

Nelsonville City Council will meet in regular session Monday, May 11, 2020 at 7PM. Due to the COVID 19 pandemic, the public may not attend the meeting in person. The meeting will be live streamed from the City of Nelsonville Facebook page (City of Nelsonville, Ohio, @nelsonvillecity)

Agenda

- 1. Call to order
- 2. Pledge of Allegiance
- 3. Opening Prayer
- 4. ROLL CALL
- 5. Minutes from the April 27, 2020 council meeting
- 6. Citizen’s Comments
- 7. Business and Organizational Comments
- 8. Fire Department Update
- 9. First Reading

ORDINANCE 33 -20

AN ORDINANCE AMENDING THE 2020 APPROPRIATIONS ORDINANCE TO APPROPRIATE FROM THE UNAPPROPRIATED BALANCE THE FOLLOWING: THE SUM OF SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00) FROM THE SEWER FUND #750 TO LINE ITEM #750-765-70011 (SEWER COLLECTION IMPROVEMENTS); NINE HUNDRED DOLLARS (\$900.00) FROM GENERAL FUND #100 TO LINE ITEM #100-330-10010 (SALARIES AND WAGES); NINE HUNDRED DOLLARS (\$900) FROM WATER FUND #700 TO LINE ITEM #700-330-10010 (SALARIES AND WAGES); NINE HUNDRED DOLLARS (\$900) FROM SEWER FUND #750 TO LINE ITEM #750-330-10010 (SALARIES AND WAGES); ONE HUNDRED SEVENTY-FIVE DOLLARS (\$175.00) FROM GENERAL FUND #100 TO LINE ITEM #100-330-10020 (OPERS); TWENTY DOLLARS (\$20.00) FROM GENERAL FUND #100 TO LINE ITEM #100-330-10050 (MEDICARE); ONE HUNDRED SEVENTY-FIVE DOLLARS (\$175.00) FROM WATER FUND #700 TO LINE ITEM #700-330-10020 (OPERS); TWENTY DOLLARS (\$20.00) FROM WATER FUND #700 TO LINE ITEM #700-330-10050 (MEDICARE); ONE HUNDRED SEVENTY-FIVE DOLLARS (\$175.00) FROM SEWER FUND #750 TO LINE ITEM #750-330-10020 (OPERS); TWENTY DOLLARS (\$20.00) FROM SEWER FUND #750 TO LINE ITEM #750-330-10050 (MEDICARE).

ORDINANCE 34-20

AN ORDINANCE PROVIDING A ONE TIME REMOVAL, AT NO COST, OF WATER TAPS WITHIN THE VILLAGE OF BUCHEL, OHIO FORMERLY ON THE ATHENS COUNTY WATER SYSTEM, NOW PART OF THE NELSONVILLE, OHIO WATER SYSTEM AND DECLARING AN EMERGENCY

ORDINANCE NO. 35 -20

AN ORDINANCE ADOPTING REGULATIONS FOR THE INSTALLATION AND/OR REPAIR, OR THE CUTTING AND PATCHING OF ROADWAYS FOR THE USE OF UTILITES IN THE CITY RIGHT-OF-WAY AND DECLARING AN EMERGENCY.

ORDINANCE NO. 36 -20

AN ORDINANCE AMENDING THE NELSONVILLE CODIFIED ORDINANCES CHAPTER 9 TO ADD SHOPPING CART REGULATIONS.

RESOLUTION 2232

A RESOLUTION PLACING THE FIVE-YEAR RENEWAL OF A 3 MILL STREET LEVY ON THE BALLOT AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020.

- 10. City Manager’s Report
- 11. Good of the Order
- 12. Executive Session ORC 121.22 (g) for:
- 13. Adjourn

