

RECORD OF ORDINANCES

National Graphics Corp., Cols., O.

Form No. 2806-A

Ordinance No. *1-75*

Passed *1-13-75*

19

ANNUAL APPROPRIATION ORDINANCE FOR FISCAL YEAR ENDING DECEMBER 31, 1975

(on file in Auditor's Office)

RECORD OF ORDINANCES

National Graphics Corp., Cos., O.

Form No. 2806-A

Ordinance No. 2-75

Passed 1-13

1975

ORDINANCE NO. 2-75

AN ORDINANCE FIXING THE SALARY OF THE INCOME TAX CLERK AND TO DECLARE AN EMERGENCY.

Whereas, it has come to the attention of this Council that the salary of the clerk in the Income Tax Department is lesser than other salaries for similar work and it is desired to equalize the same, now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, STATE OF OHIO:

SECTION I. That the salary of the Income Tax Clerk be, and the same hereby is fixed at Four Hundred Ninety-Six Dollars and nine cents (\$496.09) per month payable in semi-monthly substantially equal amounts as other items of municipal salary.

SECTION II. For the reason that it is desired to adjust the foregoing salary at the earliest possible time, this Ordinance shall go into effect the 1st day of February, 1975, if approved by two-thirds of all members elected to Council concurring and signed by the Mayor, otherwise at the earliest period permitted by law.

Carl R. Young
President of Council

APPROVED:

Donald E. Keen
MAYOR

PASSED this 13th day of January, 1975.

ATTEST:

Jane Heintzelman
CLERK

Ordinance No. 3-75

Passed 3-10

1975

ORDINANCE NO. 3-75

AN ORDINANCE INCREASING THE FOOD ALLOWANCE FOR PRISONERS AND TO DECLARE AN EMERGENCY.

Whereas, the present food allowance of \$1.50 per day is inadequate to provide proper nourishment for prisoners of the City and it is desired to remedy this situation, now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, STATE OF OHIO:

SECTION 1. That the food allowance for prisoners of the City of Nelsonville be, and the same is hereby increased to the stipend of \$2.00 per day per prisoner.

SECTION 2. For the reason that it is presently impossible to adequately feed prisoners on the present allowance, this Ordinance is declared to be an emergency ordinance necessary for the public peace, health and safety and shall take effect forthwith upon its adoption if approved by two-thirds of all members elected to Council concurring and signed by the Mayor, otherwise at the earliest period permitted by law.

Carl R. Young

 President of Council

ADOPTED this 10th day of March, 1975

ATTEST:

Jane Heitzman

 CLERK

APPROVED:

Donald C. Kern

 MAYOR

RECORD OF ORDINANCES

National Graphics Corp., Cos., O.

Form No. 2806-A

Ordinance No. 4-75 ORDINANCE NO Passed ^{Jabled 3-10-75} -75 19

An emergency ordinance giving consent of the City of Nelsonville to the relocation and construction of State Route No. U. S. 33 as a freeway in the City of Nelsonville under the supervision of the Director of Transportation of the State of Ohio and proposing to cooperate with said director in certain matters incident thereto.

WHEREAS, the public convenience and welfare requires the construction of a freeway within the City of Nelsonville, Athens County, Ohio, in accordance with alignment as described in a Public Hearing held in Tri-County Vocational School, Nelsonville, Ohio, on June 20, 1969, for the relocation and establishment of a limited access highway for State Route No. U. S. 33 situated in the City of Nelsonville, Athens County, Ohio, or as the same may be modified as a result of further engineering investigation, the portion of State Route No. U. S. 33 within the City of Nelsonville being hereinafter referred to as the FREEWAY, and

WHEREAS, the Council of the City of Nelsonville, hereinafter referred to as the COUNCIL, desires to cooperate with the Director of Transportation of the State of Ohio, hereinafter referred to as the STATE, in the construction of said FREEWAY subject to certain conditions.

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

SECTION I.

