

Nelsonville City Council will meet in regular session Monday, July 13, 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 June 29 special meeting
- 6. Citizen’s Comments
- 7. Business and Organizational Comments
- 8. Committee Discussions: Recreation, Street, Utility, Finance, Judiciary, Planning and Development, Police and Fire
- 9. Fire Department Update

ORDINANCE NO. 48-20

AN ORDINANCE ACCEPTING A SIX THOUSAND DOLLAR (\$6,000.00) DONATION FROM ROCKY BOOTS; AND APPROPRIATION THE SUM OF SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00) FOR ACQUATIC CENTER FUND # 300 TO LINE ITEM # 300-800-33020 (POOL REPAIRS)

ORDINANCE NO. 49 -20

AN ORDINANCE AMENDING THE APPROPRIATIONS ORDINANCE TO APPROPRIATE FUNDS FOR POLICE AND FIRE OPERATIONS.

ORDINANCE NO. 50 -20

AN ORDINANCE AUTHORIZING A SIX-MONTH CONTRACT FOR THE CITY MANGER TO BE RE-NEGOTIATED FOR JANUARY 2021 AND DECLARING AN EMERGENCY.

ORDINANCE NO. 51 -20

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT FOR 24 FULTON STREET TO BE USED A PARKING LOT FOR THE AQUATIC CENTER AND ADJACENT PARK AND DECLARING AN EMERGENCY.

ORDINANCE NO. 52 -20

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #3 FOR PHASE 1 OF THE NELSONVILLE REGIONAL SEWER COLLECTION SYSTEM AND DECLARING AN EMERGENCY.

ORDINANCE NO. 53 -20

AN ORDINANCE CREATING THE CARE ACT FUND NO. 920 AND APPROPRIATING FROM UNAPPROPRIATED BALANCE OF THE CARE ACT FUND THE SUM OF SEVEN-THREE THOUSAND EIGHT HUNDRED NINETY-SEVEN DOLLARS AND SEVEN CENTS (\$73,897.07).

ORDINANCE NO. 54-20

AN ORDINANCE DECLARING A REAL AND PRESENT EMERGENCY TO PURCHASE AN ELECTRIC SUBMERSIBLE PUMP TO DEAL WITH A SEWER PROBLEM AND AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT.

10. City Manager's Report

11. Good of the Order

12. Executive Session O.R.C. 121.22 (g) for:

18. Adjourn

ORDINANCE NO. 48-20

AN ORDINANCE ACCEPTING A SIX THOUSAND DOLLAR (\$6,000.00) DONATION FROM ROCKY BOOTS; AND APPROPRIATION THE SUM OF SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00) FOR ACQUATIC CENTER FUND # 300 TO LINE ITEM # 300-800-33020 (POOL REPAIRS)

WHEREAS, the city desires to thank Rocky Boots for its six thousand dollar (\$6,000.00) donation to be used for Aquatic Center Repairs;

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

- 1. The city accept the generous donation from Rocky Boots of six thousand dollars (\$6,000.00) to be used for the Aquatic Center repairs.**
- 2. There is hereby appropriated from the unappropriated balance of the Aquatic Center fund # 300 the sum of seven thousand five hundred dollars (\$7,500.00) to line item # 300-800-33020 (Pool Repairs) to be used for Aquatic Center repairs.**
- 3. The total appropriations are increased by said amount.**
- 4. This ordinance shall be in full force and effect at the earliest moment permitted by law.**

Duly enacted by Council on first reading under suspension on the 13th day of July 2020.

NELSONVILLE CITY COUNCIL

President of Council

Clerk of Council

First Reading: July 13, 2020 Adopted under suspension of the Rules

ORDINANCE NO. 49 -20

**AN ORDINANCE AMENDING THE APPROPRIATIONS ORDINANCE
TO APPROPRIATE FUNDS FOR POLICE AND FIRE OPERATIONS.**

**WHEREAS, the appropriations ordinance needs to be amended to
appropriate and decrease funds for the Police and Fire Departments;**

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

- 1. There is hereby appropriated from the unappropriated balance the
following sums:**

**Nine hundred nine dollars (\$909.00) from Capital Improvement Fund #600
to line item # 600-600-67596 (fire department equipment);**

**Two thousand nine hundred fifty-two dollars (\$2,952.00) from General Fund
#100 to line item # 100-200-40010 (Operating Supplies);**

**Two thousand five hundred dollars (\$2500) from tree trimming expenses
from General Fund #100 to line item #100-625-4119 (Park/Recreation/Tree
Expense);**

