

RECORD OF ORDINANCES

001

Ordinance No. 01-13

Passed January 14, 2013

ORDINANCE 01-13

AN ORDINANCE AMENDING THE 2013 APPROPRIATIONS ORDINANCE TO APPROPRIATE THE SUM OF SEVENTY THOUSAND DOLLARS (\$70,000.00) FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND #100 TO LINE ITEM #100-625-41124 (STREET LIGHTS).


WHEREAS, funds need to be appropriated for Street Lighting;

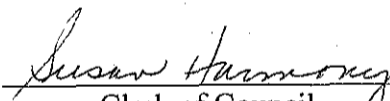
NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:

1. The sum of Seventy Thousand Dollars (\$70,000.00) is appropriated from the unappropriated balance of the General Fund #100 to Line Item #100-625-41124 (Street Lights).
2. The total appropriations are increased by said amount.
3. This ordinance shall become effective at the earliest date provided by law.

Duly enacted by Council on first reading under suspension of the rules on the 14<sup>th</sup> day of January, 2013.

NELSONVILLE CITY COUNCIL

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Clerk of Council

First Reading:            01/14/13            Under Suspension of the Rules

Ordinance No. 02-13Passed January 14, 2013

## ORDINANCE 02-13

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A HOUSING REVOLVING LOAN ADMINISTRATION AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT AND AN ADMINISTRATIVE SERVICES AGREEMENT WITH THE HOCKING, ATHENS, PERRY COMMUNITY ACTION AGENCY FOR THE PERIOD BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2015 AND DECLARING AN EMERGENCY.


WHEREAS, the City of Nelsonville has been awarded moneys to support its Housing Revolving Loan Fund for the period from January 1, 2013 to December 31, 2015;

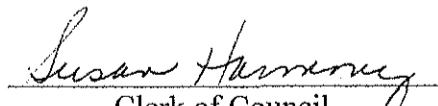
NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:

1. The City Manager is hereby authorized to execute the Housing Revolving Loan Fund Administration Agreement with the State of Ohio, Department of Development, and an Administrative Services Agreement with the Hocking, Athens, Perry Community Action Agency for the period beginning January 1, 2013 and ending December 31, 2015, copies of which are attached hereto and incorporated herein by reference. The Ordinance 71-12 adopted on December 10, 2012 is hereby repealed.
2. This Ordinance is adopted as an emergency pursuant to Ohio Revised Code Section 731.30 necessary for the immediate preservation of the public peace, health, or safety of the City of Nelsonville in that the grant period begins on January 1, 2013 and the ordinance shall go into immediate effect upon adoption.

Duly enacted by Council upon first reading under suspension of the rules this 14<sup>th</sup> day of January, 2013.

NELSONVILLE CITY COUNCIL

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Clerk of Council

First Reading: 01/14/13 Under Suspension of Rules

RECORD OF ORDINANCES

003

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 03-13

Passed January 28, 2013

ORDINANCE 03-13

AN ORDINANCE AMENDING THE 2013 APPROPRIATIONS ORDINANCE TO APPROPRIATE THE SUM OF THREE THOUSAND SIX HUNDRED SEVENTY-EIGHT DOLLARS (\$3,678.00) FROM THE UNAPPROPRIATED BALANCE OF THE BAIRD FUND #850 TO LINE ITEM #850-850-41000 (CITY BEAUTICATION PROJECTS).


WHEREAS, funds need to be appropriated for Freer Electric for the Public Fountain daily care;

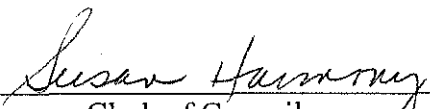
NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:

1. The sum of Three Thousand Six Hundred Seventy-eight Dollars (\$3,678.00) is appropriated from the unappropriated balance of the Baird Fund #850 to Line Item #850-850-41000 (City Beautification Projects).
2. The total appropriations are increased by said amount.
3. This ordinance shall become effective at the earliest date provided by law.

Duly enacted by Council on second reading on the 28<sup>th</sup> day of January, 2013.

