

Nelsonville City Council met in regular session Monday, March 14, 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. Mr. Joe Scherer, City Manager, and Mr. Garry Hunter, City Attorney, were also present.

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

Mr. Theisen made a motion to amend the agenda and put a discussion of Senate Bill 5 on the agenda after the Ameresco presentation. Mr. VanBibber seconded the motion. **ROLL CALL:** All Council members voted yea except Mr. Holmes who voted no. **Motion carried.**

BUSINESS AND ORGANIZATIONAL COMMENTS

Nelsonville Police Chief Jason Wallace introduced Police Chief Matthews, the new Police Chief at Hocking College. Mr. Matthews said he spent time in Nelsonville in the 1980's and he enjoyed his time here. He is glad to be back.

Michelle Jorgenson, Senior Account Representative with Ameresco, addressed Council concerning the Ameresco project. A committee comprised of City personnel as well as Council members and residents worked with Ameresco to come up with what she feels is a financially sound, well thought out and compelling project for the City. A great deal of time was spent on I and I but after working with the committee and Stilson Consulting they decided I and I should take separated out of the project. Garyne Evans, Regional Manager for Engineering and Operations, went through the recommendations. 1) Interior and Exterior Lighting at the City Hall complex and the light fixtures on the Public Square, Columbus and Washington Streets. Existing fluorescent lights and T8 lights would be replaced, exit sign lights would be replaced with LED lighting. The lighting qualifies for AEP rebates. Mr. Hunter asked if the upgrade cost includes Ameresco's costs. Mr. Evans said it did, this is the turnkey cost. Mr. Jeff Metcalf, Ameresco Regional Director, said Ameresco is a design and build contractor. Ameresco makes an eight percent profit. The cost includes overhead and project management fees. There are no change orders on the projects they do. Mr. Theisen said there have been problems with LED lights starting fires and he asked if they will have problems with the lighting they will be using. Mr. Evans said they have not had that problem. The lights are very low wattage and they have been used for a very long time. Mr. Theisen asked them to check into it further. 2) LED Traffic Signals upgrades. This will cover 11 intersections. Ameresco will provide the materials and the Street Department will do the installations, which involves changing out the bulbs in the traffic signals. This project qualifies for AEP rebates. 3) HVAC Upgrades. The focus of this portion of the project is on the City Hall Building. It does not include the Police Department or fire bays as there was not much that could be done to save energy in that portion of the building. The building would be split into four zones with four gas fired package rooftop units. 4) Automated Meter Reading and Meter Replacement. This is the main focus of the project which is building on a system we have already started. The type of residential meters the City uses now will continue to be used along with Smart Point Radio readers. They contain anti tampering devices. The meter reader can drive by using a laptop or use a handheld device. With 2000 meters the City could be read in about a half a day. There are about 700 residential meters that cannot plug into the radio device. These will be switched to a very high efficient meter, which will be the standard meter in the future. Mr. Theisen asked if the installed cost would include repair costs if old pipe would break during installation. Mr. Evans said within the \$350,000 cost there is a \$50,000 repair allowance included. If they do not use all of the \$50,000 it is the City's money. Commercial meters are a little different. There is much

