

Nelsonville City Council met in regular session Monday, January 24, 2011, at 7 PM in Council Chambers. Mr. Dotson called the meeting to order. Mr. VanBibber offered the opening prayer. All present stood and recited the Pledge of Allegiance.

ROLL CALL: All Council members were present except Mr. Holmes. Mr. Joe Scherer, City Manager was also present.

Mr. Smith made a motion to excuse Mr. Holmes, seconded by Mr. VanBibber.
ROLL CALL: All Council members voted yea.

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

AUDITOR'S/TREASURER'S REPORT

The Clerk gave the Auditor's/Treasurer's Report for December 2010. Total cash on deposit for December 2010 was \$4,462,191.24. Year-to-date expenditures totaled \$5,413,132.69 or 91.35% of the total annual budget. Year-to-date revenues collected totaled \$5,475,220.89 or 97.07% of the estimated total revenue for 2010. Mr. Hall made a motion to approve the Auditor's/Treasurer's report as presented. Mr. Smith seconded the motion. There was no Council discussion or public comment. **ROLL CALL:** All Council members voted yea.

MAYOR'S REPORT AND ROLL CALL

The Clerk gave the Mayor's Court Report for December 2010. Mr. Hall made a motion to approve the report as read. Mr. Taylor seconded the motion. **ROLL CALL:** All Council members voted yea.

CITIZEN'S COMMENTS

Ronnie Watkins of 247 Adams Street addressed Council regarding his residence that burned. He has been working on the structure but was ripped off by the contractor he hired to tear it down. He knows that the City has ordinances that need to be followed but his problem is time. He wants to tear the structure down but he doesn't have the money and he is asking for more time, no special favors. He plans to put a double wide or modular home on the old frame. A neighbor, Angela Bach, said the structure has been condemned and Mr. Watkins could have torn the structure down and had a new one framed up by now. The structure is unlivable and needs to be torn down immediately. There are rats, cats, fleas, people going in and out of it. Residents in the area are experiencing sinus problem and migraine headaches as a result of the mold. Doctor appointments and medicine are costing her money. Janet Hartshorn, another neighbor, said she has had eight sinus infections as a result of the condition of the structure, which is costing her money. The work that has been done is minimal and shoddy. They have seen rats. There are still cars on the property and in the summer the grass gets three feet high. This has gone on for 10 months, way too long. There is no way the place could be fixed up and lived in.

Bob Baughman of Jackson Street addressed Council with several concerns. The people in who live in the area of the brewery would like to see it cleaned up before we lose a business like EdMap because of the way the area looks. The City needs to get back to cleaning and cammeraing the sewer lines and working on I and I. There are regulations that require cleaning and cammeraing every five years. We are getting behind. When the Buchel sewer came online the City had about \$600,000 in capacity fees that were used to do work on the system. He doesn't want to see the money disappear. Building a new wastewater plant will not fix the I and I problem. He would like to see the capacity money used to reduce the I and I that is coming in. He was opposed to building a new water plant when he was on Council and at that time it was thought there would not be any rate increases. Now we are looking at rate hikes. People on fixed incomes are seeing reduced incomes and can't afford increases. He asked Council to be creative and find a way to pay for it without increasing rates. And, until we have the funds to build a

new plant we need to maintain the old one. He is opposed to hooking into LeAx water. We need to have our own plant so we can control how much it costs to produce the water. If LeAx controls the water the City will probably lose our surcharge for Buchtel because the line will become only a transportation line from LeAx to Buchtel. There is an arch that goes through Dowler Drive to the river that has not been maintained for a long time. When the river floods there is nothing to keep the water from coming back up through the arch. He would like to have a lift station there. Mr. Baughman asked that people clean up after their dogs.

William Hoag, Madison Street, said he asked Joe Edwards on Viewpoint why the Council meetings are not being televised. Mr. Edwards said for \$50 and 15 minutes of training he could have someone televising the meetings. He would like Council to approach Mr. Edwards regarding the issue. Mr. Hoag does not feel the Auditor's increase should be approved. She knew what the job was when she came into it. She has other people in the office and she could be compensated if she works more hours.