NELSONVILLE CITY COUNCIL

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Clerk of Council

First Reading: 01/14/13  
Second Reading: 01/28/13

RECORD OF ORDINANCES

003

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 03-13

Passed January 28, 2013

ORDINANCE 03-13

AN ORDINANCE AMENDING THE 2013 APPROPRIATIONS ORDINANCE TO APPROPRIATE THE SUM OF THREE THOUSAND SIX HUNDRED SEVENTY-EIGHT DOLLARS (\$3,678.00) FROM THE UNAPPROPRIATED BALANCE OF THE BAIRD FUND #850 TO LINE ITEM #850-850-41000 (CITY BEAUTICATION PROJECTS).

WHEREAS, funds need to be appropriated for Freer Electric for the Public Fountain daily care;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:

1. The sum of Three Thousand Six Hundred Seventy-eight Dollars (\$3,678.00) is appropriated from the unappropriated balance of the Baird Fund #850 to Line Item #850-850-41000 (City Beautification Projects).
2. The total appropriations are increased by said amount.
3. This ordinance shall become effective at the earliest date provided by law.

Duly enacted by Council on second reading on the 28<sup>th</sup> day of January, 2013.

NELSONVILLE CITY COUNCIL

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council

First Reading: 01/14/13  
Second Reading: 01/28/13

Ordinance No. 04-13Passed February 11, 2013**ORDINANCE 04-13**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A REVOCABLE LICENSE AGREEMENT WITH THE NELSONVILLE ROTARY CLUB TO PLACE HARDSCAPE AND LANDSCAPE ELEMENTS ON THE PUBLIC RIGHT-OF-WAY OF ROCKY BOOTS WAY.**

**WHEREAS**, the Nelsonville Rotary Club is a member of Rotary International, an organization dedicated to service above self; and

**WHEREAS**, one of the six focus areas of Rotary is economic and community development; and

**WHEREAS**, the Downtown Streetscape section of the City of Nelsonville Comprehensive and Development Plan identifies improvements to the Hocking Street gateway as essential to the enhancement of the sense of place and economic vitality of Downtown Nelsonville; and

**WHEREAS**, the Nelsonville Rotary Club has earmarked labor and funding for the project while working in cooperation with the Baird Stuart Foundation and Nelsonville Main Street for additional funding; and

**WHEREAS**, the City of Nelsonville desires to retain authority over public rights-of-way for the purpose of maintaining public utilities and control of vehicular traffic which are in the public interest.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:**

1. The City Manager is authorized to execute a revocable license agreement between the City of Nelsonville ("the City") and Nelsonville Rotary Club ("Licensee") for use of the public right-of-way in order to identify responsibilities for care and maintenance of private hardscape and landscape improvements to the Rocky Boots Way corridor in accordance with EXHIBIT "A", attached hereto and incorporated herein by reference.
2. Licensee, Nelsonville Rotary Club shall agree to indemnify and save the City of Nelsonville harmless from all claims, demands, costs, expenses and compensation which might arise from the encroachment of said improvements upon property of the City of Nelsonville subject to this ordinance.
3. Licensee, Nelsonville Rotary Club, shall agree that the City of Nelsonville shall maintain its right and responsibility to repair public infrastructure upon lands and structures subject to this Ordinance and shall not hold the City of Nelsonville responsible for any damage to property that might occur with necessary maintenance activity.
4. Licensee, Nelsonville Rotary Club, shall maintain said improvements, plantings and appurtenances subject to this Ordinance as their sole responsibility and expense and in accordance with the licensing agreement.

RECORD OF ORDINANCES

005

Ordinance No. 04-13

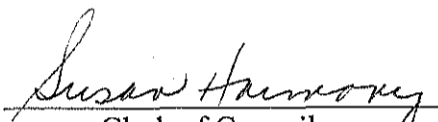
Passed February 11, 2013, \_\_\_\_\_

- 5. This non-transferable license shall be issued exclusively to Nelsonville Rotary Club only for the purposes described herein and shall be revocable within thirty (30) days notice from the City of Nelsonville to the Licensee.
- 6. This ordinance shall become effective at the earliest date provided by law.

Duly enacted by Council on second reading this 11<sup>th</sup> day of February 2013.

NELSONVILLE CITY COUNCIL

  
 \_\_\_\_\_  
 President of Council

  
 \_\_\_\_\_  
 Clerk of Council

First Reading:       01/28/13  
 Second Reading:    02/11/13

Ordinance No. 05-13Passed February 11, 2013

## ORDINANCE 05-13

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION AND EXECUTE A SMALL CITIES GRANT FOR ODOT FISCAL YEAR 2015-16 TO DO PAVING AND REPAIRS ON MADISON STREET AND DECLARING AN EMERGENCY.