more impact to the City's revenue. Thirteen of the City's 44 commercial meters were tested. Average test efficiency was about 88%. Fifty meters will be changed out with a good quality meter that is the industry standard today and more accurate than the compound meters that are currently used. There is also a \$50,000 repair allowance in their cost figures. Based on the quantity and scope of the meters they will be changed out for the \$24,000 in labor cost in their presentation. If they find more meters that would have to be discussed. In addition if there was a problem with a meter and the problem can be resolved in the pit that would be within the Ameresco cost. If the problem is outside the pit, that cost would apply to the \$50,000 repair allowance. There is a one year warranty on the products. If they get started early and have the prime construction season they could have it completed this year. Mr. Metcalf addressed the financing. The project cost is \$1.5 million. That is the turnkey price, and the cost will not exceed that number. If the repair allowance is not fully used the money goes back to the City. The rate in the cash flow, 5.5%, is conservative and they hope they can do better once the project is on the street. They will put together an RFP and will come back to Council with the results. Council can pick the lender and will enter into an agreement with them. The length of the term can be figured any number of ways; it is up to the City as to how it will be structured. Mr. Theisen asked who does the bookkeeping on the projects. Ameresco provides a report each year. The first report would come one year after the construction is completed. The baseline is from 2009. There will be a full time project manager to track the project. Typically the funding is put into an escrow account and Ameresco is paid on progress payments. Mr. Theisen asked how we avoid the bid requirements. Mr. Metcalf said we have already done a selection in a competitive process. At the state level there is energy saving performance contracting legislation and the City has already met the statutory requirements for bidding. Ameresco was selected under that process. With regard to the Ameresco fees Mr. Metcalf said there is a six percent fee for project management, and design and engineering is eight percent. Their profit is on top of that figure plus material and labor costs. Mr. Hunter remarked that was more like 24%. Mr. Metcalf agreed and said that is very consistent in the design/build construction market. The cost of the letter of intent is included in the figures as part of the development cost. Mr. Smith asked if Council does not move forward with the project would the data collected belong to the City once the payment agreed to in the LOI was paid. Mr. Metcalf said it would. Ameresco still plans to use local contractors as much as possible. Mr. Evans said everyone is out of southeastern Ohio. Mr. Holmes said the positive cash flow will help towards paying off the new water plant. Mr. Metcalf went over a time line. Once Council approves the project it will take approximately 30 days to secure financing and they would hope to begin construction in June. Mr. Evans said he estimates the project should take about 10 months, however if they can start in June he feels pretty confident that the project could be completed by the end of 2011. They would begin by working the commercial meters first. Mr. Hunter noted there could be significant increases in water bills for residents and commercial businesses and asked if Ameresco would manage the publicity with the public. Mr. Metcalf said they have a communication plan and would coordinate that aspect with press events and public meetings. With regard to the possibility of residents conserving water when they start to get higher bills Ms. Jorgenson said for the most part it usually averages only a few dollars more on residential bills. Mr. Holmes said people will now be treated equally and that is what is important. Mr. Theisen asked if the \$50,000 repair allowance would also cover damage to sidewalks or roadways should either be damaged when changing out a meter, which it will.

With regard to Senate Bill 5 Mr. Theisen said our governor and senate are trying to destroy collective bargaining for our employees. To support our employees and their jobs and benefits he would like Council to vote to send a letter to the

governor and state representatives similar to the one sent by the Athens County Commissioners that was recommended by AFSCME. Mr. Theisen made a motion to send the letter on behalf of City Council. Mr. VanBibber seconded the motion. There was no public comment. Council discussion: Mr. Holmes said he was opposed. He does not believe it was Council's role to take a position on this, and he would not do it based on the fact the county commissioners did it. Mr. Smith pointed out that there have been some changes since the letter was written. Collective bargaining had been put back in the bill for wages and working conditions before the senate passed it. He feels there are other improvements that should be made to Senate Bill 5 while it is in the house. He also feels that all negotiations should be local between the City's elected body and our unions. He does not feel the arbitration process is a fair process for the public. Mr. Theisen said that under Senate Bill 5 we have the last word. Mr. Smith said we have never had the last word with our service employees and never had a problem settling a contract with them. Mr. Theisen said union employees would lose their seniority, vacation, sick leave, termination pay. They will retain their right to collective bargaining but it won't mean anything. Mr. Smith said he would not have a problem making these items up in pay. Mr. Theisen asked what was wrong with collective bargaining before Senate Bill 5. Mr. Smith said there was a lot wrong with it and the arbitration process. Whatever public monies are given to workers should be by the elected officials of the City, not a Columbus lawyer. Council engaged in a short discussion of collective bargaining. Mr. Dotson said this was just thrown out tonight and he knew the commissioners thought about this for a long time before they did anything. Mr. Taylor said he did not feel informed enough at this time to write a letter either way. Mr. Theisen feels this is a rather mellow letter that AFSCME asked recommended and he has no trouble signing it. He supports their efforts 100% to stop the foolishness. **ROLL CALL:** Mr. Hall, Mr. VanBibber and Mr. Theisen voted yea. Mr. Taylor, Mr. Dotson, Mr. Smith, Mr. Holmes voted no. Motion failed.

COMMITTEE DISCUSSION

Mr. Hall reported the **Planning and Development Committee** met March 8 with the Planning Commission for discussion with the Planning Commission on possible upcoming legislation. No action was taken. The Planning and Development Committee then met and there are two ordinances tonight for Council's consideration.