ORDINANCE 33 -20

AN ORDINANCE AMENDING THE 2020 APPROPRIATIONS ORDINANCE TO APPROPRIATE FROM THE UNAPPROPRIATED BALANCE THE FOLLOWING: THE SUM OF SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00) FROM THE SEWER FUND #750 TO LINE ITEM #750-765-70011 (SEWER COLLECTION IMPROVEMENTS); NINE HUNDRED DOLLARS (\$900.00) FROM GENERAL FUND #100 TO LINE ITEM #100-330-10010 (SALARIES AND WAGES); NINE HUNDRED DOLLARS (\$900) FROM WATER FUND #700 TO LINE ITEM #700-330-10010 (SALARIES AND WAGES); NINE HUNDRED DOLLARS (\$900) FROM SEWER FUND #750 TO LINE ITEM #750-330-10010 (SALARIES AND WAGES); ONE HUNDRED SEVENTY-FIVE DOLLARS (\$175.00) FROM GENERAL FUND #100 TO LINE ITEM #100-330-10020 (OPERS); TWENTY DOLLARS (\$20.00) FROM GENERAL FUND #100 TO LINE ITEM #100-330-10050 (MEDICARE); ONE HUNDRED SEVENTY-FIVE DOLLARS (\$175.00) FROM WATER FUND #700 TO LINE ITEM #700-330-10020 (OPERS); TWENTY DOLLARS (\$20.00) FROM WATER FUND #700 TO LINE ITEM #700-330-10050 (MEDICARE); ONE HUNDRED SEVENTY-FIVE DOLLARS (\$175.00) FROM SEWER FUND #750 TO LINE ITEM #750-330-10020 (OPERS); TWENTY DOLLARS (\$20.00) FROM SEWER FUND #750 TO LINE ITEM #750-330-10050 (MEDICARE).

WHEREAS, the appropriations ordinance needs to be amended to appropriate moneys for former Clerks of Council expenses.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:

1. The 2020 appropriations are amended to appropriate the following sums from the unappropriated balance to the designated line item:

THE SUM OF SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00) FROM THE SEWER FUND #750 TO LINE ITEM #750-765-70011 (SEWER COLLECTION IMPROVEMENTS);

NINE HUNDRED DOLLARS (\$900.00) FROM GENERAL FUND #100 TO LINE ITEM #100-330-10010 (SALARIES AND WAGES);

NINE HUNDRED DOLLARS (\$900) FROM WATER FUND #700 TO LINE ITEM #700-330-10010 (SALARIES AND WAGES);

NINE HUNDRED DOLLARS (\$900) FROM SEWER FUND #750 TO LINE ITEM #750-330-10010 (SALARIES AND WAGES);

ONE HUNDRED SEVENTY-FIVE DOLLARS (\$175.00) FROM GENERAL FUND #100 TO LINE ITEM #100-330-10020 (OPERS);

TWENTY DOLLARS (\$20.00) FROM GENERAL FUND #100 TO LINE ITEM #100-330-10050 (MEDICARE);

ONE HUNDRED SEVENTY-FIVE DOLLARS (\$175.00) FROM WATER FUND #700 TO LINE ITEM #700-330-10020 (OPERS);

TWENTY DOLLARS (\$20.00) FROM WATER FUND #700 TO LINE ITEM #700-330-10050 (MEDICARE);

ONE HUNDRED SEVENTY-FIVE DOLLARS (\$175.00) FROM SEWER FUND #750 TO LINE ITEM #750-330-10020 (OPERS);

TWENTY DOLLARS (\$20.00) FROM SEWER FUND #750 TO LINE ITEM #750-330-10050 (MEDICARE)..

- 2. The total appropriations are increased by said amount.**
- 3. This Ordinance shall become effective at the earliest date provided by law.**

Duly enacted by Council on first reading under suspension of the rules on the 11th day of May 2020.

NELSONVILLE CITY COUNCIL

**_____
President of Council**

**_____
Clerk of Council**

First Reading: May 11, 2020 adopted under suspension of rules

ORDINANCE 34-20

AN ORDINANCE PROVIDING A ONE TIME REMOVAL, AT NO COST, OF WATER TAPS WITHIN THE VILLAGE OF BUCHEL, OHIO FORMERLY ON THE ATHENS COUNTY WATER SYSTEM, NOW PART OF THE NELSONVILLE, OHIO WATER SYSTEM AND DECLARING AN EMERGENCY

WHEREAS, The City of Nelsonville, Ohio acquired the Athens County Water System serving the Village of Buchtel, Ohio on March 1, 2020;

WHEREAS customers on the system experienced different billing systems and rules which caused unused water taps to be billed at different rates;

WHEREAS the City of Nelsonville wishes to assist in the removal of all unused water taps at no costs to the residents of the Village of Buchtel, Ohio;

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO THAT:

Section 1. Any Village of Buchtel, Ohio property owner previously served by the Athens County Water System, now served by the Nelsonville, Ohio Water System who requested, or requests, the removal of an unused water tap between March 1, 2020 and July 1, 2020 shall receive the removal without charge.

