

Nelsonville City Council met in regular session Monday, March 28, 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. Smith. Mr. Joe Scherer, City Manager, and Mr. Garry Hunter, City Attorney, were also present.

Mr. Taylor made a motion to approve the minutes of the last regular meeting as presented. Mr. Hall 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 February 2011. Total cash on deposit for February 2011 was \$4,361,824.31. Year-to-date expenditures totaled \$1,195,345.72 or 20.88% of the total annual budget. Year-to-date revenues collected totaled \$1,095,272.04 or 20.27% of the estimated total revenue for 2011. Mr. VanBibber made the motion to approve the Auditor's/Treasurer's report as presented. Mr. Holmes 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 February 2011. Mr. Hall made a motion to approve the report as read. Mr. VanBibber seconded the motion. **ROLL CALL:** All Council members voted yea.

CITIZEN'S COMMENTS

Melvin Maccombs asked when the brewery site would be cleaned up. Mr. Scherer said it is still going through the legal process, and he had hoped Mr. Smith would be at the meeting tonight to brief everyone on the results of Mayor's Court last Thursday when the property owner was present and his attorney was on conference call. Mr. Hedges is supposed to have a pre-trial meeting with Mr. Clark's attorney on Thursday. Mr. Maccombs asked about John Clark, the one who is behind it. Mr. Scherer said Mr. Clark is going through the Mayor's Court process. Mr. Maccombs said there is a big hole in front of 800 Chestnut Street. Cones were put around it last week but were removed on Monday. Mr. Scherer said there is a sink hole there. The bricks will have to be removed and a new base put down. Mr. Maccombs said he has been fighting dog manure for a year, since new residents moved in next door. He is tired of it. The smell is really bad. Mr. Pierson has been down there several times. It doesn't do any good to call the Health Department. They aren't going to do anything. Mr. Hunter said this falls under the purview of the Health Department. People can do what they want on their property as long as laws are not violated. Mr. Scherer said there are no City ordinances to compel the owners to do anything because the dog is in its own yard. Mr. Maccombs said there is an old junk truck there too. It was brought in with a wrecker when they moved in and the license is outdated. Nothing has been done. Mr. Theisen said there is an ordinance dealing with abandoned vehicles. Unlicensed vehicles cannot be stored on the property.

Adam Fisher spoke on behalf of Stuart's Opera House 7th Annual Nelsonville Music Festival. The event will draw 5,000 – 6,000 people to the area, which is economic development for the region.

Rex Lingyel asked where we are with his request to open up Poplar and Walnut Streets behind his shop. Mr. VanBibber said he had misunderstood. He thought Mr. Lingyel wanted to open Rhone Street. Mr. Pierson is working on it but Mr. VanBibber said he is not certain that Walnut and Poplar go that far down. Mr. Lingyel said they are on the plat map but Mr. VanBibber said the City does not have the money to build a street. Mr. Lingyel asked if he weren't entitled to have them opened up free of nuisance if they are platted. Mr. Hunter said the streets should have been constructed to City standards before they were every accepted by the City but they could be vacated. Mr. Lingyel asked if there is an official map of the City as required by the City Charter. Mr. Hunter said there is a

difference between a plat map and an official City map. Mr. Scherer has an official City map in his office. Mr. VanBibber said he would contact Mr. Pierson tomorrow and call Mr. Lingyel. Mr. Theisen suggested making this an agenda item for the next Street Committee meeting.

COMMITTEE DISCUSSION

Mr. VanBibber announced a **Street Committee** meeting on April 5 at 5:45 PM.
Mr. Taylor announced a **Recreation Committee** meeting for April 7 at 6 PM.
Mr. Dotson announced a **Finance Committee** meeting for April 5 at 6:30 PM.
Mr. Theisen said Mr. Holmes has requested a Judiciary Committee meeting to change the charter to make the City Auditor's position a position that is appointed by City Council. Mr. Theisen said he has spoken with a lot of the original charter committee members and their intention was that the City Auditor would always be elected by the people of the City. He asked the feeling of Council. Mr. Hall asked if we could get an opinion from Mr. Hunter as to whether Council could set qualifications for the position. Mr. Hunter will look into it but he pointed out Council cannot change the Charter. Council can only recommend the change and vote to put it on the ballot. Mr. Theisen set a **Judiciary Committee** meeting for April 5 at 5 PM.

SECOND READING

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, SECTION 23.04.06, TABLE 1, MINIMUM LOT AREAS AND WIDTH REQUIREMENTS, TO PERMIT A MINOR LOT SPLIT AND TRANSFER TO AN ADJOINING PROPERTY OWNER.

