. Colby reported the committee met last Monday, three citizens were present in favor of the park, non opposing, the concensus is to act on tonight.

CITY AUDITOR – No Report

LAW DIRECTOR – No Report

MAYOR

Mayor Heath reported that he had been in communication with Steve Riegel, discussed a plan to clean creeks. Agreeing with Mr. Brown to clean the creek behind McDonalds. He had spoke with Mr. Detty, still working on the Fire Chief status. Baseball/softball sign ups are on March 16th, 23rd and 30th from 6:00 p.m. to 8:00 p.m. each evening. Tonight is the third reading of the budget, five votes needed to take effect, less than five we wait 30 days to take effect. Mrs. Sexton stated that would not take effect until April 14th. Mr. Humphreys forewarned, no checks will be run.

SAFETY/SERVICE DIRECTOR

Mr. Sheward requested action tonight on Ordinance No. 07-11, temporary budget for \$9,000.00 for fuel in garbage trucks, asking for additional appropriations. Talked to Mrs. Colby, consultant for insurance is Crain, Lagner and Company, their specialty is consulting. A representative was here last Wednesday, viewed facilities, assured that he will return information to meet deadline. Mrs. Colby asked proposals or are we going to bid. Further stating she had talked to the State Auditor, any amount over \$25,000 must be bid. This is considered a professional service, but it is not a service it is a product. Asking to bid and why we wouldn't. Mr. Sheward replied not sure how we would. Mrs. Colby replied just like any other. Mr. Sheward stated we do not bid health insurance, this is the way we have always done. Mr. Heath requested that Mrs. Colby have the State Auditor send a letter to the Administration and Mr. Detty in effect to their opinion. Mrs. Colby stated bids save money, made clear we want bid, all insurers have a fair chance, not proposals, and sealed bids. Mr. Smith stated Mr. Sheward is explaining Crain, Lagner will provide the specifications. They can probably offer some companies. Will they review proposals? Mr. Brown stated we ask them to put specs together not review proposals, but he has no problem with them reviewing. Mr. Smith replied he checked with Mr. Detty, he thought that was the intent. Mr. Heath stated proposals and bids are not much different. Mrs. Colby stated there is a big difference, sealed bids, deadline, done fairly, even bidders can be there. Mr. Sheward asked are you implying this is not done fair. Mrs. Colby stated it's a \$128,000 a year, it needs bid. Mr. Sheward stated if council wishes to have the Administration removed from the selection process, the consultants offered, but not for \$5000. Mr. Speakman stated RFP, seal and open at the same time. Mr. Sheward replied we always open at the same time, read aloud. Mr. Elliott asked are we bound to accept the lowest bid. Mayor Heath replied the best and most responsible.

Mr. Adams asks the difference between a bid and proposal. Mrs. Colby replied the law requires anything over \$25,000 to be bid. They are saying this is a professional service to get away with it. Mr. Humphreys stated the Law Director has never said we need to bid nor has the State Auditor. Don't understand, get information and give us best offer. Mr. Sheward stated yes that's what they are doing, but they won't select. Mr. Smith stated we ask you to have them review before selecting. Mr. Sheward replied for the specifications was under \$5000, complete package is \$8700. Mr. Smith asked to review the minutes, asking clerk to please send so they could review. Mr. Sheward stated it expires June 24th, and would like three readings with council.

ORINANCES AND RESOLUTIONS

ORDINANCE NO. 03-11

AN ORDINANCE ESTABLISHING A DOG PARK IN THE EDDIE JONES PARK.

Third Reading

Mrs. Colby made a motion to remove the ordinance from the table, seconded by Mr. Brown. In a voice vote, all Council agreed.

Mr. Brown stated he was in full favor, make sure we are allowed to place in the flood way/plain, just not sure about the location. Mrs. Colby didn't see the concern, ball parks and tennis courts are there. Mr. Brown stated maybe EPA, research. We had all hope we can place there with the bike path. Mrs. Colby suggested passing and change location later. Mr. Brown agreed, but wanted to make sure before we start. Mr. Elliott stated he is a dog lover and in favor. But with the overwhelming negativity, he would be voting no. Mrs. Colby replied we held a public meeting with no opposition. Mr. Elliott stated these are still taxpayer funds.

