

Nelsonville City Council will meet in regular session Monday, November 08, 2021, at 7 PM at City Hall in Council Chambers.

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Opening Prayer
4. Roll Call
5. Minutes from the October 11 and October 25 meetings along with the minutes of special meeting October 26, 2021
6. Citizen's Comments
7. Business and Organizational Comments
8. Committee Discussion: Recreation, Street, Utility, Finance, Judiciary, Planning & Development, Police & Fire
9. Department Updates
10. Second Reading
ORDINANCE 82-21. AN ORDINANCE AUTHORIZING CITY MANAGER SCOTT FRANK TO ACCEPT THE OHIO DEPARTMENT OF TRANSPORTATION SMALL CITY PROGRAM GRANT AWARD.
11. City Manager's Report
12. Good of the Order
13. Executive Session O.R.C. 121.22(g) for Personnel and Legal Matters
14. Adjourn

Nelsonville City Council met in regular session Monday, October 11, 2021, at 7PM. President Dunfee called the meeting to order. All stood to recite the Pledge of Allegiance. Mr. Dunfee offered the opening prayer. **ROLL CALL:** All Council members were present except Mr. Taylor. Mr. Scott Frank, City Manager, and Mr. Bob Toy, City Attorney, were also present.

In the absence of the Clerk, Mr. Booth offered to be temporary clerk for the meeting.

Mr. Dunfee made a motion to excuse Mr. Taylor due to work. Mr. Sherman seconded the motion. **ROLL CALL:** All Council members voted yea.

Mr. Sherman made a motion to approve the minutes of the last regular meeting as presented. Mr. Dunfee seconded the motion. **ROLL CALL:** All Council members voted yea.

COMMITTEE DISCUSSION

Mr. Dunfee said a **Police and Fire Committee** meeting will be needed soon. Mr. Frank reported Buchtel has asked about the possibility of having the Nelsonville Police Department service Buchtel. The Buchtel Council will meet later this week to see if there is a consensus and what they would be able to pay for the service..

Ms. Jones scheduled a **Planning and Development Committee** meeting for Monday, October 18 at 6 PM. There are several items that need to be discussed.

FIRE DEPARTMENT UPDATE

Chief Barber reported Engine 1151 is back in service and repairs were under warranty. Engine 2055 had over \$5,000 repair work done, but it was basic maintenance. He is also working on apparatus replacement schedule.

The 9-11 service went well. They had the Ohio Fire Marshall as a guest speaker and bagpipes. They plan to have bagpipes in the future.

Chief Barber is working on getting comparable quotes for a new fire hose before he places an order. Fire Prevention Week was last week but the department was not able to participate due to the census work they helped with. He hopes to be able to get back in the schools soon. He is working on EMS numbers and transport plans. They are making plans for the Christmas baskets and the toy giveaway, which will be held at the Fire Department as it was last year.

Trick or treat will be held this year on October 30 from 5:30 to 8 PM. They will have their trucks and apparatus out during that time.

Replacement gear has been ordered.

UTILITY DEPARTMENT UPDATE

Utility Department Supervisor, Jason Coen, reported that the sealing of certain streets has been completed and it looks amazing. They will be getting someone to stripe the parking spaces on the square soon.

The new meter program begins tomorrow and will take four months. Water meters will be swapped out and he wanted residence to be aware that there will be short interruptions in their water service when their meters are being changed out. It should take less and 15 minutes. Once the change is complete residents should open an outside spicket or bathtub faucet and flush the line for about 15 minutes. They will start digging in Buchtel next Monday. Once the project is completed the meters will be read two to three times a day so it will be much easier and quicker to find leaks. Residents will be able to read their meter also.

The department will patch potholes this Wednesday.

Mr. Coen will have a leaf pick up schedule in about two weeks.