The public convenience and welfare demand the construction of the FREEWAY hereinbefore described and the COUNCIL hereby consents to the acquisition of all property and property rights and the provision of relocation advisory assistance, by the STATE or its agents, required for the FREEWAY, and further consents to the construction, maintenance and repair of such FREEWAY by the STATE subject to the following conditions:

- (a) The STATE shall bear all costs of the construction of said FREEWAY, except as hereinafter set forth in Section IV, paragraph (a), of this Ordinance.
- (b) The STATE shall confer with the Mayor from time to time during the development of detail plans with respect to the effects on, and the alterations of, municipal streets, utilities and related facilities under the jurisdiction of the COUNCIL.
- (c) Final construction plans for the FREEWAY will be furnished to the Mayor before any construction contracts therefor are awarded by the STATE.

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- (d) The State will retain all natural drainage courses in the most economical location and will further intercept and conduct other surface flow which

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reaches the FREEWAY to a natural outlet as may be necessary by the construction of said FREEWAY.

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- (e) The limited access portions of the FREEWAY shall be enclosed with a fence in accordance with the accepted standard practice for fencing limited access highways within urban areas.
- (f) The municipality is to be reimbursed by the STATE for all claims for damages determined to be just and legal, or as ordered by the Court and paid by the municipality, that may result from any change in the elevation of the present centerline of any street, road or highway within the municipality caused, occasioned, brought about or required as a result of the construction of said FREEWAY. The processing of claims for damages will be coordinated with the STATE so as to eliminate possible double payment for the same damage items.

SECTION II.

The COUNCIL consents to the rearrangement, without cost to the municipality, of sanitary sewers, water mains, service lines, fire hydrants, valve boxes and appurtenances thereto, or other municipally owned utilities, lying inside the corporate limits of the municipality made necessary by the construction of the FREEWAY, and the COUNCIL, prior to the award of any contract, agrees to make arrangements with or obtain agreements from any and all publicly, privately and cooperatively owned utility companies to relocate or rearrange their lines, of any nature whatsoever, which will be affected by or interfere with the construction of the FREEWAY, said lines existing in their present location by virtue of franchise or other agreements legally in effect.

SECTION III.

The COUNCIL consents to the STATE'S preservation, regulation and use of the highway as a freeway, and further consents to the policing of said FREEWAY by state police forces.

SECTION IV.

The COUNCIL agrees:

- (a) To contribute a lump sum of fifty-thousand dollars (\$50,000.00) which sum shall be deposited with the STATE upon request by the STATE before the STATE is obligated to advertise for bids for construction of the FREEWAY.
- (b) To enact, prior to the completion of the FREEWAY proper legislation to vacate or establish, by mutual agreement with the STATE, any streets or portions thereof within the limits of and deemed necessary for the construction and operation of the FREEWAY.

RECORD OF ORDINANCES

- (c) To make all existing street and public way right-of-way within the municipality, which is necessary for the FREEWAY, available therefor.

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4-75
 Ordinance (No.) ~~That the Director of Highways shall be the issuing authority for permits to use or occupy FREEWAY right-of-way and permits for the movement of oversize and overweight loads over the FREEWAY.~~

- (e) To prohibit parking within the right-of-way limits of the FREEWAY and on bridge structures carrying municipal streets over the FREEWAY.
- (f) To initiate proper legislation amending its traffic code for the purpose of bringing about any changes in traffic regulations made necessary by the construction of the FREEWAY, said legislation to be enacted prior to the completion of the FREEWAY.

SECTION V.

The COUNCIL will bear the cost, and

- (a) Maintain and repair all grade separated municipal streets, exclusive of bridge structures within the right-of-way limits of the FREEWAY.
- (b) Maintain and repair the wearing surface on bridges carrying municipal streets over the FREEWAY when such wearing surface is separate from the bridge floor slab. Changes in type or depth of wearing surface will not be permitted without prior approval by the STATE.
- (c) Remove snow and place abrasives and chemicals for ice control on all grade separated municipal streets, inclusive of bridges carrying such streets over the FREEWAY.
- (d) Maintain and repair all service roads, drainage structures, and other roadway items located outside the fenced portion of the FREEWAY.
- (e) Furnish, install, maintain and repair all signs, pavement markings and other traffic control devices on the intersecting local streets on overpass or underpass roadways in accordance with the Ohio Manual of Uniform Traffic Control Devices.
- (f) Maintain and repair (including furnishing electric power) highway lighting units on intersected local streets on overpass or underpass roadways.

