ORDINANCE NO. 1-91

AN ORDINANCE APPROPRIATING $163,515.00 FROM THE GENERAL FUND FOR TEMPORARY POLICE AND FIRE DEPARTMENT EXPENDITURES AND FOR TEMPORARY GENERAL EXPENSES FOR THE CITY; $28,005.00 FROM THE STREET FUND FOR TEMPORARY MAINTENANCE EXPENSES WITHIN THAT FUND; $3,000.00 FROM THE STATE HIGHWAY FUND FOR TEMPORARY MAINTENANCE EXPENSES WITHIN THAT FUND; $15,000.00 FROM THE STREET LEVY FUND FOR THE TEMPORARY MAINTENANCE EXPENSES WITHIN THAT FUND; $5,500.00 FROM THE PERMISSIVE TAX FUND FOR TEMPORARY STREET MAINTENANCE EXPENSES; $7,100.00 FROM THE STREET LIGHT FUND FOR TEMPORARY UTILITY EXPENSES; $15,000.00 FROM THE CAPITAL IMPROVEMENT FUND FOR CAPITAL IMPROVEMENT EXPENDITURES WITHIN THE CITY; $113,745.00 FROM THE WATER FUND FOR THE OPERATION AND MAINTENANCE OF THE WATER DEPARTMENT; $91,965.00 FROM THE SEWER FUND FOR THE OPERATION AND MAINTENANCE OF THE SEWER DEPARTMENT; $6,280.00 FROM THE PARKING METER FUND FOR THE TEMPORARY EXPENSES FOR THE MAINTENANCE, OPERATION, AND OTHER COLLECTION EXPENSES FOR THE COLLECTION OF PARKING METER FUNDS; $4,000.00 FROM THE WATER DEPOSIT FUND FOR THE OPERATION AND MAINTENANCE OF THE WATER DEPARTMENT; $500.00 FROM THE RECREATION FUND FOR THE TEMPORARY MAINTENANCE AND OPERATION OF THE RECREATION DEPARTMENT; AND DECLARING AN EMERGENCY.

Be it ordained by the Council of the City of Nelsonville, State of Ohio.

SECTION 1.

That the sum of $163,515.00 be and it is hereby appropriated from the General Fund for temporary general expenses for the City including police and fire department expenditures;

SECTION 2.

That the sum of $28,005.00 be and it is hereby appropriated from the Street Fund for temporary maintenance expenses within that fund;

Section 3.

That the sum of $3,000.00 be and it is hereby appropriated from the State Highway Fund for temporary maintenance expenses within that fund;

Section 4.

That the sum of $15,000.00 be and it is hereby appropriated from the Street Levy Fund for the temporary maintenance expenses within that fund;

Section 5.

That the sum of $5,500.00 be and it is hereby appropriated from the Permissive Tax Fund for temporary street maintenance expenses;

Section 6.

That the sum of $7,100.00 be and it is hereby appropriated from the Street Light Fund for temporary utility expenses;

Section 7.

That the sum of 15,000.00 be and it is hereby appropriated from the Capital Improvement Fund for capital improvement expenditures within the city;

Section 8.

That the sum of $113,745.00 be and it is hereby appropriated from the Water Fund for the operation and maintenance of the water department;

Section 9.

That the sum of $91,965.00 be and it is hereby appropriated from the Sewer Fund for the operation and maintenance of the sewer department;

Section 10.

That the sum of $6,280.00 be and it is hereby appropriated from the Parking Meter Fund for the temporary expenses for the maintenance, operation, and other collection expenses for the collection of parking meter funds;

Section 11.

That the sum of $4,000.00 be and it is hereby appropriated from the Water Deposit Fund for the operation and maintenance of the Water department;

Section 12.

That the sum of $500.00 be and it is hereby appropriated from the Recreation Fund for the temporary maintenance and operation of the Recreation department;

Section 13.

This measure is declared to be an emergency measure necessary for the preservation of the public health, safety, and welfare of the citizens of Nelsonville, Ohio, and shall take effect upon its passage and approval by the Mayor.

James A. Hall
President of Council

APPROVED:

Raymond Lewis
Mayor

ATTEST:

Catherine Griffin
Clerk of Council

Dated this 9 day of January, 1991.