Mr. Dotson reported on the **Finance Committee** meeting also held on March 8. The committee heard a presentation from Adam Fisher from Stuart's Opera House regarding a donation for the Nelsonville Music Festival. The committee voted to bring legislation forward for a \$1,000 donation from the economic development fund. The committee discussed obtaining dumpsters for spring clean up but decided to pass on them because of the cost. The police cruiser lease is in the budget but they may switch to six cylinder Dodge Chargers for better gas mileage. The Street Department is in dire need of a new dump truck, the current truck in a 1985 model. The total cost is \$125,000 and there is enough money in the capital improvement budget for it. Water/Sewer Distribution needs a mini excavator. The committee approved bringing an appropriation to full Council of \$8000 each from water, sewer and capital improvement funds. The City Manager recommended waiving the bidding process for the booster station at Route 78 and Hillside Drive. A \$70,000 grant and \$20,000 loan has been received. The City's share of the project is \$11,575 and the committee voted to send the appropriation to Council. Using tax credits for incentives to bring new jobs to town was discussed. Mr. Theisen asked where the grant came from. Mr. Scherer said both the grant and the loan came from OPWC. Mr. Smith asked the Police chief if he was comfortable with a six cylinder vehicle, which he was.

Mr. Smith called a Utility Committee meeting for March 16 at 7PM to discuss whether the City should own commercial water meters. They also need Mr. Hunter's input on how to change the City's water regulations.

SECOND READING

ORDINANCE 10-11. AN ORDINANCE AMENDING THE 2011 APPROPRIATIONS ORDINANCE TO APPROPRIATE THE SUM OF TEN THOUSAND DOLLARS (\$10,000.00) FROM THE UNAPPROPRIATED BALANCE OF THE PERMISSIVE TAX FUND #220 TO LINE ITEM #220-170-21600 (ROAD SALT AND GRIT).

Mr. VanBibber 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 10-11 adopted on second reading.

ORDINANCE 11-11. AN ORDINANCE TRANSFERRING TWENTY-FOUR THOUSAND THREE HUNDRED DOLLARS (\$24,300.00) FROM THE GENERAL FUND TO THE PARKING METER FUND.

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

Ordinance 11-11 adopted on second reading.

ORDINANCE 12-11. AN ORDINANCE AMENDING THE 2011 APPROPRIATIONS ORDINANCE TO APPROPRIATE THE SUM OF TWENTY-FOUR THOUSAND THREE HUNDRED DOLLARS (\$24,300.00) FROM THE UNAPPROPRIATED BALANCE OF THE PARKING METER FUND #825 FOR PERSONNEL AND OTHER COSTS.

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 12-11 adopted on second reading.

ORDINANCE 13-11. AN ORDINANCE AMENDING THE 2011 APPROPRIATIONS ORDINANCE TO APPROPRIATE THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FROM THE UNAPPROPRIATED BALANCE OF THE STREET LIGHT LEVY FUND #350 TO LINE ITEM #350-275-60012 (REPAIRS AND MAINTENANCE).

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 13-11 adopted on second reading.

ORDINANCE 14-11. AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EMPLOY SEASONAL EMPLOYEES DURING 2011.

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 14-11 adopted on second reading.

ORDINANCE 15-11. AN ORDINANCE MODIFYING THE STAFFING ORDINANCE FOR THE FIRE DEPARTMENT.

Mr. Taylor made a motion to adopt. Mr. VanBibber seconded the motion. There was no public comment or Council discussion. Mr. Hall said this was brought before the Finance Committee at the beginning of the budget year. This is what was recommended by the Chief and because it was his recommendation he is going to support it. This is what was budgeted for. The Chief said this was his

recommendation. He said there were three full time positions all along. Mr. Smith asked if it would make sense to add more reserves if necessary. Mr. Holmes, as Chairman of the Police and Fire Committee, said if that was the case a meeting should be called for. **ROLL CALL:** All Council members voted yea.
Ordinance 15-11 adopted on second reading.

ORDINANCE 16-11. AN ORDINANCE EXTENDING THE PUBLIC DEFENDER CONTRACT FOR SIX MONTHS FROM JANUARY 1, 2011 THROUGH JUNE 30, 2011.

