

Nelsonville City Council will meet in regular session Monday, May 28, 2024, at 7 pm in Council Chambers. The public is encouraged to attend.

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Opening Prayer
4. Roll Call
5. Minutes from the last regular meeting,
6. Swearing In – Nick Smith, Nelsonville Planning Commission
7. Auditor's/Treasurer's Report
8. Mayor's Court Report and Roll Call
9. Citizen's Comments
10. Business and Organizational Comments
Kevin Ritter, Candidate - 94th House District
Kent Miller and Steve Cooley
11. Committee Discussion
12. Department Updates
13. Second Reading
ORDINANCE 38-24. AN ORDINANCE AUTHORIZING THE CITY MANAGER TO APPLY FOR, ACCEPT, AND ENTER INTO AN OHIO EPA WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE CITY OF NELSONVILLE FOR CONSTRUCTION OF THE REGIONAL COLLECTION SYSTEM IMPROVEMENTS PHASE 4 PROJECT, AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.
14. First Reading
15. City Manager's Report
16. Good of the Order
17. Executive Session O.R.C. 121.22(g) for Personnel and Legal Matters
18. Adjourn

Nelsonville City Council met in regular session Monday, May 13, 2024. President Clement 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. City Attorney, Jonathan Robe, was present, and City Manager, Tom Cangemi was present by phone. Mr. Tom Spyker, a partner with Reminger Attorneys at Law, was also present.

Mr. Clement made a motion to go into Executive Session under O.R.C. for personnel and legal matters at 7:12 pm. Ms. Sonic seconded the motion. Mr. Robe, Mr. Sappington, and Mr. Spyker were invited to attend along with Mr. Cangemi by phone. Mr. Taylor objected to Mr. Flowers being in Executive Session because of his connection with the plaintiffs in that lawsuit. After some discussion it was decided Mr. Flowers would be included. Mr. Taylor asked that his objection be noted in the record. **ROLL CALL:** All Council members voted yea.

Mr. Taylor made a motion to return to regular session at 7:54 pm. Mr. Booth seconded the motion. **ROLL CALL:** All Council members voted yea.

Mr. Booth made a motion to approve the April 22, 2024, regular meeting minutes as presented. Mr. Taylor seconded the motion. **ROLL CALL:** All Council members voted yea.

CITIZEN'S COMMENTS

JoAnne L'Heureux announced she has delivered two welcome baskets to new residents in Nelsonville, and she welcomed them to the community.

Jean Perry asked why Council hasn't consider hiring an Assistant City Manager. Council members must realize they will be called to testify at a hearing, and they will need more assistance than the City Manager, collecting two paychecks, can provide. This is serious stuff.

Dan Sherman said he doesn't see how the City's insurance company can represent the City when it matter is over Council placement, but the lawyers will figure it out and a judge will rule on it. Also, the address Mr. Lawson used when he applied for City Council is a vacant house, and the Sheriff reported no one lives there. Mr. Lawson corrected his address for the record.

Rita Nguyen asked Mr. Robe and Mr. Spyker why Mr. Lawson, Mr. Dunfee and Mr. Clement are entitled to free legal defense because they were sued individually, They are not being sued as employees of the City. This is a dispute between Council members who have equally competing claims. If it's ok for the City to pay for representation for Mr. Dunfee and Mr. Lawson then isn't ok for the City to pay for Ms. Powell and herself? She then asked who on Council including Mr. Robe, has taken the sunshine law seminar for this election term. Ms. Sonick took the training. Ms. Nguyen said at some point Council will be called to answer for their answer for their actions. None of what they are doing is legal. The day is coming.

Mr. Clement said citizens comments does not require a response from Council. Mr. Robe said it is procedurally improper for Council to respond and it is not proper parliamentary procedure. The First Amendment gives citizens the right to speak, and the City shall respect that right.

BUSINESS AND ORGANIZATIONAL COMMENTS

Glen Crippen, Director, Housing & Community Development Hocking Athens Perry Community Action, addressed Council about the CHIP Program. The CHIP (Community Housing Impact and Preservation). Every two years they apply for affordable housing grants administered through HUD and the State to preserve the aging housing stock. These funds provide money to rehab and repair homes of up to \$70,000, and smaller homes between 18,000 and 20,000. The City used to apply for housing funds themselves but about 10 years the State requested that the process be regionalized in an effort to bring communities together to form partnerships. He

asked Nelsonville to join Athens County and the City of Athens in a partnership to acquire grant funds for the program. The grant is due June 20, 2024. There is no financial obligation to the City, but the City Manager would have to sign a partnership agreement. If Nelsonville joins the program again they would apply for \$300,000 in funding for homeowners of moderate income for home rehab and repairs. They could report to Council which houses are being worked on once they are chosen. Participants will be contacted with information and there will be new releases and information for new applicants.