ORDINANCE NO. 3-91

AN ORDINANCE TO BRING THE CITY OF NELSONVILLE INTO COMPLIANCE WITH THR NPDES PERMIT REQUIREMENTS AND COMPLIANCE WITH DOEPA REQUIREMENTS, TO APPROPRIATE MONEY, AND TO DECLARE AN EMERGENCY

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

Section 1. That this City employ the services of Floyd Browne & Associates Inc., to guide it in being brought into compliance with O.E. P.A. Standards.

Section 2. Floyd Browne & Associates Inc. has prepared a brief outline designed to set forth its services and the necessary work that must be accomplished and suggests that it be adopted as the first step in this proceedings.

Section 3. That the sum of $40,886.00 be approved as being reasonable and proper and the fiscal officer of the City be, and hereby is authorized to execute the fiscal certificate.

Section 4. For the reason that this City is desirous of bringing itself into compliance with the necessary health measures it is desired to begin at the earliest possible time, this Ordinance is declared to be an emergency Ordinance necessary for the public peace, health and safety of the citizens of this Community and shall go into effect forthwith upon its adoption if approved by 2/3 of all members elected to Council concurring otherwise, at the earliest period permitted by law.

PRESIDENT OF COUNCIL

APPROVED:

MAYOR

ATTEST:

CLERK

PASSED this 22nd day of April 1991

PASSED 1st READ 6-10-91
PASSED 2ND READ 7-8-91

ORDINANCE NO. 4-91

AN ORDINANCE VACATING THOSE PROCEEDINGS WITH REFERENCE TO 11-90 AS HAD BEEN ADOPTED BY COUNCIL

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

SECTION 1. The proceedings heretofore taken with reference to the adoption of Ordinance 11-90 be and the same hereby are vacated. The reason for said vacation is that the Ordinance failed to provide for certain interests in said area to be vacated and therefore said proceedings are void.

SECTION II - This vacating Ordinance shall take effect and be in force forthwith and said Ordinance 11-90 is hereby declared void.

James A. Hart
PRESIDENT OF COUNCIL

PASSED: This 10th day of June 1991

ATTEST: Patricia Mack
Clerk of Council

APPROVED: This 10th day of June 1991

Reginald Lewis
MAYOR

PASSED 1ST READ 6-10-91
PASSED 2ND READ 7-8-91

ORDINANCE NO. 5-91

AN ORDINANCE VACATING A PORTION OF THE EAST END OF THE DEAD END ALLEY LEADING FROM HOPKINS STREET

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

SECTION 1. This Council finds that petitions signed by the owners of all of the property abutting upon the East end of the dead end alley extending from Hopkins Street to In-Lot 1292 have been presented to Council praying that said Street between the points named hereinafter be vacated.

SECTION 2. Beginning at the S.W. corner of In-Lot 1271; thence N along the East line of In-Lot 1271 extended to the S.E. corner of In-Lot 1272; thence East along the S. line of 1272 to the S.W. corner of said lot; thence S along the West line of In-Lot 1271 extended and thence E along the S line of 1271 to the point of beginning; provided, however, that the rights of the several utilities be, and they hereby are reserved to utilities presently occupying this alley.

SECTION 3. Council further finds that there is good cause for such vacation of said street as prayed for and that vacation of said street will not be determental to the general interests and ought to be made subject to the reservation of rights hereinabove set forth.

SECTION 4. The Safety and Service Director is hereby instructed to prepare a vacation plat of said vacated street and the Clerk of Counsil is instructed to indorse upon such plat the action of this Council in vacating such portion of the street and to cause said plat to be recorded in the Office of the Recorder of Athens County, Ohio.

SECTION 5. This ordinance shall take effect and be in force from and after the earlest period allowed by law.