Mr. Hall made a motion to adopt. Mr. VanBibber seconded the motion. There was no public comment. Council discussion: Mr. Hunter asked the Auditor if this was the same amount as last year, which it is. **ROLL CALL:** All Council members voted yea.

Ordinance 16-11 adopted on second reading.

FIRST READING

Mr. Holmes introduced Ordinance 17-11.

ORDINANCE 17-11. AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED.

Mr. Hall asked if this should be done under suspension of the rules. Mr. Hunter said this goes together with the next two ordinances which will be passed tonight so it wouldn't hurt to suspend the rules and adopt it tonight. Mr. Holmes asked Mr. Scherer to explain what is going on. Mr. Scherer said the underground booster station for water pressure finally broke. The EPA has been after the City of a number of years to take the underground station out and put in an above ground station at that location. He has a preliminary design for the above ground station that meets EPA requirements which includes two pumps.

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. Taylor 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 17-11 adopted on first reading under suspension of the rules.

Mr. Hall introduced Ordinance 18-11.

ORDINANCE 18-11. AN ORDINANCE AMENDING THE 2011 APPROPRIATIONS ORDINANCE TO APPROPRIATE THE SUM OF ONE HUNDRED ONE THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS (\$101,575.00) FROM THE UNAPPROPRIATED BALANCE OF THE WATER FUND #700 TO LINE ITEM #700-730-70020 (WATER CAPITAL PROJECTS\BOOSTER STATION).

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. Smith 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 18-11 adopted on first reading under suspension of the rules.

Mr. Hall introduced Ordinance 19-11.

ORDINANCE 19-11. AN ORDINANCE DECLARING A REAL AND PRESENT EMERGENCY WAIVING THE BID REQUIREMENTS TO AWARD A CONTRACT FOR REPLACEMENT OF THE WATER LINE BOOSTER STATION AT THE CORNER OF SR 78 AND HILLSIDE DRIVE AND DECLARING AN EMERGENCY.

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. Taylor made a motion to adopt. Mr. Holmes seconded the motion. There was no public comment. Council discussion: Mr. Smith asked who was going to do the work. Mr. Scherer said he has a service company in mind to provide the pumps and shelter. There is a meeting on Thursday to determine the final design and how much work City personnel can perform and how much will have to be contracted out. Mr. Taylor asked if Mr. Scherer knows the time line to complete the project. Mr. Scherer said that would be determined at the meeting on Thursday. **ROLL CALL:** All Council members voted yea.

Ordinance 19-11 adopted on first reading under suspension of the rules.

Mr. Hall introduced Ordinance 20-11.

ORDINANCE 20-11. AN ORDINANCE VACATING A PORTION OF RHINE STREET BETWEEN CHESTNUT STREET AND POPLAR STREET.

Steve Pierson, Director of Code Enforcement, informed Council that Mrs. Flowers is currently living in a single wide manufactured home at the corner of Rhine and Poplar Streets. The manufactured home she is living in now is sticking out eight or ten feet into the Rhine Street right-of-way. This situation has existed for years. She is giving property back to the City in exchange for this. Mr. Pierson said he has tried to make the areas as close as possible. Mr. Dotson said the Planning Commission recommended this and it was not brought in on emergency, but. Ms. Flowers cannot order her new home until the legislation is passed.

Mr. Hall made a motion to suspend the rules saying she has been patient with us up till now. Mr. Smith seconded the motion. There was no public comment or Council discussion: Mr. Theisen asked if when the City vacates a street if we do a road viewing. He agrees with what is being done but sometimes we vote on things without knowing what they are. Mr. Hunter said the Planning Commission probably went down and looked at it. Mr. Pierson said the Planning Commission is in charging of platting the City but not necessarily for un-platting. This is Council's purview. **ROLL CALL:** All Council members voted yea.

Mr. Smith 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 20-11 adopted on first reading under suspension of the rules.

Mr. Hunter explained to Ms. Flowers the ordinance has been adopted but because they did not put an emergency on it the public has the right to file a referendum within a 30 day time frame. He feels it is reasonable for her to go ahead and order her new home.

Mr. Hall introduced Ordinance 21-11.