Evelyn Nagy spoke regarding tenant protection when renting. She has been working at the Public Library on the Friendship Bench. The Friendship Bench is part of the Health Department where there are trained listeners to help with problem solving for people who come by. Housing is a big topic in these discussions. She advocated for a “Pay to Stay Plan” which has been adopted by Chauncey Village Council. The plan would keep landlords from evicting tenants who have fallen behind in their rent and are about to be evicted even though they have the funds to bring their account up to date. In Ohio landlords can begin the eviction process if the tenant is even one day late. In addition, there is a problem with income discrimination where a tenant may have a voucher from public assistance funds and landlords refuse to honor them. Ms. Nagy said she is interested in helping the City adopt the Pay to Stay Plan in order to assist those in danger of becoming unhoused.

Mr. Tom Spyker, a partner with Reminger Attorneys at Law has represented the City in various matters since 2018 and is currently representing the City in a number of cases. He has been asked to speak to Council and the public to try to clear up some misunderstandings. He explained by the City’s insurance carrier was assigned to represent the City in the matter of who belongs on Council. His job is to protect City Council, the actions of City Council and prevent liabilities. The company decided this is in the scope of insurance coverage and that is why he is here. He serves at the appointment of the City’s insurance company.

Mr. Robe said he has reviewed the Rules of Council and he found some areas that need attention and suggested the item be placed in the Judiciary Committee. He also informed Council recently an indigent person in Nelsonville passed away and the City is obligated to pay for the burial. The funeral home asked that the City adopt a written policy for future use. The City already appropriates funds for this in the annual budget. The issue was placed in the Finance Committee for the written policy.

POLICE DEPARTMENT UPDATE

Chief Tolliver gave the stats for the month of April 2024. There were 339 calls for service, 82 traffic stops, 32 traffic citations, 2 parking citations, 2 trespass, 13 traffic crashes, 18 criminal arrests and 15 warrant arrests. Officer Jackson has completed some OPATA training, and several officers will receive response training this week. Mr. Flowers ask if Chief Tolliver was aware of a rumor that one of his officers was seen taking a nap. The Chief said he has not heard anything of that nature.

SECOND READING

ORDINANCE 32-24. AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A NEW 911 CONTRACT WITH THE ATHENS COUNTY COMMISSIONERS AND THE ATHENS COUNTY 911 EMERGENCY COMMUNICATIONS CENTER FOR EIGHTY-FIVE THOUSAND NINE HUNDRED SIXTY-EIGHT DOLLARS (\$85,968.00) ANNUALLY FOR A TERM OF TWO (2) YEARS.

Mr. Clement made a motion to table Ordinance 32-24. Ms. Sonick seconded the motion. **ROLL CALL:** All Council members voted yea.

Ordinance 32-24 tabled at second reading.

ORDINANCE 33-24. AN ORDINANCE AMENDING THE 2024 APPROPRIATIONS ORDINANCE.

Mr. Taylor made a motion to adopt. Mr. Dunfee seconded the motion. **ROLL CALL:** All Council members voted yea.

Ordinance 33-24 adopted on second reading.

ORDINANCE 34-24. AUTHORIZING THE CITY MANAGER, WITH CONSENT OF AN APPLICABLE EMPLOYEE, TO ALLOW THE CITY TO PURCHASE VACATION TIME OF UP TO 4 WEEKS FOR THE APPLICABLE EMPLOYEE IN TOTAL FOR THE YEAR 2024.

Mr. Booth made a motion to adopt. Ms. Sonick seconded the motion. Discussion: Mr. Flowers asked if this employee was paid his regular salary if he didn't use the vacation time and is he also being paid again for that time. Mr. Sappington said the vacation time is earned and the employee will be paid for that time again. This is part of their union contract. **ROLL CALL:** All Council members voted yea.

Ordinance 34-24 adopted on second reading.

FIRST READING

Mr. Taylor introduced Ordinance 37-24.

ORDINANCE 37-24. AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A NEW 911 CONTRACT WITH THE ATHENS COUNTY COMMISSIONERS AND THE ATHENS COUNTY 911 EMERGENCY COMMUNICATIONS CENTER FOR EIGHTY-FIVE THOUSAND DOLLARS (\$85,000.00) ANNUALLY FOR A TERM OF THREE (3) YEARS.

Mr. Clement made a motion to amend the total amount to \$85,668. Mr. Dunfee seconded the motion. **ROLL CALL:** All Council members voted yea.