There have been issues at the lift station by the VFW which they believe have come from the correctional facilities. They have found blankets and pillows among other items in the system and that has caused a lot of overtime. Mr. Frank said he and Mr. Coen plan to visit all three facilities this week and check to see if they have

everything required to prevent this happening. He said the City call bill them for our services with the legislation Council has enacted. If a plausible solution cannot be found he plans to contact the EPA and use their power to remedy the situation. Mr. Coen has no update of Mill Street. He is waiting to hear from DLZ regarding the paving of Mill and Poling Streets. A layer of asphalt will be put down on St. Charles Street before winter. Paving will be completed next season after AEP completes work

AUDITOR'S OFFICE UPDATE

Mr. Sappington reported on the census recount in the City. All streets in Nelsonville were canvased and he reported the count totaled 5,373 residents in the City of Nelsonville, which is more than sufficient for the Nelsonville to retain City status. Mr. Sappington thanked the numerous organizations, City departments, and volunteers that helped in this effort. Mr. Dunfee made a motion to accept the count. Mr. Sherman seconded the motion. There was no discussion. **ROLL CALL:** All Council members voted yea. **Motion passed.**

SECOND READING

ORDINANCE 72-21. AN ORDINANCE AMENDING THE 2021 APPROPRIATIONS ORDINANCE TO APPROPRIATE FROM THE UNAPPROPRIATED BALANCE TO THE FOLLOWING: THE SUM OF FOURTEEN THOUSAND FIVE HUNDRED DOLLARS (\$14,500.00) FROM UNAPPROPRIATED BALANCE TO #600 FUND CAPITAL IMPROVEMENTS LINE ITEM 600-600-67596 FUND (FIRE DEPARTMENT EQUIPMENT).

Mr. Sherman made the motion to adopt. Mr. Dunfee seconded the motion. There was no discussion. **ROLL CALL:** All Council members voted yea.

Ordinance 72-21 adopted on second reading.

ORDINANCE 78-21. AN ORDINANCE SETTING THE AUTHORIZED STAFF IN THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

Mr. Dunfee made the motion to adopt. Ms. Jones seconded the motion. There was no discussion. **ROLL CALL:** All Council members voted yea except Ms. Grant who voted no.

Ordinance 78-21 adopted on second reading.

FIRST READING

Mr. Sherman introduced Ordinance 81-21.

ORDINANCE 81-21. AN ORDINANCE AUTHORIZING THE CITY MANAGER SCOTT FRANK TO SELL THE CITY'S DUMP TRUCK TO THE ATHENS COUNTY ENGINEER'S OFFICE WITHOUT THE ADVERTISING AND BIDDING PROCESS PURSUANT TO O.R.C. § 735.053 AT A PRICE OF THIRTY-SEVEN THOUSAND DOLLARS (\$37,000.00) AND DECLARING AN EMERGENCY.

Mr. Sherman made a motion to suspend the rules. Mr. Dunfee seconded the motion. **ROLL CALL:** All Council members voted yea.

Mr. Sherman made the motion to adopt. Ms. Jones seconded the motion. There was no discussion. **ROLL ALL:** All Council members voted yea.

Ordinance 81-21 adopted on first reading under suspension of the rules.

Ms. Jones introduced Ordinance 82-21.

ORDINANCE 82-21. AN ORDINANCE AUTHORIZING CITY MANAGER SCOTT FRANK TO ACCEPT THE OHIO DEPARTMENT OF TRANSPORTATION SMALL CITY PROGRAM GRANT AWARD.

This is for the paving of Canal Street in 2024.

Mr. Booth introduced Ordinance 83-21.

ORDINANCE 83-21. AN ORDINANCE AUTHORIZING CITY MANAGER SCOTT FRANK TO ACCEPT THE EV CHARGING PROJECT PROPOSAL TO ENTER INTO CONTRACT FOR PURCHASE AND INSTALLATION OF TWO LEVEL THREE ELECTRIC VEHICLE CHARGING STATIONS FOR THE CITY OF NELSONVILLE.

The City Manager said this needs to be passed quickly because he needs to let them know we are going forward with the application. The rush is that the funding needs to be spent by the end of January and the equipment supplier has inventory at this time. The purchase must be paid for up front and the City will be reimbursed.

Mr. Dunfee made a motion to amend the Ordinance to add emergency language and pass it tonight. Mr. Sherman seconded the motion. There was no further discussion. **ROLL CALL:** All Council members voted yea. **Motion passed.**

Mr. Dunfee made a motion to suspend the rules. Mr. Sherman seconded the motion. **ROLL CALL:** All Council members voted yea.