Bill L'Heureux, W. Washington Street, addressed Council about parking in downtown. He supports enforcing the parking meters. The businesses in the downtown have trouble keeping people who live in the downtown from parking full time in the parking spots. He does not have a problem removing meters from in front of houses but it is imperative that the meters down Washington, the Public Square and Columbus Street be kept. Mr. Smith agreed saying it also provides a decent job for someone. In the past meters not only paid for the parking attendant but there was money left over to put in the Street Department to patch pot holes. Mr. L'Heureux said the benefits of the meters far out way the negative effects. The majority of people and businesses that he talks to on a daily basis are in favor of the meters because it keeps the traffic flowing.

COMMITTEE DISCUSSION

Mr. VanBibber reported that a **Street Committee** meeting was scheduled but not enough committee members could attend.

Mr. Smith reported that a **Utility Committee** meeting was scheduled to talk about I and I with Ameresco but they asked to be released from that portion of the contract. Ameresco has provided recommendations and solutions but it was not enough to solve the problem. Jennifer with Stilson Engineering has a good grip on the problems and is coming up with cost estimates. Mr. Theisen asked if Ameresco had a solution to the I and I problem. Mr. Smith said they did not but Jennifer does. Mr. Scherer said there were no specific projects in the contract with Ameresco. They were supposed to review programs that would provide savings. They have not presented their final program. Mr. Smith said Ameresco provided data and four recommended solutions but none of their recommended solutions actually solved the problem with the money we have. Ameresco felt it was better to let Jennifer take the money and try to double or triple it and make it one project.

SECOND READING

ORDINANCE 01-11. AN ORDINANCE AMENDING THE 2011 APPROPRIATIONS ORDINANCE TO TRANSFER SIXTY THOUSAND THREE HUNDRED EIGHTY-SEVEN DOLLARS (\$60,387.00) FROM THE PART TIME FIRE DEPARTMENT BUDGET TO THE FIRE DEPARTMENT PERSONNEL BUDGET.

Mr. Hall made a motion to adopt. Mr. VanBibber seconded the motion. There was no public comment or Council discussion. **ROLL CALL:** All Council members voted **yea**.

Ordinance 01-11 passed on second reading.

ORDINANCE 02-11. AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR NATURE WORKS PROGRAM FUNDING.

Mr. Taylor made a motion to adopt. Mr. Hall seconded the motion. There was no public comment. Council discussion: Mr. Theisen asked if the application was ready to be submitted by February 1. Mr. Scherer said he is meeting with Mr. Eichenberg on Wednesday to finalize everything and it will be ready to go. Mr. Taylor explained to those present that this grant is available every year and it will be used for improvements to Polley Field. **ROLL CALL:** All Council members voted yea.

Ordinance 02-11 passed on second reading.

ORDINANCE 03-11. AN ORDINANCE AMENDING THE 2011 APPROPRIATIONS ORDINANCE TO APPROPRIATE FUNDS FOR CITY PERSONNEL BONDS.

Mr. Hall made a motion to adopt. Mr. VanBibber seconded the motion. There was no public comment or Council discussion. **ROLL CALL:** All Council members voted yea.

Ordinance 03-11 passed on second reading.

ORDINANCE 04-11. AN ORDINANCE PROVIDING ALL CITY NON-UNION EMPLOYEES THE SAME PRESCRIPTION DRUG PLAN AS PROVIDED TO UNION EMPLOYEES.

Mr. Smith made a motion to adopt. Mr. Hall seconded the motion. Public comment: Mr. Hoag asked how much this would cost the City. Mr. Dotson said there is actually potential to save the City money. There was no Council discussion. **ROLL CALL:** All Council members voted yea.

Ordinance 04-11 passed on second reading.

ORDINANCE 05-11. AN INTERFUND TRANSFER ORDINANCE TRANSFERRING FIFTEEN THOUSAND DOLLARS (\$15,000.00) FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND TO THE ECONOMIC DEVELOPMENT FUND.

