

Nelsonville City Council met in regular session Monday, May 9, 2011, at 7 PM in Council Chambers. Mr. Dotson called the meeting to order. Amy Abercrombie offered the opening prayer. All present stood and recited the Pledge of Allegiance. **ROLL CALL:** All Council members were present except Mr. VanBibber and Mr. Holmes. Mr. Joe Scherer, City Manager, and Mr. Garry Hunter, City Attorney, were also present.

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

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

#### **CITIZEN'S COMMENTS**

Melvin Maccombs, Chestnut Street, asked what is going to happen with Gary and John Clark. Mr. Hunter said Mr. Clark did not appear in Mayor's Court and a bench warrant has been issued for his arrest. The Police Chief has been filing daily charges against him since last week. Mr. Hedges has looked into filing a civil injunction against him to block Mr. Clark from further removal of bricks, etc at the brewery site. Mr. Smith said he received a call at the last minute asking for a continuance and he told them no. He issued a warrant for Mr. Clark's arrest and set a \$15,000 cash bond. Mr. Maccombs asked what is going to happen at the brewery site, is it going to be cleaned up or will it continue to be an eyesore. He said he is going to get a petition started this week. Residents don't have to look at the mess, it's a disgrace. He asked about the dope they got on Third Street. Mr. Scherer said the resident was found with about four and a half pounds of marijuana, \$7500 in cash and other packaging material and was arrested. Mr. Maccombs asked about the potholes on Chestnut Street. It's outrageous. Mr. Scherer is waiting to hear if the asphalt plant is open. It was not open last week. He hopes to get hot mix and begin repairs. Mr. Maccombs asked about Sturts Opera House selling booze upstairs. Mr. Dotson said the City does not have any control over it. The Opera House is run by a private non-profit board. Mr. Maccombs asked how many meetings Council members are allowed to miss. Mr. Dotson said Council does not have control over excused absences. Mr. Smith said Charter says Council members can be recalled if they have three unexcused absences in row. Mr. Maccombs asked Mr. Hunter if he would be willing to take Rick Hedges job. Mr. Hunter said Council separated the position and put it under the City Manager's control. Mr. Hunter said he would hire a person to be City Prosecutor if it were under his control. He would not do the prosecutions.

Amy Abercrombie and Alxea Ross, property owners on Poplar Street, addressed Council with their concern that there are enough trees on Poplar Street. Trees absorb pollutants, cool streets and homes and increase property values. They asked to be able to pass out leaflets encouraging people to plant trees. Ms. Abercrombie has a great many box elders on her farm that she could donate. They would assist those who do not know how to plant a tree. Ms. Ross said they have the support of Ann Bonner with ODNR. They are not asking for funds, but they would like Council support. Mr. Theisen said a box elder is one of the worst trees you could plant in the City. Mr. Smith said they do not need permission to distribute literature as long as they are not soliciting funds. Ms. Abercrombie said if they can't use box elders she doesn't have many trees to donate. Ms. Ross is attending a tree planting tomorrow and will check to see what resources are available.

#### **BUSINESS AND ORGANIZATIONAL COMMENTS**

Miki Brooks addressed Council on behalf of Stuart's Opera House. The Nelsonville Music Festival is this weekend. To date over 3,000 tickets have been

sold. Some of these people will be visiting the area for the first time. The revenue from the festival is very important to Stuart's overall operating budget. Stuart's puts on about 35 shows per year. The most money they make on a sold out show is about \$2500 because of the fee structures of the artists and overhead costs making every source of revenue extremely important to the Opera House. There are about 40 other events throughout the year, and about 5000 school children attend children's educational programs. About 24,000 people are served by Stuart's Opera House and it plays a vital role in Nelsonville. She thanked the City for their support of the musical festival. Mr. Theisen asked if alcohol was served at every event and who checks the age requirement for liquor sales. Ms. Brooks said audiences differ and some do not want liquor sold. The Opera House only gets a certain number of liquor permits so they have to pick and choose which events where liquor will be served. Ms. Brooks said every volunteer at the Opera House goes through training. They check all id's because they do not want to lose the opportunity to have liquor and are very concerned that everything is done the way it should be done. Mr. Smith said the current location for the music festival is great. Miki invited people to attend the festival. They would be proud and surprised with the quality of what is going on. Mr. Smith said the police will be very hard on anyone who gets out of hand with alcohol. They have been very hard on underage drinkers. There are 35 or 40 young people going through the Diversion Program because of underage drinking.

#### **FIRST READING**

Mr. Smith introduced Ordinance 27-11.