Mr. Sherman made the motion to adopt. Mr. Dunfee seconded the motion. There was no discussion. **ROLL CALL:** All Council members voted yea.

Ordinance 83-21 adopted on first reading under suspension of the rules.

Ms. Jones introduced Ordinance 84-21.

ORDINANCE 84-21. AN ORDINANCE ACCEPTING A TWO HUNDRED DOLLAR AND ZERO CENTS (\$200.00) DONATION FROM THE VFW POST 3467 AUXILIARY FOR THE K9 FUND AND DECLARING AN EMERGENCY.

Mr. Dunfee made a motion to suspend the rules. Mr. Sherman seconded the motion. **ROLL CALL:** All Council members voted yea.

Mr. Dunfee made the motion to adopt. Mr. Sherman seconded the motion. There as no discussion. **ROLL CALL:** All Council members voted yea.

Ordinance 84-21 adopted on first reading under suspension of the rules.

Mr. Sherman introduced Ordinance 85-21.

ORDINANCE 85-21. AN ORDINANCE ACCEPTING A ONE-THOUSAND DOLLAR AND ZERO CENTS (\$1,000.00) DONATION FROM THE VFW POST 3467 FOR THE K9 FUND AND DECLARING AN EMERGENCY.

Mr. Dunfee made a motion to suspend the rules. Mr. Sherman seconded the motion. **ROLL CALL:** All Council members voted yea.

Mr. Dunfee made the motion to adopt. Ms. Jones seconded the motion. There was no discussion. **ROLL CALL:** All Council members voted yea.

Ordinance 85-21 adopted on first reading under suspension of the rules.

Mr. Sherman introduced Ordinance 86-21.

ORDINANCE 86-21. AN ORDINANCE AUTHORIZING THE NELSONVILLE CITY POLICE DEPARTMENT TO SELL T-SHIRTS FOR A K9 FUND FUNDRAISER AND DECLARING AN EMERGENCY.

The Auditor is on board with this but asked that he be given a heads up in the future for planning purposes.

Mr. Dunfee made the motion to suspend the rules. Mr. Sherman seconded the motion. **ROLL ALL:** All Council members voted yea.

Mr. Sherman made the motion to adopt. Mr. Dunfee seconded the motion. There was no discussion. **ROLL CALL:** All Council members voted yea.

Ordinance 86-21 adopted on first reading under suspension of the rules.

CITY MANAGER'S REPORT

Mr. Frank asked to apply for a Nelsonville Community grant totaling \$10,000 to repair four dugouts at Polley Field. The grant is due tomorrow. He said the there will be all chain link fence, a sunshade and new concrete slabs and benches. Mr.

Sherman asked about fixing the lights at Polley Field. Mr. Frank said there will be money in next years' budget for lights. Mr. Booth made a motion to allow Mr. Frank to apply for the grant. Mr. Sherman seconded the motion. **ROLL CALL:** All Council members voted yea. **Motion passed.**

Mr. Frank recognized the Auditor for his work on the census over the last 10 days. He also recognized City workers and volunteers in the community for their help.

Because the police staffing ordinance was not passed on emergency Council discussed how to schedule Mayor's Court since the ordinance has to lay for 30 days and the new bailiff needs to be moved from a part time employ to a full-time employee. It was decided to hold the next Mayor's Court November 10, 2021.

The new electric car charging stations will be beside the Dew House near the property Hocking College is renovating.

Mr. Frank thanked the VFW and VFW Auxiliary for their donations to the K-9 fund donations.

GOOD OF THE ORDER

Ms. Grant thanked all those involved in the census effort and those who made donations to the K-9 fund.

Mr. Booth asked for a resolution of commendation for the N-Y coaches who saved the life of Clinton Stanley who suffered a medical emergency at a recent sports event.

Ms. Jones thanked Mr. Sappington for his work on a successful census recount.

Mr. Sherman thanked everyone for the censes effort and the K-9 donations.