Mr. Taylor made a motion to suspend the rules. Mr. Booth seconded the motion. **ROLL CALL:** All Council members voted yea except Mr. Flowers who voted no. Mr. Booth made the motion to adopt. Mr. Taylor seconded the motion. Discussion: Mr. Flowers said he had a meeting with President of Hocking and their Police Chef recently and was offered a contract. He also will be meeting with the Police Chief in Logan for dispatching. He wants everyone to know he is still searching out possibilities for the City. **ROLL CALL:** All Council members voted yea except Mr. Flowers who voted no.

Ordinance 37-24 adopted on first reading under suspension of the rules.

Mr. Dunfee introduced Ordinance 38-24.

ORDINANCE 38-24. AN ORDINANCE AUTHORIZING THE CITY MANAGER TO APPLY FOR, ACCEPT, AND ENTER INTO AN OHIO EPA WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE CITY OF NELSONVILLE FOR CONSTRUCTION OF THE REGIONAL COLLECTION SYSTEM IMPROVEMENTS PHASE 4 PROJECT, AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

ORDINANCE 39-24. AN ORDINANCE SETTING THE AUTHORIZED STAFF IN THE CITY DEPARTMENTS.

Mr. Booth made a motion to table Ordinance 39-24 so that it can go through the Finance Committee. Mr. Taylor seconded the motion. **ROLL CALL:** All Council members voted yea.

Ordinance 39-24 is tabled.

Mr. Flowers introduced Resolution 2292.

RESOLUTION 2292. A RESOLUTION HONORING THE LEGACY OF EUGENE R. "JOE" EDWARDS.

Mr. Taylor made the motion to adopt. Mr. Booth seconded the motion. Public comment: JoAnn L'Heureux said this is well deserved. Council discussion: Mr. Clement said Mr. Edwards would be sadly missed. **ROLL CALL:** All Council members voted yea.

Resolution 2292 adopted.

Mr. Booth introduced Resolution 2293.

RESOLUTION 2293. A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN EXTENSION AGREEMENT FOR COVERED EMPLOYEES IN THE POLICE DEPARTMENT WHILE NEGOTIATIONS FOR A NEW UNION CONTRACT ARE ONGOING.

Mr. Taylor made the motion to adopt. Mr. Dunfee seconded the motion. Discussion: Mr. Robe explained that the first court action was filed on April 22. He was immediately instructed by Mr. Cangemi to begin working on it, and he advised the City administration to notify the insurance carrier. It took approximately a week and a half to hear back from the insurance carrier whether there was coverage. In the meantime, Mr. Robe said there was a lot of work that had to be done to protect the City and they were not certain if our insurance attorney would be appointed. Mr. Spyker got the case at 6 pm on a Thursday and the case was dismissed the next morning at 8 am and refiled in the appropriate legal venue. Mr. Robe stated that his City Attorney contract does not include representation of the City in matters of litigation. If any other work is necessary for him to do for the City it also would not be covered in his contract with the City. **ROLL CALL:** All Council members voted yea except Mr. Flowers who voted no.

Resolution 2293 adopted.

CITY MANAGER'S REPORT

Mr. Cangemi reported the Code Officer has been in contact with Metropolitan Housing for the base elevation permit rating of some houses and he is providing the permits for a new business on Columbus Street. The Code Officer has issued 15 various permits and 10 violations, and three condemnation notices.

Mr. Cangemi gave a shout out to the new lifeguards for the pool season. Our Service Director had surgery but will be back in the office on Wednesday. He thanked Mr. Coen for all the work he has done at the pool. Everything is going smoothly for the City.

The CHIP program will do a lot for Nelsonville, and he gave a shout out to Mr. Robe for all of his work on the case.

GOOD OF THE ORDER

Mr. Flowers gave his heartfelt condolences to the Edwards family. Joe was a great man.

Mr. Taylor made a motion to hold the next meeting, scheduled for May 27 to May 28 because of Memorial Day. Mr. Dunfee seconded the motion. **ROLL CALL:** All Council members voted yea.

Mr. Lawson thanked Mr. Robe and said the Fire Chief and the Police Chief are doing a fantastic job.

Mr. Booth

Mr. Clement said the pool will be opening soon and hopes everyone has a good summer.

Mr. Dunfee offered condolences to the Edwards family and said we have lost too many good people lately. He thanked Mike Freer and Savings Hardware for their work on the fountain on the Public Square.

Ms. Betty Jo Parsley and Mr. Neil Sommers took the oath of office and were sworn in as members of the Nelsonville Planning Commission.

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

NELSONVILLE CITY COUNCIL

President of Council

Clerk of Council