WHEREAS, the City of Nelsonville is eligible to submit a grant application for ODOT grant funding for ODOT fiscal year 2015-16 to do paving and repairs on Madison Street:

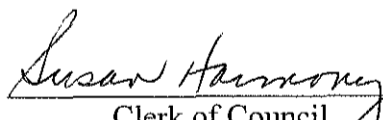
NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:

1. The City Manager is hereby authorized to submit an application and execute a small cities grant for ODOT fiscal year 2015-16 to do paving and repairs on Madison Street.
2. This Ordinance is adopted as an emergency pursuant to Ohio Revised Code Section 731.30 necessary for the immediate preservation of the public peace, health, or safety of the City of Nelsonville in that the grant application must be submitted by March 1, 2013, and the ordinance shall go into immediate effect upon adoption.

Duly enacted by Council upon second reading this 11<sup>th</sup> day of February, 2013.

NELSONVILLE CITY COUNCIL

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Clerk of Council

First Reading: 01/28/13

Second Reading: 02/11/13

Ordinance No. 06-13

Passed February 11, 2013

**ORDINANCE 06-13**

**AN ORDINANCE AUTHORIZING THE PETITION FOR, AND ACCEPTANCE OF, A GIFT OF LAND AND TENEMENTS FROM THE ATHENS COUNTY TREASURER.**

**WHEREAS**, Athens County, Ohio, through its Treasurer, Javon Kittle-Cooper, has by lawful process offered for sale several properties at delinquent tax foreclosure sale and twice for want of bidder failed sale; and

**WHEREAS**, *Ohio Revised Code Section 5723.01 (A) (3)* enables the Athens County Court of Common Pleas to offer the several properties to the City of Nelsonville by petition to the Court; and

**WHEREAS**, the City of Nelsonville desires to obtain the properties and offer them for sale to recoup general revenue funds previously expended for nuisance abatement at the several properties; and

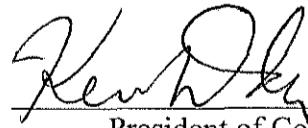
**WHEREAS**, possession of land and tenements may be desirable for the City of Nelsonville for participation in the Community Housing Improvement Program (CHIP), grant funded by the U. S. Department of Housing and Urban Development.

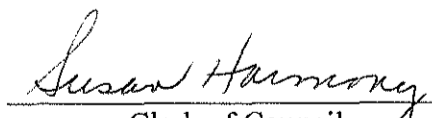
**NOW, THEREFORE BE IT ORDAINED BY THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:**

1. The Nelsonville City Council authorizes and directs the Nelsonville City Attorney to petition the Athens County Court of Common Pleas in Cases Nos. 12CI0134, 11CI0140 and 11CI0141 for possession of certain lands and tenements, said properties identified by the Athens County Auditor as Parcel No. P03-01400005-00 (126 Jefferson Street), Deed Reference Volume 236, Page 67 and Volume 92, Page 425; Parcel No. P03-02900106-00 (543 Back Street), Deed Reference 300, Page 1237; and Parcel No. P03-0290017-00 (533 Back Street), Volume 258, Page 102 of the Official Records of Athens County, Ohio.
2. This ordinance shall become effective the earliest date provided by law.

Duly enacted by Council upon second reading this 11<sup>th</sup> day of February, 2013.

**NELSONVILLE CITY COUNCIL**

  
 \_\_\_\_\_  
 President of Council

  
 \_\_\_\_\_  
 Clerk of Council

First Reading: 01/28//13  
 Second Reading: 02/11/13



RECORD OF ORDINANCES

009

Ordinance No. 08-13

Passed February 11, 2013

ORDINANCE 08-13

AN ORDINANCE AMENDING THE 2013 APPROPRIATIONS ORDINANCE TO APPROPRIATE THE SUM OF THIRTY-FIVE THOUSAND TWO HUNDRED EIGHTY-FOUR DOLLARS (\$35,284.00) FROM THE UNAPPROPRIATED BALANCE OF THE RECREATION AND PARKS FUND #300 TO LINE ITEM #300-250-21101 (POLLEY FIELD PROJECT).

WHEREAS, grant funds need to be appropriated to pay for paving at Polley Field;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:

1. The sum of Thirty-Five Thousand Two Hundred Eighty-Four Dollars (\$35,284.00) is appropriated from the unappropriated balance of the Recreation and Parks Fund #300 to Line Item #300-250-21101 (Polly Field Project).
2. The total appropriations are increased by said amount.
3. This ordinance shall become effective at the earliest date provided by law.