Mr. Hall made a motion to adopt. Mr. VanBibber seconded the motion. There was no public comment or Council discussion. **ROLL CALL:** All Council members voted yea.

Ordinance 05-11 passed on second reading.

ORDINANCE 06-11. AN ORDINANCE AMENDING THE 2011 APPROPRIATIONS ORDINANCE TO APPROPRIATE FIFTEEN THOUSAND DOLLARS FROM THE UNAPPROPRIATED BALANCE OF THE ECONOMIC DEVELOPMENT FUND #120 TO LINE ITEM # 120-120-40010 ECONOMIC DEVELOPMENT PROGRAM.

Mr. Taylor made a motion to adopt. Mr. Hall seconded the motion. There was no public comment or Council discussion. **ROLL CALL:** All Council members voted yea.

Ordinance 06-11 passed on second reading.

ORDINANCE 07-11. AN ORDINANCE INCREASING THE SALARY OF THE CITY AUDITOR.

Mr. Hall made a motion to adopt. Mr. VanBibber seconded the motion. Public comment: William Hoag addressed Council with some concerns. He said the Auditor knew what the job was going into it. She is asking for \$15,000 more. Mr. Smith said Council is making the position full time and asked Mr. Hoag if he would work five days a week for \$20,000. This is for the position, not the current Auditor and it would not go into effect until after the next election. There will be no benefits unless the Auditor pays for them from the salary. Mr. Hoag asked if it was legal to require the Auditor to pay for benefits. Mr. Smith said yes, but Mr. Taylor disagreed citing Mr. Hunter's legal opinion and saying the City does not have legislation to address the issue and we would have to go to the provider. The provider would look at it as a full time employee and benefits should be offered. Mr. Hunter disagreed saying it does not matter what the provider says. His

opinion was based on state law. His opinion says it is Council's option to either give the insurance benefits or not. The City does not have to have legislation. This ordinance states the Auditor will not have benefits unless she pays for it. Mr. Hunter said he feels the ordinance is good as written. Mr. Hoag asked why the position needs to be full time. The increase is drastic especially when the City is financially strapped, and the Auditor should show up for her required hours anyway. Mr. Smith said the reason it should be full time is because in 1994 the City went belly up because the Auditor did not come to work, and recently the City spent a lot of money to be audited because of another problem. The pay for the position has to be advertised prior to the election. He asked how can you get someone with the skills to audit \$7 million and be confident that reports are correct to work 40 hours a week with no benefits for \$20,000. Mr. Hoag suggested that she could be compensated for the additional hours and expressed concern that making the position full time would be permanent. Mr. Dotson and Mr. Smith both said this would be illegal. Pay cannot change during a term. Mr. VanBibber said this is a four year cycle and after the term Council could possibly make the position part time again. The job is bigger than a part time job especially with new state regulations. If the position had been full time maybe we would not have had some of the past problems we have experienced. He does not like to spend money but he feels it is vital that the City have a full time auditor. Mr. Hoag said the position needs to stay part time. All she has to do is oversee but Mr. Smith said she is also our compliance officer and he doesn't feel Mr. Hoag fully understands the big picture. Mr. Taylor pointed out that if the ordinance does not pass the position will remain part time. Two positions in the Auditor's office have been made full time and we have spent \$25,000 on new computer systems to link all the City offices together to make the job easier. He was originally in favor of the \$35,000 but against the three additional \$1000 yearly increases. After a discussion of payroll duties Mr. Smith said making the position full time would be providing a service. Anyone doing business with the City could walk in and talk to the Auditor. He would not support the legislation unless the Auditor was required to work 40 hours per week. He also explained that anyone can apply for the position whether they are qualified or not. Council has to decide what the circumstances will be before the election and it cannot be changed. They want someone in the office all the time and to compensate them for it. Mr. Hoag and Mr. Taylor both said this discussion is not about the current Auditor. She is doing an excellent job. Mr. Taylor said he does not disagree with making the position full time, but is Council saying that increasing the salary to \$35,000 plus three \$1000 increases is in the best interest of the City. Mr. Hall said \$35,000 is not too much to pay for an Auditor that manages a \$5.5 million budget. Mr. VanBibber does not feel this is an exorbitant salary. Mr. Theisen said the Charter explains the Auditor's duties and says Council has the right and the duty to set the salary, but he feels the ordinance is in conflict with the Charter because conditions are being put into it. He thinks to accomplish what Council wants to do the Charter needs to be changed to make this an appointed position so we will have qualified people to continue to run the City. He does not think this will fly because it is in conflict with the charter. Mr. Hunter disagreed, but he put forth the opinion that Council can put the issue to change the Charter and make the Auditor's position full time on the ballot. A Charter amendment would override the ordinance. Mr. Theisen said this ordinance would work fine for an appointed position. We are putting limits on which was not the intent of the Charter. The ordinance is too complicated and covers too many points for a pay raise. Bob Baughman pointed out that the Auditor could come in at any hour and work 8 hours and so would not necessarily be available to the public. Were PERS contributions figured into the cost? He feels the \$1000 per year should be \$1040 because City employees are getting more than that. This will not fix the problem if someone wants to run the City into the hole. A full time position should have benefits. **ROLL CALL:** All Council members voted yea except Mr. Theisen and Mr. Taylor who voted no.