Mr. Dunfee congratulated those involved for the great job they did for the census effort. He Also thanked the City workers for the street clean-up.

Mr. Dunfee made a motion to adjourn. Ms. Grant seconded the motion. **ROLL CALL:** All council members voted yea.

NELSONVILLE CITY COUNCIL

President of Council

Clerk of Council

Nelsonville City Council met in regular session Monday, October 25, 2021, at 7PM. President Dunfee called the meeting to order. All stood to recite the Pledge of Allegiance. Mr. Taylor offered the opening prayer. **ROLL CALL:** All Council members were present except Mr. Sherman and Ms. Jones. Mr. Scott Frank, City Manager, and Mr. Bob Toy, Law Director, were also present.

Mr. Dunfee made a motion to excuse Mr. Sherman and Ms. Jones. Ms. Grant seconded the motion. **ROLL CALL:** All Council members voted yea.

Minutes from the October 11 meeting will be presented at the next meeting along with the October 25 meeting minutes.

Athens County Treasurer, Rick Wasserman, was present to speak about the Athens County Land Bank. The 2021 Land Bank Annual Report was distributed to Council members. The Land Bank operates in 11 out of the 14 townships in Athens County. Nelsonville has been the focus of a lot of the work that has been done. Since the inception of the Land Bank 31 properties have been identified of which 11 were demolished. New homes have been built on vacated properties and nine have been rehabbed. In addition, there has been a lot of activity on High Street. In total twenty-two parcels have been put back on the tax role. Ms. Barber has done a wonderful job keeping the land bank informed and securing properties until foreclosures are done and work can begin. They don't get that type of cooperation everywhere. Currently there are ten properties in the pipeline and Ms. Barber has a new list that they will be work on soon. When the Land Bank was formed there was some controversy over how it would be funded. It was funded by the collection of delinquent taxes. The fees were split three ways and the Land Bank was given 5%. Mr. Wasserman had said once the Land Bank became self-sufficient they would reduce the amount of funding from delinquent taxes, which was done last August from 5% to 2 1/2 %.

AUDITOR'S/TREASURER'S REPORT

In the absence of the Treasurer, the Auditor gave the Treasurer's reports for September 2021. As of September 30, funds totaled \$3,489,502.81. Interest earned on investments totaled \$1,714.096.82

The Auditor gave the Auditor's Report for September 2021. In the month of September revenue outpaced expenses due to the ramp up in construction and expenses in the Wastewater Treatment Plant Project. The City also received the second distribution of property tax collections which impacted the General Fund, Street Levy Fund, and Recreation Fund. This distribution also included almost \$3,000 in delinquent water and sewer tax assessments.

Fund balances are moving toward healthy balance levels. The goal for the City is to have all major funds in healthy status by the end of 2022.

The City's financial statements and audits are now completed. Major changes include improvements in financial positions, all write ups were downgraded and removed, which means a clean audit for the first time in many years. Mr. Sappington thanked the Department Heads, City Manager, City Council, and Deputy Auditor for their assistance in achieving a major success.

The Internal Revenue Service provided final guidance last Monday on the payroll debts left behind by the previous deputy auditor. The City officially owed nearly \$400,000 to the IRS in penalties, interest, and balances owed. After a year and a half of negotiations, the IRS officially relieved the City of \$382,761.11 of liability, leaving the City owing only the amounts already paid. The Auditor thanked the City Manager and the Deputy Auditor for their work in the issue, and City Council members for their trust in his office to take this mission on.

Mr. Booth made a motion to approve the Auditor's/Treasurer's reports as presented. Mr. Taylor seconded the motion. **ROLL CALL:** All Council members voted yea.

MAYOR'S COURT REPORT AND ROLL CALL

There was no Mayor's Court report.

COMMITTEE DISCUSSION

Ms. Grant reported on a recent **Finance Committee meeting**, where the 2022 revenue projections were discussed along with a change in the fee for a full water shutoff procedure and the RITA program. The next Finance Committee meeting will be held Tuesday, October 26, 2021, at 6:30 PM.

Mr. Booth said a **Planning and Development Committee** meeting was held recently where there was discussion about tiny houses and maintaining the brick sidewalks in the City.