SECTION VI.

The COUNCIL agrees to reimburse the STATE for costs of maintenance performed by the STATE on the FREEWAY within the municipality, said reimbursement to be made annually on the basis of the calendar year motor vehicle tax and motor vehicle fuel tax receipts per mile of city streets allocated to the City of Nelsonville.

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SECTION VII.

National Graphics Corp., Col., O. The Mayor is hereby authorized and directed on behalf Form No. 2806-A

of the COUNCIL to enter into such agreements as are necessary to carry forward the intent and purpose of this Ordinance.

Ordinance No. 4-15

Passed

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SECTION VIII.

The Clerk of the Council is hereby directed to furnish the STATE with a certified copy of this Ordinance immediately upon its enactment; and upon the acceptance and approval of said Ordinance by the STATE, it shall become a binding agreement between the COUNCIL and the STATE.

SECTION IX.

This Ordinance is hereby declared to be an emergency measure by reason of the need for expediting planning and construction of the FREEWAY to promote highway safety and provided it receives the affirmative vote of two thirds of the members elected to the COUNCIL it shall take effect and be in force immediately upon its passage and approval by the Mayor.

President of Council

Approved _____
Mayor

Passed _____ 19__

Attest _____

I hereby certify that the foregoing is a true and correct copy of an Ordinance passed by the legislative authority _____, 19__.

Clerk

The foregoing is accepted as a basis for proceeding with the work herein described.

Attest _____

Director, Ohio Department of
Transportation

RECORD OF ORDINANCES

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Form No. 2806-A

Ordinance No. 5-75

Passed

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ORDINANCE NO. 5-75

AN ORDINANCE CHANGING THE DISTRIBUTION OF INCOME TAX REVENUES AND TO DECLARE AN EMERGENCY.

Whereas, it has been determined that more funds are needed in the General Fund for the current operation of municipal facilities, and

Whereas, it is desired not to impose a tax levy upon the residents of the City of Nelsonville to provide such funds, now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, STATE OF OHIO:

SECTION 1. That the distribution of net revenues determined from the income tax collections be divided one-half to the General Fund, the other one-half to the Capital Improvement Fund.

SECTION 2. That a copy of this Ordinance be certified to the Auditor of the City of Nelsonville as authority for making such distribution.

SECTION 3. For the reason that it is apparent the current revenues are presently inadequate to maintain municipal functions, this Ordinance is declared to be an emergency ordinance necessary for the public peace, health and safety and shall take effect forthwith upon its adoption if approved by two-thirds of all members elected to Council concurring and signed by the Mayor, otherwise at the earliest period permitted by law.

Carl R. Young
President of Council

PASSED this 16th day of June, 1975

APPROVED:

Donald E. Kern
MAYOR

ATTEST:

Joel R. Heintzelman
CLERK

Ordinance No. 6-75

Passed 6-9

19 75

ORDINANCE NO. 6-75

AN ORDINANCE REQUIRING BUILDING PERMITS AND TO DECLARE AN EMERGENCY.

Whereas, it is recognized that the adoption of the written ordinance constitutes a severe invasion of personal liberty and substantial curtailment of the rights of property, and resentful of the policy, and all similar policies, demanding its adoption, but in full recognition of the penalties applied to the citizenry in absence of adoption, and

Desiring to make the benefits of flood protection insurance available to the residents of Nelsonville and to avoid the penalties assessed if such protection be not made available, and

Whereas, in order so to do restrictions must be placed upon construction and repair of property situate in the flood plain zones, now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, STATE OF OHIO:

SECTION I. That from and after the effective date of this Ordinance no person, firm or corporation shall construct, enlarge, alter, repair, improve, move or demolish any buildings or structure without obtaining a separate building permit therefor from the Mayor of the City of Nelsonville. The terms of this prohibition shall not extend to such work as may be of less cost than \$1500.00.

SECTION II. Prior to the issuance of a building permit by the Mayor of the City of Nelsonville, he shall make a determination as to whether or not proposed building, construction or improving site shall be reasonably safe from flooding. In the event the proposed building site is so situated that a flood hazard is proposed, such proposed construction or improvement shall be so designed and in accordance with the following specifications: (including prefabricated and mobile homes)

1. Be so designed and anchored to prevent floatation, collapse, or lateral movement of the structure.
2. Construction materials and utility equipment used that is resistant to flood damage.
3. Use such construction methods and practices as will minimize flood damage.