Duly enacted by Council on second reading on the 11<sup>th</sup> day of February, 2013.

NELSONVILLE CITY COUNCIL

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Clerk of Council

First Reading: 01/28/13  
Second Reading: 02/11/13

Ordinance No. 04-13Passed February 11, 2013

## ORDINANCE 04-13

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A REVOCABLE LICENSE AGREEMENT WITH THE NELSONVILLE ROTARY CLUB TO PLACE HARDSCAPE AND LANDSCAPE ELEMENTS ON THE PUBLIC RIGHT-OF-WAY OF ROCKY BOOTS WAY.**

**WHEREAS**, the Nelsonville Rotary Club is a member of Rotary International, an organization dedicated to service above self; and

**WHEREAS**, one of the six focus areas of Rotary is economic and community development; and

**WHEREAS**, the Downtown Streetscape section of the City of Nelsonville Comprehensive and Development Plan identifies improvements to the Hocking Street gateway as essential to the enhancement of the sense of place and economic vitality of Downtown Nelsonville; and

**WHEREAS**, the Nelsonville Rotary Club has earmarked labor and funding for the project while working in cooperation with the Baird Stuart Foundation and Nelsonville Main Street for additional funding; and

**WHEREAS**, the City of Nelsonville desires to retain authority over public rights-of-way for the purpose of maintaining public utilities and control of vehicular traffic which are in the public interest.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:**

1. The City Manager is authorized to execute a revocable license agreement between the City of Nelsonville ("the City") and Nelsonville Rotary Club ("Licensee") for use of the public right-of-way in order to identify responsibilities for care and maintenance of private hardscape and landscape improvements to the Rocky Boots Way corridor in accordance with EXHIBIT "A", attached hereto and incorporated herein by reference.
2. Licensee, Nelsonville Rotary Club shall agree to indemnify and save the City of Nelsonville harmless from all claims, demands, costs, expenses and compensation which might arise from the encroachment of said improvements upon property of the City of Nelsonville subject to this ordinance.
3. Licensee, Nelsonville Rotary Club, shall agree that the City of Nelsonville shall maintain its right and responsibility to repair public infrastructure upon lands and structures subject to this Ordinance and shall not hold the City of Nelsonville responsible for any damage to property that might occur with necessary maintenance activity.
4. Licensee, Nelsonville Rotary Club, shall maintain said improvements, plantings and appurtenances subject to this Ordinance as their sole responsibility and expense and in accordance with the licensing agreement.

RECORD OF ORDINANCES

005

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 04-13

Passed February 11, 2013

- 5. This non-transferable license shall be issued exclusively to Nelsonville Rotary Club only for the purposes described herein and shall be revocable within thirty (30) days notice from the City of Nelsonville to the Licensee.
- 6. This ordinance shall become effective at the earliest date provided by law.

Duly enacted by Council on second reading this 11<sup>th</sup> day of February 2013.

NELSONVILLE CITY COUNCIL

  
 \_\_\_\_\_  
 President of Council

  
 \_\_\_\_\_  
 Clerk of Council

First Reading: 01/28/13  
 Second Reading: 02/11/13

Ordinance No. 05-13Passed February 11, 2013

## ORDINANCE 05-13

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION AND EXECUTE A SMALL CITIES GRANT FOR ODOT FISCAL YEAR 2015-16 TO DO PAVING AND REPAIRS ON MADISON STREET AND DECLARING AN EMERGENCY.

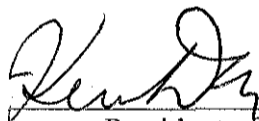
WHEREAS, the City of Nelsonville is eligible to submit a grant application for ODOT grant funding for ODOT fiscal year 2015-16 to do paving and repairs on Madison Street:

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:

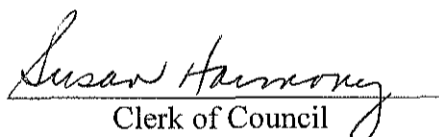
1. The City Manager is hereby authorized to submit an application and execute a small cities grant for ODOT fiscal year 2015-16 to do paving and repairs on Madison Street.
2. This Ordinance is adopted as an emergency pursuant to Ohio Revised Code Section 731.30 necessary for the immediate preservation of the public peace, health, or safety of the City of Nelsonville in that the grant application must be submitted by March 1, 2013, and the ordinance shall go into immediate effect upon adoption.