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

Mr. Adams – no
Mr. Brown – yes

Mr. Elliott - no
Mr. Smith – yes
Mr. Powell – yes
Mrs. Colby – yes

ORDINANCE NO. 03-11 DULY ADOPTED

ORDINANCE NO. 05-11

AN ORDINANCE ESTABLISHING APPROPRIATIONS FOR JANUARY 1, 2011 THROUGH DECEMBER 31, 2011,
AND DECLARING AN EMERGENCY.

Third Reading

Mrs. Colby stated she heard what the Mayor said, just asking for a line item. At the last meeting, three members wanted a line item budget. We looked at the budget, it is our responsibility to manage, the line items are there, and the supervisors are more apt to stick with it. They can come back and spend on other items. Line item saves money, we had less ordinances and all went fine, praise the supervisors. Mr. Speakman stated this is not a line item; it can be tabled, passed or failed. Mr. Powell stated he was for the line item; they have done a fantastic job last year. It's not due to distrust, its accountability, they done a great job staying in the budget. And ordinance did not double, only 10 additional last year, just can't support as object. Mr. Adams stated we have heard this all year. The facts, budget by object, we are notified each time. The Administration came in with savings in six to seven funds this year. They have proven just because the money is there they didn't spend. It is balanced, Mrs. Colby will not pass, did not expect her cooperation, she made that clear, it a political stand point. We have a balanced budget; we have an Administration we can trust. Mr. Smith would like all council present for the vote.

Mr. Brown made a motion to table the ordinance, seconded by Mr. Smith. In a roll call vote, Council voted at follows:

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

ORDINANCE NO. 06-11

AN ORDINANCE AMENDING JACKSON CODIFIED ORDINANCE SECTIONS 941.11, 941.13, 941.15, 941.16, 941.17
AND 941.18, AND ADOPTING SECTION 941.28, RELATING TO CEMETARIES AND DECLARING AN
EMERGENCY.

Second Reading

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

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

ORDINANCE NO. 06-11 DULY ADOPTED

ORDINANCE NO. 07-11

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE GARBAGE 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 Council agreed.

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

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

ORDINANCE NO. 07-11 DULY ADOPTED

RESOLUTION NO. 06-11

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF JACKSON TO SUBMIT AN APPLICATION FOR THE COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP), AND EXECUTE AND AND ALL DOCUMENTS CONCERNING THE CHIP, 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.

Mr. Powell 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 resolution, council voted as follows:

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

RESOLUTION NO. 06-11 DULY ADOPTED

CORRESPONDENCE

The clerk read a request from the Division of Liquor Control, Schmidt Family Restaurants Inc were requesting a new liquor license for 966 E. Main Street. Mr. Smith made a motion to not object, seconded by Mr. Brown. In a voice vote, all members agreed.

OLD BUSINESS

Mrs. Colby wanted to respond to the comment of Mr. Adams, this is not political, and I care about the people, and take care of the people's money. We were notified about the money spent, and it was just letting us know it was spent. Balanced budget does not include carry over. The sewer fund may not have enough money, possible 50% increase to operate, we need to account and do our job. Mr. Adams disagreed, you want to stir the pot, and we have a balanced budget. Mr. Speakman stated you must vote you're conscious. Mr. Powell agreed with voting you conscious, but did have a hard time, and in a true emergency we support. Mr. Adams stated it is both our job, we can't do the Administrations job, if so, just do away with them. Mrs. Colby replied the Administration is to oversee the employees, council oversees the money.

NEW BUSINESS


Mrs. Colby announced that she and Luke Scott will be conducting Town Hall meetings, Democrats and Republicans in both Jackson and Wellston; this is to ask for peoples opinions. March 26, 2011, Wellston 12:00 – 2:00 and Jackson 3:00 – 5:00, we could learn from each other. Couldn't hurt to talk to constituents.

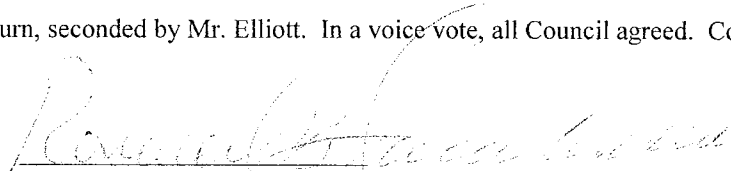
Mrs. Colby went on to discuss a complaint from a resident on Center Street, there are cats everywhere. Asking again, this is a serious problem, please run the ordinance on television, newspaper. This is also a health problem. Mayor Heath asks her if she contacted the Health Department.