Mr. Hall made a motion to table the Ordinance until he has further information from Mr. Pierson. There are some discrepancies on the digital plat maps and the old plat maps in the County Auditor's office and we want to be certain everything is accurate. Mr. Taylor seconded the motion. There was no public comment or Council discussion: **ROLL CALL:** All Council members voted yea.
Ordinance 21-11 tabled.

FIRST READING

Mr. Hall introduced Ordinance 22-11
ORDINANCE 22-11. AN ORDINANCE AMENDING THE 2011 APPROPRIATIONS ORDINANCE TO APPROPRIATE THE SUM OF ONE THOUSAND DOLLARS (\$1,000.00) FROM THE UNAPPROPRIATED BALANCE OF THE COMMUNITY ECONOMIC DEVELOPMENT FUND #120 TO LINE ITEM #120-120-40005 (CONTRIBUTION/STUART'S MUSIC FESTIVAL).

Mr. Theisen asked Mr. Fisher if vendors were charged fees to set up and if the Opera House makes money from the festival. Mr. Fisher said vendors pay a small fee. The money the Opera House makes goes into the general operating fund. There are 25 other community organizations in Nelsonville and Athens who help sponsor the festival.

Mr. Holmes introduced Ordinance 23-11.
ORDINANCE 23-11. AN ORDINANCE AMENDING THE 2011 APPROPRIATIONS ORDINANCE TO APPROPRIATE THE SUM OF EIGHT THOUSAND DOLLARS (\$8,000.00) FROM THE UNAPPROPRIATED BALANCE OF THE CAPITAL IMPROVEMENT FUND #600 TO LINE ITEM #600-600-67646 (MINI EXCAVATOR), EIGHT THOUSAND DOLLARS (\$8,000.00) FROM THE UNAPPROPRIATED BALANCE OF THE WATER FUND #700 TO LINE ITEM #700-725-67646 (MINI EXCAVATOR), EIGHT THOUSAND DOLLARS (\$8,000.00) FROM THE UNAPPROPRIATED BALANCE OF THE SEWER FUND #750 TO LINE ITEM #750-765-67646 (MINI

EXCAVATOR).

Mr. Theisen asked if this would replace an existing piece of equipment. Mr. Scherer said it is to supplement our existing equipment. The equipment we use now is large and there are many places where a smaller piece of equipment should be used. This is the size of a Bobcat and has rubber track.

Mr. VanBibber introduced Ordinance 24-11.

ORDINANCE 24-11. AN ORDINANCE AMENDING THE 2011 APPROPRIATIONS ORDINANCE TO APPROPRIATE THE SUM OF FIVE THOUSAND SEVEN HUNDRED DOLLARS (\$5,700.00) FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND #100 TO LINE ITEM #100-200-40010 (OPERATING SUPPLIES).

Mr. Hall introduced Ordinance 25-11.

ORDINANCE 25-11. AN ORDINANCE AMENDING THE 2011 APPROPRIATIONS ORDINANCE TO APPROPRIATE THE SUM OF NINETY THOUSAND DOLLARS (\$90,000.00) FROM THE UNAPPROPRIATED BALANCE OF THE AQUATIC CENTER FUND #770 TO LINE ITEM #770-800-33020 (POOL REPAIRS).

Mr. Hall asked if this is passed in April would that be enough time to get the repairs completed before the pool opens for the season. Mr. Scherer said it would be. The contractor has agreed to go ahead and get started either late this week or early next week.

Mr. VanBibber introduced Resolution 2122.

RESOLUTION 2122. A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Mr. Theisen asked the Auditor if she has reviewed the rates and commended that they are correct and can be approved. The Auditor said they have.

CITY MANAGER'S REPORT

Mr. Scherer informed Council the Fire Department received a grant through the county Emergency Management Agency to erect additional radio antennas on one of the dorms at Hocking College because their radios cannot be used inside the buildings. Installation should be completed by the end of this week.

Last Wednesday the warning sirens were activated. Mr. Scherer said his office and County 911 received calls asking what was going on. The sirens were activated because of an approaching storm and the City had been given a severe thunderstorm warning. Mr. Scherer said there are three conditions that result in the sirens being activated: severe weather warning from the National Weather Service, an enemy or terrorist attack that could impact the City, and when a public safety emergency occurs, i.e. hazardous materials incident or civil disturbances. When the sirens are sounded residents should go indoors and listen to tv or radio to find out what is happening.

Some interesting statistics were put together when the City and County Hazard Mitigation Plan was being put together. Mr. Scherer said the City of Nelsonville has about 3000 acres and of those 986 (34%) are in the flood plain. In addition there are 2352 addresses in the City of which 42% are in the flood plain.

GOOD OF THE ORDER

Mr. VanBibber had a thought concerning the phase 3 tour of the bypass. He hopes everyone will get a chance to see it if they missed the last one, and he would like to have Dale Wharton and Bernard Carter invited to go along. The week of April 11 works for him.

Mr. Taylor 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