Duly enacted by Council upon second reading this 11<sup>th</sup> day of February, 2013.

NELSONVILLE CITY COUNCIL



President of Council

  
Clerk of Council

First Reading: 01/28/13

Second Reading: 02/11/13

Ordinance No. 06-13

Passed February 11, 2013

ORDINANCE 06-13

AN ORDINANCE AUTHORIZING THE PETITION FOR, AND ACCEPTANCE OF, A GIFT OF LAND AND TENEMENTS FROM THE ATHENS COUNTY TREASURER.

WHEREAS, Athens County, Ohio, through its Treasurer, Javon Kittle-Cooper, has by lawful process offered for sale several properties at delinquent tax foreclosure sale and twice for want of bidder failed sale; and

WHEREAS, Ohio Revised Code Section 5723.01 (A) (3) enables the Athens County Court of Common Pleas to offer the several properties to the City of Nelsonville by petition to the Court; and

WHEREAS, the City of Nelsonville desires to obtain the properties and offer them for sale to recoup general revenue funds previously expended for nuisance abatement at the several properties; and

WHEREAS, possession of land and tenements may be desirable for the City of Nelsonville for participation in the Community Housing Improvement Program (CHIP), grant funded by the U. S. Department of Housing and Urban Development.

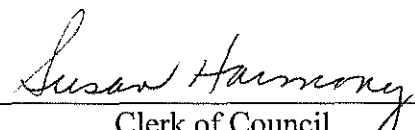
NOW, THEREFORE BE IT ORDAINED BY THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:

1. The Nelsonville City Council authorizes and directs the Nelsonville City Attorney to petition the Athens County Court of Common Pleas in Cases Nos. 12CI0134, 11CI0140 and 11CI0141 for possession of certain lands and tenements, said properties identified by the Athens County Auditor as Parcel No. P03-01400005-00 (126 Jefferson Street), Deed Reference Volume 236, Page 67 and Volume 92, Page 425; Parcel No. P03-02900106-00 (543 Back Street), Deed Reference 300, Page 1237; and Parcel No. P03-0290017-00 (533 Back Street), Volume 258, Page 102 of the Official Records of Athens County, Ohio.
2. This ordinance shall become effective the earliest date provided by law.

Duly enacted by Council upon second reading this 11<sup>th</sup> day of February, 2013.

NELSONVILLE CITY COUNCIL

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Clerk of Council

First Reading: 01/28//13  
Second Reading: 02/11/13

Ordinance No. 07-13

Passed January 28, 2013

**ORDINANCE 07-13**

**AN ORDINANCE AMENDING THE 2013 APPROPRIATIONS ORDINANCE TO APPROPRIATE THE SUM OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.00) FROM THE UNAPPROPRIATED BALANCE OF THE WATER CAPITAL IMPROVEMENTS FUND #720 IN THE AMOUNT OF SEVEN HUNDRED THOUSAND DOLLARS (\$700,000.00) TO LINE ITEM 720-740-74042 (OPWC CONSTRUCTION PAYOUT) AND EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.00) TO LINE ITEM #720-740-74043 (OWDA CONSTRUCTION PAYOUT).**

**WHEREAS, OPWC AND OWDA projected revenues for the water plant construction funds need to be appropriated;**

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:**

1. The City Auditor is hereby authorized to place Seven Hundred Thousand Dollars (\$700,000.00) of projected revenue in the Water Capital Improvement fund line item # 720-000-30000 (OPWC Loan Proceeds) and Eight Hundred Thousand Dollars (\$800,00.00) of projected revenue in the Water Capital Improvement fund line item # 720-000-40000 (OWDA Loan Proceeds).
1. The sum of One Million Five Hundred Thousand Dollars (\$1,500,000.00) is appropriated from the unappropriated balance of the Water Capital Improvement Fund #720 in the amount of Seven Hundred Thousand Dollars (\$700,000.00) to line item # 720-740-74042 (OPWC Construction Payout) and Eight Hundred Thousand Dollars (\$800,000.00) to line item # 720-740-74043 (OWDA Construction Payout).
2. The total appropriations are increased by said amount.
3. This ordinance shall become effective at the earliest date provided by law.