Mr. Brown was not opposed to the Town Hall meeting, could be improper, need to make sure to protect us. Mrs. Colby had spoken to Mr. Speakman about this, it has been advertised, and anyone can attend. Any member, we can have media run again. Mr. Smith asks who will chair. Mr. Brown stated he would like to be there, can't commit. Mr. Humphreys commented not opposed, but asking why Wellston would come here.

ADJOURN

Mr. Brown made a motion to adjourn, seconded by Mr. Elliott. In a voice vote, all Council agreed. Council adjourned at 7:55 p.m.


Tera Brown
Clerk
Date 3-28-11


Ron Speakman
Council President
Date 3/28/11

NOTICE TO LEGISLATIVE
AUTHORITY

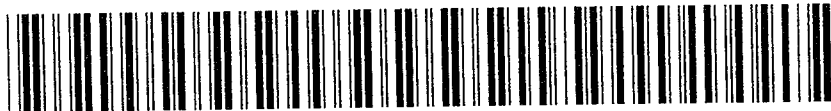
OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

78470970005 PERMIT NUMBER		NEW TYPE	SCHMIDT FAMILY RESTAURANTS INC DBA LAROSAS 966 E MAIN ST JACKSON OH 45640	
ISSUE DATE				
02 22 2011				
FILING DATE				
D5 PERMIT CLASSES				
40 TAX DISTRICT	022	B	230077 RECEIPT NO.	

FROM 02/28/2011

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



MAILED 02/28/2011

RESPONSES MUST BE POSTMARKED NO LATER THAN. 03/31/2011

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 NEW 7847097-0005
(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:

Lisa Brown

(Signature)

(Title) - Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

3-14-11

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

FOR OFFICE USE ONLY	
NEW	TRANSFER
PERMIT # 7847097	

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.liquorcontrol.ohio.gov

OFFICER/ SHAREHOLDERS DISCLOSURE FORM

SECTION A. (This form must accompany all applications of a corporate business entity)

Name of Corporation <u>Schmidt Family Restaurants Inc.</u>	DBA Name <u>LaRosa's</u>
Permit Premises Address <u>2828 Gallia St.</u>	City, State <u>Portsmouth OH</u> Zip Code <u>45762</u>
Township, if in Unincorporated Area	Tax Identification No. (TIN) <u>20-5419960</u>

SECTION B.

1 Is stock publicly traded? YES NO
 If "YES", indicate exchange _____ & Do NOT complete SECTION D.

2 Does any stockholder own 5% or more shares? If YES, complete SECTION D. YES NO

3 Total Number of shares issued 50

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 enforcement action, or collect taxes.

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

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

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO		
2) President <u>D. Scott Schmidt</u>	[REDACTED]	<u>9/13/53</u>
3) Vice-President		
4) Secretary		
5) Treasurer		

SECTION D. Stockholders holding 5% or more outstanding shares. Note: If you answered Question 1 YES, do not complete this section

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCIA AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191. If none, please indicate by writing "NONE".

1) Stockholder's Name <u>D. Scott Schmidt</u>	Social Security No. (if Individual) [REDACTED]	NUMBER OF SHARES HELD (NOT PERCENTAGE) <u>50</u>
Residence Address <u>95 Harborview Dr</u>	Tax Identification No. (if applicable)	
City and State <u>Stout, OH</u>	Zip Code <u>45784</u>	
Telephone No. <u>740-353-0990</u>	Date of Birth <u>9/13/53</u>	
2) Stockholder's Name	Social Security No. (if Individual)	NUMBER OF SHARES HELD (NOT PERCENTAGE)
Residence Address	Tax Identification No. (if applicable)	
City and State	Zip Code	
Telephone No.	Date of Birth	

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE TO LIST STOCKHOLDERS)

STATE OF OHIO, Scioto COUNTYss

I, Theresa Halcomb being first duly sworn, according to law, deposes and says that he/she is (Title) President of the Schmidt Family Restaurants, a corporation 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] and Corporate Title) D. Scott Schmidt, President
 Sworn to and subscribed in my presence this 26th day of September, 2010
 Notary Public, State of Ohio
 My Commission Expires 10/4/12
 (Notary Public) (Notary Expiration)