Ordinance 07-11 passed on second reading.

ORDINANCE 08-11. AN ORDINANCE INCREASING THE SALARY OF THE CITY MANAGER.

Mr. Holmes made a motion to adopt. Mr. Smith seconded the motion. There was no public comment: Bob Baughman said before Mr. Scherer came to the City we did a large search for candidates and the biggest problem we ran into was the dollar figure they thought they would be making when they came here. We are coming into some challenging times and we have to have someone at the helm to keep us going. If we don't have decent salaries the City will go backwards. If \$40,000 were offered to incoming candidates we would not be able to find anyone. Street workers make that kind of money. Licensed plant operators make more than that. We need to look at as what do we have to spend to get quality people to run this community. There was no Council discussion. **ROLL CALL:** All Council members voted yea except Mr. Smith and Mr. Theisen who voted no. Mr. Smith said his vote was nothing against Mr. Scherer. He just doesn't think we have the money. Also, Mr. Scherer did not ask for the raise.
Ordinance 08-11 passed on second reading.

ORDINANCE 09-11. AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$250,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF CONSTRUCTING A SWIMMING POOL, FURNISHING AND EQUIPPING THE SAME, LANDSCAPING AND IMPROVING THE SITE THEREOF, AND ALL APPURTENANCES RELATED THERETO, AND RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE, AND DECLARING AN EMERGENCY.

Mr. Hall made a motion to adopt. Mr. Taylor seconded the motion. There was no public comment or Council discussion. **ROLL CALL:** All Council members voted yea.

Ordinance 09-11 passed on second reading.

FIRST READING

Mr. VanBibber introduced Resolution 2117.

RESOLUTION 2117. A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL TO DESIGNATE THE PUBLIC DEPOSITORIES FOR THE ACTIVE FUNDS OF THE CITY OF NELSONVILLE; THE TERM FOR RECEIVING APPLICATIONS; AND THE TIME FOR DESIGNATION.

Mr. Smith made a motion to suspend the rules. Mr. VanBibber seconded the motion. There was no public comment or Council discussion. **ROLL CALL:** All Council members voted yea.

Mr. Smith made a motion to adopt. Mr. Taylor seconded the motion. There was no public comment or Council discussion. **ROLL CALL:** All Council members voted yea.

Resolution 2117 adopted on first reading under suspension of the rules.

Mr. Taylor introduced Resolution 2118.
RESOLUTION 2118. A RESOLUTION ESTIMATING THE AMOUNT OF INTERIM MONIES FOR DEPOSIT IN PUBLIC DEPOSITORIES; DIRECTING THE TREASURER TO TAKE PERIODIC APPLICATION AND TO AWARD INTERIM DEPOSITS AS MONIES BECOME AVAILABLE.