ORDINANCE 21-11. AN ORDINANCE GRANTING A VARIANCE FOR PROPERTY LOCATED AT 422 MADISON STREET OWNED BY ELIZABETH GIBSON FROM NELSONVILLE CITY CODE TITLE 23, SUBDIVISION REGULATIONS, SECTOIN 23.04.06, TABLE 1, MINIMUM LOT AREAS AND WIDTH REQUIREMENTS, TO PERMIT A MINOR LOT SPLIT AND TRANSFER TO AN ADJOINING PROPERTY OWNER.

Steve Pierson explained Council that a resident at Grover Street and Madison has been maintaining a large area behind his house for a number of years. A portion of that area is a 15 foot strip owned by Ms. Gibson. Mr. Wilson wanted to own

that portion of her property. This makes her already undersized lot smaller so a variance is necessary for her property.

CITY MANAGER'S REPORT

Mr. Scherer reported that the Sheriff's Narcotics Enforcement Team has been active recently as evidenced by a number of arrests with large amounts of heroin balloons. Two of our officers are on that team and continue to do investigations. More arrests are pending.

The Street Department continues to work on potholes as the weather permits. They have also identified several catch basins for repair. The catch basin at the corner of Desteigneur and Chestnut has been clogged for a number of years and the crew has managed to get it cleaned out.

The week before last Mr. Scherer, Phil Smith and Jennifer Frommer with Stilson Consulting met with wastewater representatives of the Southeastern Ohio EPA to discuss the I and I issues on Columbus Street. The repairs that had been proposed were very costly, \$300,000 to \$600,000, with no guarantee that they would actually fix the problem. What they proposed to the EPA was that the primary solution should be moving toward the construction of a new wastewater plant and an EQ basin. The EPA agreed but still wants the City to focus on I and I issues that can be addressed like cross connections, down spouts and manhole covers. Mr. Scherer, Ms. Frommer and Mr. Smith will meet tomorrow to begin drafting a plan to address some specific issues and will provide a periodic report for the EPA regarding those issues. The EPA told Mr. Scherer that unless the pump on Columbus Street has to be used a large number of times they will renew the wastewater plant permit next year.

With regard to the old brewery building Mr. Hedges has set a new court date of March 24 for Mr. Clark at which time Mr. Hedges will consider finding Mr. Clark guilty or innocent of previous findings and go from there. Mr. Clark's attorney called Mr. Hedges today to say they intend to fill in the basement hole at the site and erect a security fence this week.

The applications for the parking attendant closed last Friday and a review of the applications has begun to determine who they want to interview.

Steve Stone has been named the 2011 Ohio Outstanding Tree Farmer of the Year from ODNR. A public field day is being planned at Meadowview Farm for October 1. Mr. Hall noted that this is a very big deal.

GOOD OF THE ORDER

Mr. Theisen asked if the current sewage treatment plant is at capacity. Mr. Scherer said it is at capacity for the flow itself. It does a good job at treating. Mr. Theisen said when the new sewage treatment plant is designed we need to keep in mind we will have a built in increase of 20% with the wastewater from the new water treatment plant. He asked Mr. Scherer if he found out whether the 20% brine used at the water treatment plan would kill the bacteria. Mr. Scherer said it would not because the brine will be released at a very slow rate. He said we can also reduce the flow into the plant by working on the cross connections, man hole covers and down spouts. Mr. Hall feels that even today about 20% of the capacity of our current water treatment plant is going to the wastewater plant. Some goes to the river and some goes back through the plant. Mr. Smith said, after listening to Jennifer Frommer, we have some very serious problems. She suggests we use our current I and I money for matching grant funds. We may be able to double or triple our I and I funds for projects. Mr. Scherer said the EPA was impressed with the fact that the City came forward with our own recommendations and why they will renew our permit next year barring any major problem. Mr. Smith said he has real faith in Jennifer Frommer.

Mr. Holmes asked for an update on the pool repairs. Mr. Scherer said he received two bids. Patterson Pools was the lowest and he is working with them to execute a

contract and establish a schedule. The repairs will be done prior to the pool opening.

Mr. Smith thanked the Police Chief for coming and thanked for men for the job they are doing. He said the department is running as well as it ever has and he is proud of our Police Department.

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

NELSONVILLE CITY COUNCIL

President of Council

Clerk of Council