Section 2. Any Village of Buchtel, Ohio property owner that has paid for the removal of an unused water tap between March 1, 2020 and July 1, 2020 shall receive a credit to the property's water account.

Section 3. This Ordinance is being passed as an emergency measure pursuant to Ohio Revised Code Section 731.30 because the accounting and adjustments of water bills needs to be accomplished within a short period of time and the Ordinance shall be in full force and effect upon its adoption.

Duly enacted by Council on first reading under suspension of the rules on May 11th, 2020

NELSONVILLE CITY COUNCIL

President of Council

Clerk of Council

First Reading: May 11, 2020 Adopted under suspension of the rules

ORDINANCE NO. 35 -20

AN ORDINANCE ADOPTING REGULATIONS FOR THE INSTALLATION AND/OR REPAIR, OR THE CUTTING AND PATCHING OF ROADWAYS FOR THE USE OF UTILITIES IN THE CITY RIGHT-OF-WAY AND DECLARING AN EMERGENCY.

WHEREAS, the Nelsonville needs to adopt regulations to minimize damages from the installation and/or repair, or the cutting and patching of roadways for the use of utilities in the city right-of-way;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Nelsonville, Ohio that:

- 1. That City of Nelsonville adopts the following regulations for the installation and/or repair, or the cutting and patching of roadways for the use of utilities in the city right-of-way:**

Granular backfill required and all Utility lines shall be placed back with Controlled Density Fill (CDF) material no less than six (6) inches. Asphalt is required to be no less than six (6) inches. The City Manager, in his/her discretion, shall have the right to have not less than three (3) testing cylinders to ensure proper strength of CDF materials. Any variation from this ordinance requires City Manager approval.

- 2. This Ordinance is being passed as an emergency measure pursuant to O.R.C. 731.30 because the immediate passage of the Ordinance is necessary so utility work currently in progress can be subject to these regulations, and this Ordinance shall be in full force and effect upon its adoption**

Duly enacted by Council on first reading under suspension of the rules on the 11th day of May 2020.

NELSONVILLE CITY COUNCIL

President of Council

Clerk of Council

First Reading: May 11, 2020 Adopted under suspension of the rules

ORDINANCE NO. 36 -20

AN ORDINANCE AMENDING THE NELSONVILLE CODIFIED ORDINANCES CHAPTER 9 TO ADD SHOPPING CART REGULATIONS.

WHEREAS, the Nelsonville Codified Ordinances needs to be amended to add Shopping Cart Regulations;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Nelsonville, Ohio that:

- 1. That the Nelsonville Code of Ordinances Chapter 9 shall be amended to add Shopping Cart Regulations the text of which is in Exhibit A attached hereto and incorporated herein by reference.**
- 2. This Ordinance shall be in full force and effect at the earliest moment permitted by law .**

Duly enacted by Council on second reading on the 26th day of May 2020.

NELSONVILLE CITY COUNCIL

President of Council

Clerk of Council

First Reading: May 11, 2020
Second Reading: May 26, 2020

TITLE 9- GENERAL OFFENSES

9.18. Shopping Cart Regulations

9.18.01 (a) For the purpose of this Chapter the following definitions shall apply:

(1) “Shopping cart” means that type of basket, of wire or other construction on wheels, propelled by human power, commonly but not exclusively used for transporting articles of merchandise within or from a place of business and popularly known as a shopping cart.

(2) “Place of business” means a grocery store, supermarket, drugstore, dry goods store, department store, discount store, variety store or other establishment which supplies shopping carts for the use of its customers to transport articles of merchandise within or from such establishment.

(3) “Customer” means any person who enters a place of business for the purpose of purchasing, or inspecting with a view toward purchasing, articles of merchandise.