Mr. Dunfee reported on a **Utility Committee** meeting. There was discussion of the need to raise sewer rate in 2022 by 8% to be able to have available funding for the sewer plant project.

CODE ENFORCEMENT UPDATE

The Code Enforcement officer since her last report one full week was devoted to the census recount. She is very proud that the campaign was successful, and Nelsonville was able to retain its City status..

Ms. Barber thanked Rick Wasserman and the Land Bank team. They are always eager to help and the City wouldn't look as good as it does without them.

Ms. Barber reminded residents that mowing season does not end until October 31, and she encouraged everyone to get their lawns ready for winter.

The Code Office has issued six citations for trash and grass, and 23 warnings in the past three weeks. She also encouraged residents who get letters from her office to contact her. She is willing to work with residents to avoid a citation.

In response to a question from Ms. Grant regrading shopping carts, Ms. Barber said Kroger has not been responding and she has impounded about 32 carts over the summer. They have paid \$360.00 to get some of the carts back carts.

Mr. Booth made a motion to amend the agenda to add Ordinances 87-21, 88-21, 89-21, 90-21, and Resolution 2250 and 2251. **ROLL CALL:** All Council members voted yea. **Motion passed.**

FIRST READING

Mr. Booth introduced Ordinance 87-21.

ORDINANCE 87-21. AN ORDINANCE AUTHORIZING CHANGES TO SHUTOFF CODE AND PROCEDURE TO REQUIRE PAYMENT OF ALL CHARGES OWED PLUS FEES FOR RECONNECTION AND AMENDING THE ABATEMENT PROGRAM TO INCLUDE A TWO-TIER FEE STRUCTURE FOR THE ABATEMENT POLICY; THIRTY DOLLARS (\$30.00) FOR FIVE HUNDRED DOLLARS (\$500.00) IN COVERAGE; FIFTY DOLLARS (\$50.00) FOR ONE THOUSAND DOLLARS (\$1,000.00) IN COVERAGE.

There was no discussion.

Mr. Booth introduced Ordinance 88-21.

ORDINANCE 88-21. AN ORDINANCE INCREASING THE SEWER RATES EFFECTIVE JANUARY 1, 2022, AND TRASH RATES EFFECTIVE APRIL 1, 0222.

There was no discussion.

Mr. Taylor introduced Ordinance 89-21.

ORDINANCE 89-21. AN ORDINANCE AUTHORIZING AN APPROPRIATION OF THIRTY THOUSAND DOLLARS (\$30,000.00) TO THE SEWER FUND AND DECLARING AN EMERGENCY.

After a short discussion Mr. Dunfee called a special meeting for Tuesday, October 26, 2021, to pass this ordinance because it is needed immediately.

Mr. Booth introduced Resolution 2250.

RESOLUTION 2250. A RESOLUTION AUTHORIZING CITY MANGER SCOTT FRANK TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXCEUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY.

Mr. Booth made the motion to adopt. Mr. Taylor seconded the motion. There was no discussion. **ROLL CALL:** All Council members voted yea.

Resolution 2250 adopted on first reading.

Mr. Taylor introduced Resolution 2251.

RESOLUTION 2251. A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF NELSONVILLE, OHIO, TO APPLY TO THE RURAL COMMUNITY ASSISTANCE PARTNERSHIP (RCAP) TO SUBMIT THE ELECTRONIC APPLICATION FOR THE CDBG RESIDENTIAL PUBLIC INFRASTRUCTURE GRANT (RPIG) FINANCING TO THE OHIO DEVELOPMENT SERVICES AGENCY FOR THE PHASE 3 RGIONAL COLLECTION SYTEM IMPROVEMENTS PROJECT AND DECLARING AN EMERGENCY.

Mr. Taylor made the motion to adopt. Mr. Booth seconded the motion. There was no discussion. **ROLL CALL:** All Council members voted yea.

Resolution 2251 adopted on first reading.

Mr. Booth made a motion to amend the agenda to add Resolution 2052. Mr. Taylor seconded the motion. **ROLL CALL:** All Council members voted yea. **Motion passed.**

Mr. Taylor introduced Resolution 2252.