SECTION III. When sub-division proposals and other proposed new developments are presented for approval, the Mayor shall assure that:

1. All proposals are consistent with the need to minimize flood damage.
2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed so as to minimize or eliminate flood damage.
3. Assure adequate drainage so as to reduce exposure to flood hazards.

SECTION IV. The Mayor, prior to issuing a permit, shall require all new or replacement water systems and/or sanitary sewerage systems to be so designed as to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters, and require on site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding period.

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Ordinance No.

SECTION V. For the reason that it is desired to bring the City of Nelsonville into immediate compliance with the requirements of the Housing and Urban Development Federal Insurance Administration, this Ordinance is declared to be an emergency ordinance necessary for the public peace, health and safety and shall take effect forthwith upon its adoption if approved by two-thirds of all members elected to Council concurring, and approved by the Mayor, otherwise at the earliest period permitted by law.

Carl R. Young
President of Council

APPROVED:

Donald E. Kern
MAYOR

DATED this *9th* day of *June*, 1975.

ATTEST:

Jane R. Heintzelman
CLERK

Ordinance No. 7-75Passed 7-2319 75ORDINANCE NO. 7-75

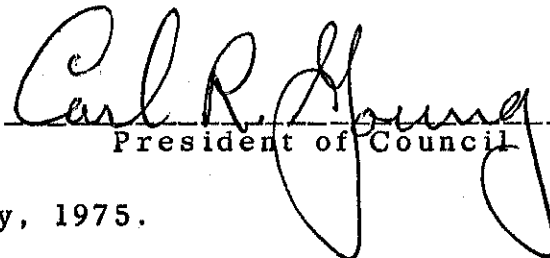
AN ORDINANCE PROHIBITING REPAIR OF MOTOR VEHICLES ON PUBLIC STREETS, AND TO DECLARE AN EMERGENCY.

Whereas, it has been determined by the Police Department of the City of Nelsonville that many persons are using the public streets on which to park their vehicles while effecting repairs thereto and said practice constitutes an unnecessary safety hazard, now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, STATE OF OHIO:

SECTION 1. That from and after the effective date of this Ordinance the repair of motor vehicles upon the streets of the Municipality be, and the same is hereby prohibited, provided, however, such repairs may be made thereon in the event of an emergency and to the extent necessary to effect the removal of the vehicle from the public street.

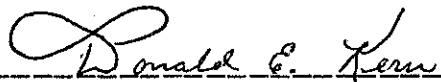
SECTION 2. For the reason that it is desired to abolish the safety hazard hereinabove setforth, this Ordinance is declared to be an emergency ordinance necessary for the public peace, health and safety and shall take effect forthwith upon its adoption if approved by two-thirds of all members elected to Council concurring and signed by the Mayor, otherwise at the earliest period permitted by law.



President of Council

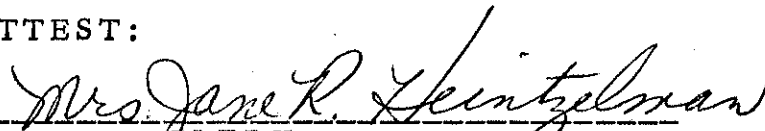
DATED this 23rd day of July, 1975.

APPROVED:



MAYOR

ATTEST:



CLERK

RECORD OF ORDINANCES

National Graphics Corp., Cols., O.

Form No. 2806-A

Ordinance No. 8-75 ORDINANCE NO. 8-75 19 75
Passed 8-11

AN ORDINANCE ESTABLISHING THE PAY SCHEDULE FOR EMPLOYEES OF THE CITY OF NELSONVILLE, OHIO; REPEALING INCONSISTENT ORDINANCES AND TO DECLARE AN EMERGENCY.