(4) “Shopping cart owner” or “owner” means any person, operator, firm or corporation, or an agent of any person, operator, firm or corporation who is authorized to act on the Owner’s behalf, and being one or more of the following:

A. Having a legal or equitable interest in the property;

B. Recorded in the official records of the state, county, or municipality as holding title to the property; or

C. Otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

(5) “Parking lot” means any parcel of land used for parking vehicles or otherwise adjoining or used in connection with a place of business, and owned or leased by the person, firm or corporation which is the owner, lessee or operator of such place of business or which is provided for the use of the customers of such place of business under any form of lease or other contractual arrangement.

(6) “Premises” includes any real property or portion thereof upon which the owner of the shopping cart engages in business. It also includes any real property designated for or devoted to use in conjunction with the business engaged in by such owner. “Premises” also means the property owned, leased or controlled and so connected with the business in which the owner is engaged as to form a component or integral part of it.

(b) No person, firm or corporation, being the owner, lessee or in charge of a place of business shall leave, or permit to be left, any shopping cart or carts unattended within the boundaries of any parking lot. However, this section shall not be deemed to be violated if such person, firm or corporation, at reasonable frequent intervals, of not more than one hour each, during the hours such place of business is open to the public for business and within one hour after the closing of such place of business each day, removes his or its unattended shopping cart or carts from such parking lot.

(c) Not less than one hour following the close of business each day, any person, firm or corporation being the owner, lessee or operator of a place of business shall remove all or any unattended shopping carts from any parking lot. Such shopping carts shall, until such place of business is again open to the public for business, be placed within a locked enclosure

or otherwise secured in place so as to prevent their unauthorized removal from such place of business.

(d) Any shopping cart found abandoned on any street, alley, sidewalk, tree lawn or other public place or in any parking lot within the City may be impounded by the City. Prior to impoundment the City ~~may as a courtesy~~ shall give notice to the cart owner's contact person of the location of carts belonging to them. If after twenty-four (24) hours from this notice carts have not been collected, these carts are subject to impoundment. Any shopping cart which has been impounded may be reclaimed by the owner upon payment of twenty dollars (\$20.00) per shopping cart, which shall be paid into the General Fund of the City. Thirty days after mailing of notice by certified mail to the owner, and as to any shopping cart that is unidentifiable as to ownership, thirty days after having been impounded, any unclaimed shopping cart may be disposed of by the City in the manner provided by law for the disposition of abandoned property.

(e) All shopping cart owners shall provide to the City Manager's Office the name of a contact person, residential address, work phone number and/or cell phone number and email address whom shall be responsible for the collection of off-premise shopping carts. Such person shall be accountable when cart violations occur.

(f) All shopping cart owners shall post a sign in English and Spanish not less than eight and half (8.5) inches in height and fourteen (14) inches in width with block lettering in a conspicuous place on the building within four (4) feet of all customer entrances and exits stating, at a minimum, the following:

REMOVAL OF SHOPPING CARTS FROM THE PREMISES IS
PROHIBITED BY LAW

(g) Whoever violates this section is guilty of a minor misdemeanor.

RESOLUTION 2232

A RESOLUTION PLACING THE FIVE-YEAR RENEWAL OF A 3 MILL STREET LEVY ON THE BALLOT AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020.

WHEREAS, the 3 mill Street Levy is due to expire in 2020; and

WHEREAS, the taxes that will be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of Nelsonville City, and therefore, it is necessary to levy a tax in excess of that limitation for general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges, and street and road maintenance pursuant to Ohio Revised Code Section 5705.19 (G);

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:

1. The taxes that will be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of Nelsonville City, and therefore, it is necessary to levy a tax in excess of that limitation for general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges, and street and road maintenance, pursuant to Ohio Revised Code Section 5705.19 (G).
2. The Resolution attached hereto and incorporated herein by reference placing the issue of the replacement of the 3 mill Street Levy on the November 3, 2020 General Election ballot is adopted.
3. The Clerk is directed to deliver a certified copy of this Resolution and attachment to the Athens County Board of Elections prior to ninety days before November 3, 2020.
4. This Resolution shall be in full force and effect at the earliest moment permitted by law.

Duly enacted by Council upon second reading this 26th day of May 2020.

NELSONVILLE CITY COUNCIL

President of Council

Clerk of Council

First Reading: May 11, 2020
Second Reading: May 26, 2020