#### **ORDINANCE 27-11. AN ORDINANCE GRANTING NELSONVILLE MAIN STREET THE RIGHT TO INSTALL OUTLETS AND HOOK-UP TO CITY ELECTRICITY FOR TREE LIGHTING AROUND THE PUBLIC SQUARE.**

Lynn Decker-Garbo, Director of Nelsonville Main Street, addressed Council regarding the tree lighting project. The Main Street Design Committee approached Mike Summers, an electrical instructor at Hocking College, about fixing the electric on both sides of the Public Square, and he put a proposal together. There are outlets on one side of the Square but they are not working and the other side has been assessed. In the assessment it was determined that they could tie into the electric on the light poles. This would be a good opportunity for the students and Hocking College will provide all of the work and all of the parts. There would be no cost to the City. As to the cost, the lights would be LED lights and the cost of 20 strands of lights would be equal to one 60 watt light bulb, \$18.00 per year based on eight hours per day. Hocking needs to have the OK by the end of this week or they won't be able to do it because school will be out. Main Street hoped to have the project completed by Memorial Day weekend. No one else will be able to plug into the outlets. Mr. Hunter asked who would maintain the lights. Lynn said the Design Committee would keep an eye on them. One of the aspects of Main Street is to attract people to our town. Three million people come through the Hocking Hills and Hocking tourism supports Nelsonville. Almost 40,000 people ride the train and over 24,000 come to the Opera House. Main Street hopes to move forward with a marketing campaign and signage for Nelsonville. We have a gold mine here in Nelsonville. Mr. Theisen asked if this was within the discretionary authority of the City Manager because we don't have time to get approval next week. Mr. Hunter said we would have to suspend the rules and pass it tonight but Mr. Dotson cannot vote as he is President of the Main Street Board. Lynn said it would be a shame to lose an opportunity to have this done for free. Mr. Hunter said Council would have to call a special meeting. Mr. Dotson and Mr. Smith suggested amendments to the ordinance. Mr. Taylor asked if the outlets could be locked in some way to keep others from using them. Council had a short discussion of the matter. Lynn said there are a lot of great people involved in Main Street and they, along some of the shop keepers,

would keep an eye on them. There is electric to the bell tower which Hocking College intends to fix. Mr. Hunter asked if the lights would become City property. Lynn said Hocking College would not own anything. Main Street will buy the lights. Mr. Hunter said he would prefer the lights remain property of Main Street. Mr. Theisen said the Comprehensive Plan included Main Street. Since that is part of the City why couldn't Mr. Scherer authorize the \$18 per year cost? Mr. Hunter said Council does not have to authorize the payment but they need to authorize putting the lights up on City property and hooking into City services. Mr. Smith make a motion to amend the ordinance to include language that Main Street will be responsible for the upkeep, the lights will be LED and will remain the property of Main Street. Mr. Hall seconded the motion. Public comment: Milki Brooks said that as a business owner uptown she thinks it's a great idea. Anything that enhances the beauty of an already beautiful spot is good for business. There was no further Council discussion. **ROLL CALL:** All Council members voted ye except Mr. Dotson who abstained. **Motion passed.** Mr. Dotson called a special meeting for Wednesday, May 11 at 4 PM.

Mr. Hall introduced Ordinance 28-11.  
**ORDINANCE 28-11. AN ORDINANCE AMENDING THE 2011 APPROPRIATIONS ORDINANCE TO APPROPRIATE THE SUM OF SIXTY THOUSAND DOLLARS (\$60,000.00) FROM THE UNAPPROPRIATED BALANCE OF THE CAPITAL IMPROVEMENTS FUND #600 TO LINE ITEM #600-600-67647 (STREET SWEEPER).**  
Melvin Maccombs, Chestnut Street, said two years ago we gave a street sweeper to Glouster. Mr. Scherer said it was about three years ago and it was on the list of property to be auctioned when he became City Manager. Mr. Maccombs said Glouster fixed it for \$150 and has been using it ever since. He does not support spending \$60,000. Those funds could be used to purchase asphalt and fix potholes instead of tearing up the streets. Mr. Scherer said this street sweeper is a vacuum machine so it picks up debris better without tearing the streets up. Mr. Maccombs suggested hiring two or three men and giving them brooms, wheelbarrows and a pick-up truck to clean the streets. Mr. Scherer said he didn't think he could get all the streets clean using that method. Mr. Taylor asked the cost of the street sweeper when the City contracted it out. Mr. Scherer said \$36,000 over a six month period. The operator tried to rush through town in two days and did a very poor job. This street sweeper is used, a 2003 model. It has not been purchased but the City was given the opportunity to try it out. Mr. Theisen asked who would operate it. Mr. Scherer said the Street Department would operate it and we will continue to utilize the crew we have. Mr. Theisen said something is not going to get done if we take away one person and put him on the street sweeper. Mr. Scherer said they can't work on streets every day and the sweeper would be run at different times. Mr. Theisen doesn't think the vacuum machine would pick up the dirt that has been packed down for two years. Mr. Scherer said we would have to send someone to clean it up those areas with a shovel and broom. Mr. Theisen said \$60,000 is a lot of money and he would like to see what kind of shape it is in. Mr. Scherer said the sweeper was loaned to us to use for two weeks but has been sent back. Mr. Smith said when he went to work for the City there was a person on the street sweeper every night. Parking was restricted on different streets and different times and it worked well. There were some problems but it was much better than it is now. Mr. Theisen said he wants to get this town cleaned up from curb to curb. We will have to find money if we are going to hire a person dedicated to the street sweeper. He's not in favor of buying one and not having anyone to run it. Mr. Scherer said it has a vacuum hose attachment so that small debris could be cleaned out of the storm drains. Mr. Scherer said once the town is cleaned up it will require less maintenance to keep it clean. Mr. Theisen asked what Mr. Hall thought of the machine, and Mr. Hall responded that he thought it was a good machine for the money and it will clean the streets.