Mr. Hunter explained that Resolution 2117 concerns the active monies of the City, the money needed on hand within a six month time frame. Resolution 2118 concerns the monies that are not needed for a period longer than six months, funds that can be invested and put in CD's. The City takes periodic applications from approved financial institutions to get the highest interest rates we can. These resolutions are required by law so the banks have to provide adequate securities to make sure Nelsonville's monies are adequately secured if the banks were to fail.

Mr. Hall made a motion to suspend the rules. Mr. Taylor seconded the motion. There was no public comment or Council discussion. **ROLL CALL:** All Council members voted yea.

Mr. Hall made a motion to adopt. Mr. Taylor seconded the motion. There was no public comment or Council discussion. **ROLL CALL:** All Council members voted yea.

Resolution 2118 adopted on first reading under suspension of the rules.

Mr. Hall introduced Resolution 2119.

RESOLUTION 2119. A RESOLUTION REQUESTING THE OHIO GENERAL ASSEMBLY RENEW THE OHIO HISTORIC PRESERVATION TAX CREDIT.

Mr. Hall made a motion to adopt. Mr. Taylor seconded the motion. There was no public comment. Council discussion: Mr. Smith asked how this got to us. Mr. Dotson said it was through Main Street and Heritage Ohio. **ROLL CALL:** All Council members voted yea.

Resolution 2119 adopted on first reading.

Mr. VanBibber introduced Resolution 2120.

RESOLUTION 2120. A RESOLUTION DECLARING FEBRUARY, 2011, TEEN DATING VIOLENCE AWARENESS AND PREVENTION MONTH.

Mr. Taylor made a motion to adopt. Mr. Hall seconded the motion. There was no public comment or Council discussion: Mr. VanBibber said the best part of the prevention should come from good role models in the family and also being involved in everything your children do. Parents should take the time to attend activities at school and see who their dating partners are and where they come from. This is a great resolution but it is wasted if the public doesn't take advantage of being role models themselves to help their children. Mr. Smith agreed. **ROLL CALL:** All Council members voted yea.

Resolution 2120 adopted on first reading.

CITY MANAGER'S REPORT

The Fire Department responded to a fire at 687 Poplar Street last Saturday night. They brought the fire under control in about 20 minutes. The fire was the result of a fire in the dryer and was contained to the laundry room. Residents from another apartment were evacuated by Nelsonville and Hocking College police officers. Damage was estimated at \$8,000 and no one was injured.

The Street Department has cold mix on hand for pothole repairs which they will start once the potholes dry out a little bit, possibly tomorrow, weather permitting.

Mr. Scherer highlighted a Hoeking, Athens, Perry Community Action program they are administering for households to receive a free cell phone. Income guidelines must be met.

The Planning Commission will meet tomorrow night at 7 PM in the City Managers Conference Room. Chuck Hammer, head administrator at Athens City/County Health Department, will be in attendance to discuss some health issues.

Mr. Scherer has spoken with Rick Hedges about the status of contacting the attorney for Gary Clark and the brewery. Mr. Clark's attorney has not contacted him yet. Mr. Scherer will contact Mr. Hedges tomorrow to find out what the next step should be through Mayor's Court and what to do with the brewery situation.

Mr. Scherer was recently informed that the EPA has verbally approved the City for a revolving loan for the new water plant that offers 50% loan principal forgiveness. This equates to a 50% loan and a 50% grant for water plant funding. The loan percentage is 2.75%. He also anticipates a \$500,000 grant from CDBG and a \$500,000 loan from OPWC at 0% interest and a \$3.5 million loan at most from the EPA revolving loan fund. These are our principal funding sources for the plant. Mr. Taylor asked if the loan forgiveness is on the principal. Mr. Scherer said it is calculated on what is actually loaned. Mr. Smith said this makes the financing for the water plant very favorable. Mr. Scherer said all these funds will

be awarded around July 1. The contract can be put out to bid at that point. Construction should begin sometime in the fall. Mr. Smith said it will take about a year to complete the project.

Mr. Hall made a motion to adjourn. Mr. VanBibber seconded the motion. **ROLL CALL:** All Council members voted yea.

NELSONVILLE CITY COUNCIL

President of Council

Clerk of Council