**Fifteen thousand dollars (\$15,000.00) from General Fund #100 to line item #
100-100-40010 (Operating Supplies);**

**Fifteen thousand dollars (\$15,000.00) from General Fund # 100 to line item #
100-101-10010 (Salaries and Wages);**

**Four thousand dollars (\$4,000.00) from General Fund # 100 to line item
#100-101-10020 (OPERS); and**

**One thousand dollars (\$1,000.00) from General Fund # 100-101-10050
(Medicare);**

- 2. The following appropriations are decreased:**

**Five thousand dollars (\$5,000.00) from line item # 100-100-10010 (Salaries
and Wages);**

**Two thousand five hundred dollars (\$2,500.00) from line item # 100-100-
10013 (Overtime);**

**Five thousand dollars (\$5,000.00) from line item # 100-100-10013 (Medical);
and**

**Two thousand five hundred dollars (\$2,500.00) from line item # 100-100-
10070 (Longevity);**

- 3. The total appropriations are increased/decreased by said amount.**

- 4. This ordinance shall be in full force and effect at the earliest moment
permitted by law.**

Duly enacted by Council on first reading under suspension on the 13th day of
July 2020.

NELSONVILLE CITY COUNCIL

President of Council

Clerk of Council

First Reading: July 13, 2020 Adopted under suspension of the Rules

ORDINANCE NO. 50 -20

AN ORDINANCE AUTHORIZING A SIX-MONTH CONTRACT FOR THE CITY MANGER TO BE RE-NEGOTIATED FOR JANUARY 2021 AND DECLARING AN EMERGENCY.

WHEREAS, the city desires to give it's city manager a six month contract to be re-negotiated for January 1, 2021;

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

- 1. The City Manager is hereby given a six-month contract at the rate of fifty-seven thousand five hundred dollars (\$57,500.00) a year with family dental and the benefits offered to other city employees. This contract will be re-negotiated for January 1, 2021.**
- 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 that the new city manager contract can be implemented as soon as possible during the construction project, and this Ordinance shall be in full force and effect upon its adoption.**

Duly enacted by Council on first reading under suspension on the 13th day of July 2020.

NELSONVILLE CITY COUNCIL

President of Council

Clerk of Council

First Reading: July 13, 2020 Adopted under suspension of the Rules

ORDINANCE NO. 51 -20

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT FOR 24 FULTON STREET TO BE USED A PARKING LOT FOR THE AQUATIC CENTER AND ADJACENT PARK AND DECLARING AN EMERGENCY.

WHEREAS, Frederick L. Weghorst as trustee of he Frederick L. & Sally A Weghort Living Trust of offered to rent for one dollar (\$1) the parking lot at 24 Fulton Street to be used as parking for the Aquatic Center and adjacent park;

WHEREAS, The City of Nelsonville wishes to thank Frederick L. and Sally A. Weghort for the generous donation of parking for the Aquatic Center and Adjacent Park;

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

- 1. The City Manager is authorized to lease for 34 Fulton Street to be used as Parking for the Aquatic Center and Adjacent Park in accordance with Exhibit A attached hereto and incorporated herein by reference.**
- 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 that the parking lease can be implemented as soon as possible for the summer swimming season, and this Ordinance shall be in full force and effect upon its adoption.**

Duly enacted by Council on first reading under suspension on the 13th day of July 2020.

NELSONVILLE CITY COUNCIL

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Parking Lot Lease

Be it know, Frederick L. and Sally A. Weghorst, Trustees of the Frederick L. and Sally A. Weghorst, Living Trust Dated July 6, 1995, 14574 Bradford Drive, Logan, Ohio 43138, hereinafter, referred to as LESSORS, agree to enter into a Lease Agreement with the City of Nelsonville, 211 Lake Hope Drive, Nelsonville, Ohio 45764, hereinafter referred to as LESSEE.

For the consideration of One and No/ 100 Dollar (\$1.00) and other valuable consideration, the LESSOR, agrees to lease an undetermined amount of parking spaces on the existing parking lot of the defunct Citizens Bank located at 24 Fulton Street in Nelsonville, Athens Count, Ohio 45764 for the benefit of the LESSEE, providing parking spaces for the adjacent City Water Park as well as Commons Park.

LESSEE, agrees to add the LESSORS, Frederick L. and Sally Weghorst, the Trustees of the aforementioned Trust, as well as each of them personally, to the City's General Liability insurance Policy as an "Insured Risk" and provide a copy of the Policy Limit Page, to the LESSORS, describing said the coverage. LESSEE, and the insuring company agrees to "hold harmless", the Trustees of the Trust as well as as any personal liability they may incur, with respect to all claims with regard to this Lease Agreement.

LESSEE further, agrees to permit use of the parking spaces only during the hours of operation of the the Water Park. LESSEE will prevent vehicles from parking overnight and disallow long term parking. LESSEE, agrees to keep the premises safe, clean and free of debris, weeds and ant foreign objects.