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

SECTION 1. That from and after the first day of April 1975, the following pay schedule be, and the same hereby is declared established providing pay for the several employees holding the indicated offices as hereinafter set forth:

POLICE DEPARTMENT

Police Chief	\$ 4.03	per hour	
Senior Patrolman	3.60	" "	
Patrolman	3.49	" "	
Probationary Policeman	3.27	" "	

FIRE DEPARTMENT

Fire Chief	\$4.03	per hour	
Senior Fireman	3.60	" "	
Fireman	3.49	" "	
Probationary Fireman	3.27	" "	

SEWER AND WATER DEPARTMENT

Waterplant Supervisor (Licensed)	\$3.95	per hour	
Waterplant Operator (non-licensed)	3.45	" "	
Water Superintendent and Sewer-Dist.	3.76	" "	
Water Superintendent and Sewer Assistant Director	3.60	" "	
Disposal Plant Supervisor (Licensed)	3.95	" "	
Assistant Disposal Plant Supervisor (Non-licensed)	3.76	" "	
Disposal Plant Operator	3.37	" "	
Water & Sewer Clerk	3.06	" "	
Assistant Water Clerk	2.74	" "	

STREET DEPARTMENT

Street Superintendent	3.76	" "	
Equipment Operator	3.16	" "	
Truck Driver	3.16	" "	

MISCELLANEOUS

Maintenance - all departments	2.45	" "	
Meter Attendant	2.59	" "	
Extra Police	2.95	" "	
Extra Fireman	2.95	" "	
Extra Pumpers (Water Fire-Dept.)	2.80	" "	
Income Tax Deputy	3.06	" "	

SECTION 2. A working week shall consist of forty (40) working hours, In the event that in the opinion of the head of a department it is necessary for the employee to work more than forty (40) hours per week, such overtime shall be compensated at

*Changee
8-11-75
J.H.*

*except for
firemen*

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the rate of one and one half (1 1/2) times the hourly rate.

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Ordinance No. 1888
SECTION 3. Any employee required to work on New Year's Day, Decoration Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day or V.E. Day may elect to take compensatory time off or to be paid.

SECTION 4. All ordinances, resolutions or parts thereof inconsistent with this Ordinance are hereby repealed.

SECTION 5. For the reason that prior to the 1st day of April 1975, negotiations have been entered into to achieve a fair pay schedule and to keep the employees employed, this Ordinance is declared to be an emergency ordinance necessary for the public peace, health and safety and shall take effect forthwith upon its adoption if approved by two-thirds of all members elected to Council concurring, otherwise at the earliest period permitted by law.

Carl R. Young
President of Council

ADOPTED this *11th* day of *August*, 1975.

APPROVED:

Donald E. Lewis
MAYOR

ATTEST:

Mrs. Jane R. Heintzelman
CLERK

RECORD OF ORDINANCES

National Graphics Corp., Col., O.

Form No. 2806-A

Ordinance No. 9-75 Passed 8-11 1975

ORDINANCE NO. 9-75

AN ORDINANCE AUTHORIZING THE MAYOR AND SAFETY-SERVICE DIRECTOR TO ENTER INTO A CONTRACT AND TO DECLARE AN EMERGENCY.

Whereas, this Council by its duly authorized representatives has negotiated with the Ohio Civil Service Employees Association in an attempt to achieve, inter alia, a more harmonious working agreement between the employees and the administration of the City, and

Whereas, the Council has reviewed the work of its committee and finds the same to be acceptable, now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, STATE OF OHIO:

SECTION 1. That the Safety and Service Director and Mayor of the City of Nelsonville be, and they hereby are authorized to execute on behalf of the City of Nelsonville an agreement providing for working conditions and other matters incident to the administration of the City affairs with the Ohio Civil Service Employees Association.

SECTION 2. For the reason that the negotiations and problems incident to the initial creation of this contract have been protracted, and it is desired to forthwith implement and achieve the benefits of said contract, this Ordinance is hereby declared to be an emergency ordinance necessary for the public peace, health and safety and shall take effect forthwith upon its adoption if approved by two-thirds of all members elected to Council concurring, and signed by the Mayor, otherwise at the earliest period permitted by law.

Carl R. Young
President of Council

ADOPTED this 11th day of August, 1975.