James A. Hart
PRESIDENT OF COUNCIL

PASSED THIS 10th day of June 1991

ATTEST: Patricia A. Monk
CLERK OF COUNCIL

APPROVED This 6th day of June 1991

Reginald Lewis
MAYOR

ORDINANCE NO. 6-91

AN ORDINANCE TO PROVIDE FOR AN INCREASE IN THE CITY INCOME TAX OF ONE HALF PERCENT (.5%) PER ANNUM BEGINNING JANUARY 1,199~~3~~2, FOR THE PURPOSE OF PROVIDING FUNDING FOR GENERAL MUNICIPAL OPERATIONS, AND CAPITAL IMPROVEMENTS AUTHORIZING THE QUESTION OF THE INCREASE TO BE PLACED ON THE BALLOT AT THE NEXT GENERAL ELECTION TO BE HELD ON THE 5th DAY OF NOVEMBER 199~~2~~1, AN DECLARING AN EMERGENCY

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

SECTION I-That Ordinance No. 3-87 of the Nelsonville City Code of Ordinances shall be hereby amended to provide for a City income tax of 1 and one 2 half percent (.5%) per annum effective January 1,199~~3~~2 rather than the current City income tax of one percent (1 %).

SECTION II- That the increase in the income tax shall be alloted 80% to the General Fund of the City and 20% to the Capital Improvement Fund of the City.

SECTION III - That this Ordinance shall be placed on the ballot at the General Election to be held on the 5th day of November 199~~2~~1 and shall be subject to the approval of a majority vote of the electors.

SECTION IV- That in the event less than a majority of the electors vote to approve the one-half percent (1/2%) increases to be imposed January 1,~~1993~~2, the present income tax rate shall remain in full force and effect as if the election had not occurred.

SECTION V: That the Clerk of Council is hereby directed to file a certified copy of this Ordinance at least 75 days before the 5th day of November ~~1992~~1, with the Athens County Board of Elections pursuant to Section 718.01 of the Ohio Revised Code.

SECTION VI: That this Ordinance to be an emergency measure necessary for the preservation of the health, safety, and welfare of the Citizens of Nelsonville, Ohio, in that it is necessary to submit a copy of this Ordinance to the Athens County Board of Elections by November 5th,199~~2~~1 in order to comply with the deadline established by the Ohio Revised Code and therefore, this measure shall take effect upon its passage and approval by the Mayor.

James A. Hall
PRESIDENT OF COUNCIL

ATTEST:

Patricia Mabe
CLERK OF COUNCIL

APPROVED:

Reginald Severino
MAYOR

DATED: 8-13-91

ORDINANCE NO. 7-91

An Ordinance authorizing the Safety and Service Director of the City of Nelsonville to enter into an Emergency Dispatching Agreement and to declare an emergency

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

Whereas the several municipalities in the area engaged in the rendition of emergency services desire to have a central unit and to that end have worked out an agreement they believe will be satisfactory to all concerned, and

Whereas a copy of said agreement is appended hereto, be it resolved:

SECTION 1. That the Safety & Service Director of the City of Nelsonville be, and he hereby is, authorized and empowered to execute on behalf of the City of Nelsonville an Emergency Dispatching Agreement a copy of which is appended hereto.

SECTION 2. That the execution of this agreement at the earliest possible time will enable the agreement to take effect and the services rendered thereunder to be entered into and the value of said agreement placed into action, this Ordinance is declared to be an emergency Ordinance for the above reasons and shall go into effect forthwith upon its adoption if approved by 2/3 of all members elected to this Council concurring, otherwise it shall go into effect at the earliest period permitted by law.

_____
PRESIDENT OF COUNCIL

PASSED: This day of July 1991

ATTEST: _____
Clerk of Council

APPROVED: This day of July 1991

_____
MAYOR

Nelsonville Fire Department

Emergency Dispatching Agreement

Whereas, the various municipalities, townships, and private firefighting companies located in and near the City of Nelsonville, County of Athens, State of Ohio, which are parties to this agreement, are desirous of obtaining emergency dispatching services for the various municipalities, townships, and private firefighting companies in time of emergency, pursuant to section 505.44 of the Ohio Revised Code.

It is hereby mutually agreed by the parties hereto as follows :

(1) Definitions:
   (a) Fire Service units shall include, each party which is a signatory to this agreement.
   (b) The term "Emergency Dispatching Services" includes answering of emergency telephone calls, and radio alerting of proper fire service agencies.

(2) All agreements previously entered into for the purpose of obtaining emergency dispatcing services are hereby superseded by this agreement.