### **CITY MANAGER'S REPORT**

Mr. Scherer reported the State Fire Marshall's Academy has made a one day program available to elected officials, Feel The Heat, on May 21 from 9 AM to 4 PM in Reynoldsburg. It offers elected officials the opportunity to learn about the challenges fire fighters face on a daily basis. Anyone interested should coordinate with Chief Russell.

Code Enforcement has begun sending notifications for grass and weed violations. Mr. Pierson has sent 77 to date along with 20 notification for rental registration and 14 for vacant property registration. Condemnation notices have been sent and properties have been placarded at 25 Third Street and 231 Madison Street. Mr. Pierson has also sent the appropriate notices to the county auditor registering liens on three properties that were demolished, one on Burr Oak Blvd, one on Adams Street and one on Back Street. He has also coordinated with the County Treasurer and County Prosecutor who are seeking back tax payments on the old elementary school, \$64,000, and the old brewery, \$15,000.

The Street Department ran the flood pumps after the last heavy rains. Today they worked on Columbus Street near the library where a small sink hole was discovered. Apparently a sewer tile line collapsed. It was fixed today and will be filled in tomorrow.

Mr. Scherer met today with ODOT representatives on Woodlane Drive to confirm where Beaver Construction is going to repair the road. They will put piles in and pave over it. They hope to do the repairs Thursday or Friday of week. The road will likely be closed to thru traffic during the repairs. Announcements of the road closing will be provided to the usual media outlets.

There was a pre-construction meeting today with the contractor and engineer for the new booster station. They hope to begin the project next week. City crews will put in new waterlines and valves. Mr. Scherer hopes to have the project completed by the end of June.

Because of the recent heavy rains the crew that was to begin the demolition of the pool surface decided it was too late to get the project done before the pool is opened for the summer. For now they will do minor repairs and come back in the fall after the pool closes to demolish the surface and put a new one in.

With regard to the Source Water Protection Plan, Hocking College students were interviewed by WOUB and had a five minute news article put on their website. They also had an information booth last weekend at the Athens Farmers Market. The Police Chief has coordinated with the Hocking College Police Chief to confirm traffic control for the Nelsonville Music Festival this weekend. There will also be additional officers for in town coverage during this period.

### **GOOD OF THE ORDER**

Mr. Theisen asked about a meeting with Poggemeyer on the new water plant. Mr. Scherer said he has been unable to set up a meeting. Bids for the water plant will be advertised next month. Mr. Smith said a Utility Committee meeting is needed with Poggemeyer and to discuss the Ameresco project.

With regard to the brewery situation Mr. Smith said the Police Chief went back 30 days and has written 30 - 4<sup>th</sup> degree misdemeanor citations and will serve Mr. Clark as soon as he can be found. A new ticket is being written every day.

With regard to Mr. Hunter's statement about Mr. Hedges suggesting an injunction to keep the Clarks off the brewery property, Mr. Theisen said he doesn't think it is a good idea. That will give him an excuse not to clean up the property. Mr. Hunter said it was not to keep him off the property it was to keep him from removing things of value. Mr. Theisen said Mr. Clark has gotten everything of value already. Mr. Hunter said there are back taxes on the property also and he has asked Mr. Pierson to coordinate with the Treasurer and Prosecutors offices to bring foreclosure action. Mr. Smith said over 40 - 4<sup>th</sup> degree misdemeanor citations have been written with a bond on every one of them. Even if Mr. Clark

transfers to Municipal Court he is looking at a substantial bond. If we can get the bond we can try to attach it.

Mr. Hall made a motion to go into executive session under O.R.C. 121.22 (g) for personnel and legal matters. Mr. Taylor seconded the motion. Mr. Scherer and Mr. Hunter were invited to attend. **ROLL CALL:** All Council members voted yea.

Mr. Dotson made a motion to return to open session. Mr. Hall seconded the motion. **ROLL CALL:** All Council members voted yea.

#### **APPOINTMENTS**

Mr. Scherer made a recommendation to appoint Jeff Ames as a part time fire fighter in the City of Nelsonville. Mr. Smith made a motion to accept Mr. Scherer's recommendation. Mr. Hall seconded the motion. All Council members voted yea. **Motion passed.**

Mr. Smith made a motion to appoint Daniel McDonald as an alternate member for the Nelsonville Board of Zoning Appeals. Mr. Hall seconded the motion. There was no public comment or Council discussion. **ROLL CALL:** All Council members voted yea. **Motion passed.**

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

#### **NELSONVILLE CITY COUNCIL**

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President of Council

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Clerk of Council