RESOLUTION 2252. A CERTIFICATE OF RESOLUTION FOR THE CITY OF NELSONVILLE ADOPTING SECTION 125 PREMIUM ONLY PLAN FOR THE YEAR ENDING DECEMBER 31, 2022.

Mr. Taylor made the motion to adopt. Mr. Booth seconded the motion. There was no discussion. **ROLL CALL:** All Council members voted yea.

Resolution 2252 adopted on first reading.

CITY MANAGER'S REPORT

Paving of Mill Street will take place November 9-10, weather permitting. Curbing and some clean up items will happen after that. The plan had been to pave St. John Street, but Columbia Gas will be installing new gas lines next year. The asphalt has crumbled our engineer will contact the EPA to see if we can get funding just to repair the street until paving can be done next year.

The waterline project continues on Watkins Street which will enable us to have water at Polley Field. The waterline on Walnut Street has been completed.

The new water meters are being installed. These meters are extremely accurate. After the first of the year customers will be able to monitor their water usage and hopefully this will save on water loss and help find leaks before they get too big.

Paving funds of \$800,000 will be decided the second week of November and Phase 3 will be decided at the end of November. The river main under the Hocking River was ranked #2 in the county by our Council Engineer for ARPA funds. We grant is for \$500,000.00 but it has not been awarded at this time. There are no matching funds.

GOOD OF THE ORDER

Mr. Dunfee said the Good Cupboard will be holding a fundraising event at the Nelsonville Elks October 30 from noon until 3 pm. There will be a live auction and a lucky ticket auction. He encouraged everyone to attend and help assist the organization that helps so many in the City. Mr. Dunfee also said he has heard that out city employees have been disrespected. He reminded everyone that our employees are people too and asked that they be treated with respect.

Ms. Grant send condolences to the family of former Councilman, Ed Mash.

Mr. Booth wish the N-Y football and volleyball teams good luck in the playoffs.

Mr. Taylor also wished the teams good luck this weekend. Trick or Treat was rescheduled to Sunday, October 31, due to the football playoff game.

Mr. Taylor made a motion to adjourn. Ms. Grant seconded the motion. **ROLL CALL:** All council members voted yea.

NELSONVILLE CITY COUNCIL

President of Council

Clerk of Council

The City of Nelsonville City Council met in special session Tuesday, October 26, 2021 at 7:45 pm.

The purpose of the meeting was to consider Ordinance 89-21 in reference to the sewer project, and to pass it as a second reading emergency.

Mr. Dunfee called the meeting to order. Council members present were Mr. Dunfee, Mr. Taylor, Ms. Grant and Mr. Booth. Mr. Scott Frank, City Manager, was also present.

Mr. Dunfee cancelled the meeting because there were not enough Councilmembers present to adopt Ordinance 89-21. He rescheduled the meeting for Wednesday, October 27, 2021 at 8 pm.

Mr. Dunfee made a motion to adjourn. Ms. Grant seconded the motion. **ROLL CALL:** All Council members voted yea.

NELSONVILLE CITY COUNCIL

President of Council

Clerk of Council

ORDINANCE 82-21

AN ORDINANCE AUTHORIZING CITY MANAGER SCOTT FRANK TO ACCEPT THE OHIO DEPARTMENT OF TRANSPORTATION SMALL CITY PROGRAM GRANT AWARD.

WHEREAS, the City applied for a grant award to the Ohio Department of Transportation for the CR 33/CR 178 roadway improvement project;

WHEREAS, the project was selected by the Small City Program.

WHEREAS, the City desires to accept the grant award from the Ohio Department of Transportation Small City Program before the deadly of Friday, November 25, 2021.

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

1. City Manager Scott Frank is authorized to accept the grant award from the Ohio Department of Transportation Small City Program.
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 to ensure receipt of awarded funds before the deadline passes and the award is rescinded and awarded to another project, 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 October, 2021.

NELSONVILLE CITY COUNCIL

President of Council

Clerk of Council

First Reading: 10/11/21

Adopted under suspension of the rules