ATTEST:

Mrs. Jane R. Heintzelman
CLERK

APPROVED:

Donald E. Kern
MAYOR

RECORD OF ORDINANCES

ORDINANCE NO. 10-75

Ordinance No. 10-75 TO PROVIDE FOR THE ISSUANCE OF NOTES

19

OF THE CITY OF NELSONVILLE, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF IMPROVING AND EXTENDING THE MUNICIPAL SEWERAGE SYSTEM, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 26-72, passed January 22, 1973, there were issued \$79,000 of notes in anticipation of bonds for the purpose hereinafter set forth, which notes were renewed at maturity and additional funds provided for such purpose by the issuance of notes in the principal amount of \$250,000 pursuant to Ordinance No. 14-74, passed September 25, 1974; and

WHEREAS, this Council has determined to retire \$50,000 of the principal amount of such notes with funds heretofore appropriated for such purpose and to fund the balance of such principal amount with the proceeds of the notes hereinafter authorized; and

WHEREAS, the Auditor, as fiscal officer of this City, has certified as to the maximum maturity of the bonds anticipated and of the notes authorized herein, which note maturity may not exceed eight (8) years from February 15, 1973, this being the date of issuance of the original \$79,000 of notes issued for the purpose hereinafter stated;

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

Section 1. That it is deemed necessary to issue the bonds of the City of Nelsonville in one lot in the principal sum of \$200,000 for the purpose of improving and extending the municipal sewerage system.

Section 2. That said bonds shall be dated approximately October 1, 1976; shall bear interest at the rate of eight per centum (8%) per annum, payable semi-annually until the principal sum is paid; and shall mature in twenty-five substantially equal annual installments after the issuance thereof.

Section 3. That for the purpose of raising money in anticipation of the issuance of the aforesaid bonds for the above-described improvement and to pay and retire the outstanding notes, it is hereby declared necessary to issue and there shall be issued notes of this City in the principal amount of \$200,000. Such notes shall bear interest at the rate of eight per centum (8%) per annum, payable at maturity, until the principal sum is paid; shall be dated November 7, 1975; shall mature on or before one year from such date; shall be designated "Sewerage System Improvement Notes"; shall be executed and delivered in such numbers and denominations as may be requested by the purchasers thereof; and each note shall be payable as to both principal and interest in lawful money of the United States of America at the office of the purchaser of such note.

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Section 4. That such notes shall be executed by the Mayor and the Auditor, shall bear the corporate seal of the City and shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

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Section 5. Subject to the rejection of said notes by the City Treasurer as officer in charge of the Bond Retirement Fund, notes aggregating in principal amount \$137,500 are hereby awarded and sold to The Peoples Bank, Nelsonville, Ohio, and notes aggregating in principal amount \$62,500 are hereby awarded and sold to First National Bank of Nelsonville, Nelsonville, Ohio in accordance with their written purchase proposals dated The proceeds from such sale, except any premium and accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said money is hereby appropriated. Any premium and accrued interest shall be transferred to the Bond Retirement Fund to be applied in the payment of principal and interest of said notes in the manner provided by law.

Section 6. The City hereby covenants that it will restrict the use of the proceeds of the notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 103(d) of the Internal Revenue Code and the regulations prescribed under that section. The fiscal officer or any other officer having responsibility with respect to the issuance of these notes is authorized and directed to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to said Section 103(d) and regulations thereunder.

Section 7. Said notes shall be the full general obligations of the City and the full faith, credit and revenue of such City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the bonds anticipated by said notes and any excess funds resulting from the issuance of said notes shall to the extent necessary be used only for the retirement of said notes at maturity, together with interest thereon, and are hereby pledged for such purpose.

Section 8. During the period while such notes run there shall be levied on all the taxable property in the City of Nelsonville, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issuance of such notes. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a

separate and distinct fund, which, together with the interest collected on the ~~same~~ ^{same} ~~be~~ ^{be} irrevocably pledged for ~~the~~ ^{the} payment of the principal and interest of said notes or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, that in each year to the extent that surplus income from the sewerage system is available for the payment of such notes and bonds and is appropriated for such purpose, the amount of such tax shall be reduced by the amount of such income so available and appropriated.

Section 9. It is hereby determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of said notes in order to make the same legal, valid and binding obligations of the City of Nelsonville have happened, have done and performed in regular and due form as required by law and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said notes.