LESSORS, agree to allow the LESSEE to make the decision of permitting the use of the Parking Lot area during the annual Parade of the Hills Event.

This Agreement of Lease, may be terminated at any time, by either party, by a means of a 30 day written notice, given by Certified U.S. Mail.

This Lease becomes effective on _____
theday of, 2020

This instrument prepared by Frederick L Weghorst* a party to the agreement.

State of Ohio
County of Athens

Witness:

LESSORS:
The Frederick L. & Sally A. Weghorst
Living Trust Dated July 6, 1995

As to all. Frederick L. Weghorst,
Trustee

Sally A. Weghorst, Trustee

LESSEE:
City of Nelsonville:

Scott Frank, City Manager

As of this _____ date,2020, personally appeared the following persons who after being deposed has sworn to me their signature to be their own given of their free will for the intent of this agreement, Frederick L Weghorst, Trustee and Sally A. Weghorst, Trustee of the Frederick L. and Sally A. Weghorst, Living Trust, Dated July 6, 1995, and. Scott Frank, Manager of the City of Nelsonville. I hereby ascribe my signature and a fix my seal, as a Notary Public, in and for the State of Ohio

Seat.

Notary
Public

ORDINANCE NO. 52 -20

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #3 FOR PHASE 1 OF THE NELSONVILLE REGIONAL SEWER COLLECTION SYSTEM AND DECLARING AN EMERGENCY.

WHEREAS, replacement of fourteen hundred feet (1,400 ft.) of the old force main along Burr Oak Boulevard that is a routine maintenance problem needs to be replaced;

WHEREAS, there are sufficient contingency funds in the Nelsonville City contract of the phase 1 regional collection system to fund this change order with the current financing;

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

- 1. The City Manager is authorized to execute Change Order #3 for Phase 1 of the Nelsonville Regional Sewer Collection System for one hundred eight thousand nine hundred seventy-seven dollars (\$108,977) in accordance with Exhibit A attached hereto and incorporated herein by reference.**
- 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 that change order can be implemented as soon as possible during the construction project, and this Ordinance shall be in full force and effect upon its adoption.**

Duly enacted by Council on first reading under suspension on the 13th day of July 2020.

NELSONVILLE CITY COUNCIL

President of Council

Clerk of Council

First Reading: July 13, 2020 Adopted under suspension of the Rules

ORDINANCE NO. 53 -20

AN ORDINANCE CREATING THE CARE ACT FUND NO. 920 AND APPROPRIATING FROM UNAPPROPRIATED BALANCE OF THE CARE ACT FUND THE SUM OF SEVEN-THREE THOUSAND EIGHT HUNDRED NINETY-SEVEN DOLLARS AND SEVEN CENTS (\$73,897.07).

WHEREAS, the Federal Care Act has made moneys available to states to distribute to local government for financial assistance with COVID-19 expenses;

WHEREAS, Nelsonville has received seven-three thousand eight hundred ninety-seven dollars and seven cents (\$73,897.07)

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

- 1. The sum of seven-three thousand eight hundred ninety-seven dollars and seven cents (\$73,897.07) is hereby appropriated from the unappropriated balance of the Cares Act Fund.**
- 2. The total appropriations are increased by said amount.**
- 3. This ordinance shall be effective at the earliest moment permitted by law.**

Duly enacted by Council on first reading under suspension on the 13th day of July 2020.

NELSONVILLE CITY COUNCIL

President of Council

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First Reading: July 13, 2020 Adopted under suspension of the Rules

ORDINANCE NO. 54 -20

AN ORDINANCE DECLARING A REAL AND PRESENT EMERGENCY TO PURCHASE AN ELECTRIC SUBMERSIBLE PUMP TO DEAL WITH A SEWER PROBLEM AND AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT.

WHEREAS, there was a direct discharge of sewage into the Hocking River requiring an emergency purchase of an electric submersible pump without bids to fix the direct discharge;

WHEREAS, said purchase should be payable out of the moneys for the new sewer plant;

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

- 1. City Council declares a real and present emergency pursuant to Ohio Revised Code Section 735.051 because a there was a direct discharge of sewage in the Hocking River violating EPA rules which had to be fixed immediately and therefore, this ordinance being adopted by a two-thirds vote of all the members elected thereto, ratifies a contract the city manager to entered into a contract with Ohio Cat for eight thousand seven hundred ninety-three dollars and 50/100 dollars (\$8,793.50) without bidding to purchase an Electric Submersible Pump.**
- 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 that the purchase of the Electric Submersible Pump can be paid as soon as possible, and this Ordinance shall be in full force and effect upon its adoption.**

Duly enacted by Council on first reading on the 13th day of July 2020.

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