(3) In the event of an emergency, Nelsonville Fire Department will receive the emergency telephone call and obtain information needed to respond the proper fire service agency to the emergency. After obtaining the information the Nelsonville Fire Department will alert the proper fire service agency in accordance with standard alerting procedures. Nelsonville Fire Department will continue to realert the Fire service agency at 3 minute intervals until the fire service agency acknowledges the alert.

(4) The execution of this agreement shall not give rise to any liability or responsibilit on the part of the Nelsonville Fire Department, including but not limited to failure to respond to any requests for assistance, lack of speed in answering such request, inadequacy of equipment, inadequacy of emergency information, nor shall the party which issued the alert be liable in any manner for dammages or loss of equipment or personnel suffered by any party answering the alert. This agreement shall be constructed as or deemed to be in agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action whatsoever hereunder for any cause whatsoever.

(5) A five hundred dollar ($500.00) annual charge shall be made to any party (parties) to this agreement for emergency dispatching services rendered the Nelsonville Fire Department under the provision of this agreement.

(6) There shall be no reimbursement for loss or dammage to equipment while engaged in an activity in accordance with this agreement, nor shall there be any reimbursement for any indemnity award or premium contribution assessed against the employing party for workmens compensation benefits arising by reason of injury or death to a member of the defined agency of said party while engaged in rendering services under this agreement.

(7) This agreement shall become effective on _____, and shall continue as non-expiring agreement ; provided, however, that any party to this agreement may withdraw at any time upon thirty (30) days written notice, addressed to the Chief of the Nelsonville Fire Department, and thereafter such withdrawing party shall no longer be a party to this agreement, but this agreement shall continue to exist among or between the remaining parties.

NELSONVILLE FIRE DEPARTMENT

EMERGENCY DISPATCHING AGREEMENT

CERTIFICATE OF PARTICIPATION

1. _____

Representative

Glouster Fire Department

2. _____

Representative

Murray City Fire Department

3. _____

Representative

Ward Township Fire Department

4. _____

Representative

York Township Fire Department

Sworn to and subscribed before me by _____,

On _____, 19_____.

_____

Notary Public,

My Commission Expires _____, 19_____

_____, County/State of Oh

AMENDED

ORDINANCE NO. 8-91

AN ORDINANCE TO PROVIDE FOR AN INCREASE IN THE CITY INCOME TAX OF ONE HALF PERCENT (.5%) PER ANNUM BEGINNING JUNE 1, 1992 FOR THE PURPOSE OF PROVIDING FUNDING FOR GENERAL MUNICIPAL OPERATIONS, AND CAPITAL IMPROVEMENTS AUTHORIZING THE QUESTION OF THE INCREASE TO BE PLACED ON THE BALLOT AT THE NEXT PRIMARY ELECTION TO BE HELD THE 5th DAY OF MAY 1992, AND DECLARING AN EMERGENCY.

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

SECTION 1 - That ORDINANCE NO. 8-91 of the Nelsonville City Code of Ordinances shall be amended to provide for a City Income Tax of one and one-half percent (1.5%) per annum effective June 1, 1992, rather than the current City Income Tax of one percent (1%).

SECTION 2 - That the increase in the income tax shall be alloted 80% to the General Fund of the City and 20% to the Capital Improvement Fund of the City.

SECTION 3 - That this Ordinance shall be placed on the ballot at the Primary Election to be held on the 5th day of May 1992 and shall be subject to the approval of a majority vote of the electors.

SECTION 4 - That in the event less than a majority of the electors vote to approve the one-half percent (1/2%) increase to be imposed June 1, 1992, the present income tax rate shall remain in full force and effect as if the election had not occurred.

SECTION 5 - That the Clerk of Council is hereby directed to file a certified copy of this Ordinance at least 75 days before the 5th day of May 1992, with the Athens County Board of Elections pursuant to Section 718.01 of the Ohio Revised Code.

SECTION 6 - That this Ordinance be an emergency measure necessary for the preservation of the health, safety, and welfare of the citizens of Nelsonville, Ohio, in that it is necessary to submit a copy of this Ordinance to the Athens County Board of Elections by May 5th, 1992 in order to comply with the deadline established by the Ohio Revised Code and therefore, this measure shall take effect upon its passage and approval by the Mayor.