Section 10. The Clerk of Council is hereby authorized and directed to forward a certified copy of this ordinance to the County Auditor.

Section 11. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in said City and for the further reason that the proceeds of such notes are needed immediately to provide funds to retire outstanding debt of the City and thereby protect its credit; wherefore, this ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: Oct 6, 1975

Carl R. Young
President of Council

Attest: Maed. Heintzelman
Clerk of Council

Approved: Oct. 6, 1975

Donald C. Kern
Mayor

RECORD OF ORDINANCES

National Graphics Corp., Cois., O.

Form No. 2806-A

Ordinance No. 11-75 ORDINANCE NO. 11-75 Passed 10-6 1975

~~ORDINANCE PROVIDING FOR RETAINING CERTAIN LEGAL SERVICES OF SQUIRE, SANDERS & DEMPSEY IN CONNECTION WITH PROCEEDINGS FOR THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES AND RENDERING AN APPROVING OPINION WITH RESPECT THERETO, AND DECLARING AN EMERGENCY.~~

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

Section 1. The legal services of the law firm of Squire, Sanders & Dempsey be and are hereby retained, such legal services to be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of bond anticipation notes in the amount of \$200,000 and of rendering an approving opinion with respect to said notes. In rendering such legal services, as an independent contractor and in an attorney-client relationship, said firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, or cities or of this City, or the execution of public trusts.

Section 2. For such legal services said firm shall be paid fees now estimated at \$630, and shall be reimbursed for actual out-of-pocket expenses (including, but not limited to, travel, long-distance telephone and duplicating expenses) incurred in rendering such legal services, and the City Auditor is hereby authorized and directed to make appropriate certification as to the availability of funds for such fees and reimbursement and to issue an appropriate order for the payment of the same as the same shall become payable.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that provision must be immediately made for the retention of said law firm in order to proceed with the sale of such notes which sale is necessary to provide funds to retire outstanding debt of the City and thereby protect its credit; wherefore, this ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

Passed: Oct. 6, 1975


Attest: James K. Heintzleman
Clerk of Council

Carl R. Hering
President of Council

Approved: Oct. 6, 1975

Donald E. Linn
Mayor

RECORD OF ORDINANCES

National Graphics Corp., Cols., O. 

Form No. 2806-A

Ordinance No. 10-75

Passed 10-6

1975

RECORD OF ORDINANCES

National Graphics Corp., Cols., O.

Form No. 2806-A

Ordinance No. 12-75Passed 12-819 75ORDINANCE NO. 12-75

AN ORDINANCE AMENDING ORDINANCE NO. 1097 AND TO DECLARE AN EMERGENCY.

Whereas, the description of the land in the Wolfburg District as contained in Ordinance No. 1097 contains clerical error and it is desired to correct this so that responsibilities with reference to the maintenance of property be properly defined, now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, STATE OF OHIO:

SECTION 1. That the description of the property as regards the Wolfburg District in Ordinance No. 1097 be, and the same hereby is amended to read as follows:

Situate in the State of Ohio, County of Athens and Township of York:

Wolfburg District and parts of Sections 18, 12, 11 & 17 described as follows:

That portion of Section 18 in Township 12 North, Range 15 West, of the Ohio Company's Purchase lying North of Nelsonville and East of the Northwest corner of said Section and eastwardly to the C & O Railroad running to Straitsville in Section 12, ; thence following the railroad in Section 12 Southerly to the road leading to Happy Hollow in Section 11; thence Southwesterly along said road to U. S. Route 33, ; thence Westerly along Route 33 to the present corporation line.

SECTION 2. The map and the petition together with other papers relating thereto having heretofore been filed, the same is unnecessary and the property described hereinabove is hereby accepted.

SECTION 3. For the reason that it is desired to complete this correction at the earliest possible time so that rights of other parties may not be violated, this Ordinance is hereby declared to be an emergency ordinance necessary for the public peace, health and safety and shall take effect forthwith upon its adoption and signed by the Mayor if approved by two-thirds of all members elected to Council concurring, otherwise at the earliest period permitted by law.

Carl R. Young
President of Council

ADOPTED this 8th day of December, 1975.

APPROVED:

Donald E. Kern
MAYOR

ATTEST:

Jane R. Heintzelman
CLERK