Ralph E Davis

PRESIDENT OF COUNCIL
Pro tem

ATTEST:

Margaret E. Steenrod

CLERK OF COUNCIL

PASSED - FEBRUARY 10th 1992

APPROVED:

Reginald Lowry

MAYOR

ORDINANCE NO. 821

AN ORDINANCE AUTHORIZING THE CITY OF NELSONVILLE TO APPROVE THE DRAFT OF THE SOLID WASTE MANAGEMENT PLAN OF THE ATHENS, GALLIA, HOCKING, JACKSON, MEIGS AND VINTON JOINT SOLID WASTE MANAGEMENT DISTRICT AND DECLARING AN EMERGENCY

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

SECTION 1. The Council of the City of Nelsonville having considered the draft Solid Waste Management Plan as adopted by the Policy Committee of the Athens, Gallia, Hocking, Jackson, Meigs, and Vinton Joint Solid Waste Management District and, having considered the same disapproves it and elects not to participate therein.

SECTION 2. Having elected not to participate in the Solid Waste Management Plan as presented , this rejection of the same shall take effect forthwith upon its passage by the Council and execution by the officers of the Council and signed by the Mayor.

James A. Sard
PRESIDENT OF COUNCIL

PASSED: this 7 day of OCTOBER, 1991

ATTEST: Margaret E. Steenrod
CLERK OF COUNCIL

APPROVED: October 7 1991

Raymond Lemaly
MAYOR

Ordinance 9-91

AN ORDINANCE CREATING A LAW ENFORCEMENT TRUST FUND 600

WHEREAS, the Ohio Forfeiture law provides that the legislative authority of each municipality shall establish a Law Enforcement Trust Fund for the purpose of receiving distribution of sale proceeds from forfeited contraband.

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

SECTION I- That there is hereby created a Law Enforcement Trust Fund 600 for the purpose of receiving distribution of sale proceeds from forfeited contraband.

SECTION II: Pursuant to the Ohio Forfeiture Law,proceeds distributed to the Law Enforcement Trust shall be allocated only to the Nelsonville City Police Department. These funds shall be expended only to pay the costs of protracted or complex investigations or prosecutions, to provide reasonable technical training or expertise, to provide matching funds to obtain federal grants to aid law enforcement,or for such other law enforcement purposes that the Nelsonville City Council determines to be appropriate. These funds shall not be used to meet the operating costs of Nelsonville City that are unrelated to law enforcement.

SECTION III: That this Ordinance shall be in full force and effect upon its passage and approval by the Mayor.

Larry L. Mock
PRESIDENT OF COUNCIL

PASSED: THIS 10th day of ~~December~~ February 1991 2

1st Reading 12/9/91
2nd Reading 1/6/92
3rd Reading 2/10/92

ATTEST: Margaret E. Stewart
CLERK OF COUNCIL

APPROVED: February 10 1992

Ronald Young
MAYOR

RESOLUTION NO. 1874

A RESOLUTION CREATING AN INDIGENT DRIVERS ALCOHOL TREATMENT FUND, 260, AN ENFORCEMENT AND EDUCATION FUND 261, PURSUANT TO SUBSTITUTE HOUSE BILL 837; AND DECLARING AN EMERGENCY:

WHEREAS, amended House Bill 837, effective July 25.1990, requires that part of OMVI related fine money may be deposited into the Indigent Drivers Alcohol Treatment Fund, and part of OMVI related fine money be deposited into an Enforcement and Education Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NELSONVILLE, OHIO:

SECTION I - That there is hereby created the Indigent Drivers Alcohol Treatment Fund, 260, and that the Auditor is hereby directed to deposit and disperse funds into and from this account in accordance with Ohio Revised Code Section 4511.191 (M) and related statutes.

SECTION II- That there is hereby created the Enforcement and Education Fund, 261, and that the Auditor is hereby directed to deposit and disperse funds into and from this account in accordance with Ohio Revised Code Section 4511.99 (A) and related statutes.

SECTION III- That this Resolution shall be an emergency measure necessary for the preservation of the health, safety and welfare of the residents of the City of Nelsonville in that deposit must commence on 6-10-91 and that it shall be in full force and effect upon its passage and approval by the Mayor.

Larry L. Monk
PRESIDENT OF COUNCIL

PASSED: this 10TH day of JUNE 1991

attest: Catherine Giffin
Clerk of Council

APPROVED: 6-10 1991