Duly enacted by Council on first reading under suspension of the rules on the 28<sup>th</sup> day of January, 2013.

**NELSONVILLE CITY COUNCIL**

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Clerk of Council

First Reading: 01/28/13 Under Suspension of the Rules

RECORD OF ORDINANCES

009

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 08-13

Passed February 11, 2013

ORDINANCE 08-13

AN ORDINANCE AMENDING THE 2013 APPROPRIATIONS ORDINANCE TO APPROPRIATE THE SUM OF THIRTY-FIVE THOUSAND TWO HUNDRED EIGHTY-FOUR DOLLARS (\$35,284.00) FROM THE UNAPPROPRIATED BALANCE OF THE RECREATION AND PARKS FUND #300 TO LINE ITEM #300-250-21101 (POLLEY FIELD PROJECT).

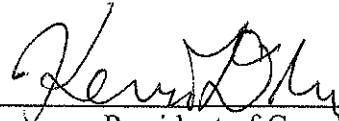
WHEREAS, grant funds need to be appropriated to pay for paving at Polley Field;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:

1. The sum of Thirty-Five Thousand Two Hundred Eighty-Four Dollars (\$35,284.00) is appropriated from the unappropriated balance of the Recreation and Parks Fund #300 to Line Item #300-250-21101 (Polly Field Project).
2. The total appropriations are increased by said amount.
3. This ordinance shall become effective at the earliest date provided by law.

Duly enacted by Council on second reading on the 11<sup>th</sup> day of February, 2013.

NELSONVILLE CITY COUNCIL

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Clerk of Council

First Reading: 01/28/13  
Second Reading: 02/11/13

Ordinance No. 09-13Passed February 25, 2013

## ORDINANCE 09-13

AN ORDINANCE AMENDING THE 2013 APPROPRIATIONS ORDINANCE TO APPROPRIATE THE SUM OF SIX THOUSAND DOLLARS (\$6,000.00) FROM THE UNAPPROPRIATED BALANCE OF THE CAPITAL IMPROVEMENTS FUND #600 TO LINE ITEM #600-600-67690 (PLOW\1 TON DUMP TRUCK).

WHEREAS, funds need to be appropriated for the purchase of a plow for the City's one ton dump truck;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:

1. The sum of Six Thousand Dollars (\$6,000.00) is appropriated from the unappropriated balance of the Capital Improvements Fund #600 to Line Item #600-600-67690 (Plow\1 Ton Dump Truck).
2. The total appropriations are increased by said amount.
3. This ordinance shall become effective at the earliest date provided by law.

Duly enacted by Council on second reading on the 25<sup>th</sup> day of February, 2013.

NELSONVILLE CITY COUNCIL

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Clerk of Council

First Reading: 02/11/13  
Second Reading: 02/25/13



# RECORD OF ORDINANCES

11

Ordinance No. 10-13

Passed February 25, 2013

## ORDINANCE 10-13

AN ORDINANCE AMENDING THE 2013 APPROPRIATIONS ORDINANCE TO APPROPRIATE THE SUM OF TWENTY THOUSAND DOLLARS (\$20,000.00), TEN THOUSAND DOLLARS (\$10,000.00) FROM THE PERMISSIVE TAX FUND #220, THREE THOUSAND DOLLARS (\$3,000.00) FROM THE STATE HIGHWAY FUND #210, THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500.00) FROM THE STREET CONSTRUCTION FUND #200 AND THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500.00) FROM THE STREET LEVY FUND #230.

WHEREAS, funds need to be appropriated for the purchase of Road Salt and Grit;

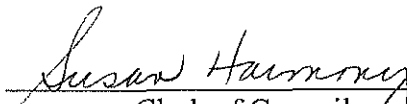
NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:

1. The sum of Twenty Thousand Dollars (\$20,000.00) is appropriated from the unappropriated balance of the following funds: Ten Thousand Dollars (\$10,000.00) from the Permissive Tax Fund #220 to Line Item # 220-170-21600 (Road Salt & Grit), Three Thousand Dollars (\$3,000.00) from the State Highway Fund #210 to Line Item # 210-160-21600 (Road Salt & Grit), Three Thousand Five Hundred Dollars (\$3,500.00) from the Street Construction Fund #200 to Line Item # 200-150-21600 (Road Salt & Grit), and Three Thousand Five Hundred Dollars (\$3,500.00) from the Street Levy Fund #230 to Line Item # 230-180-21600 (Road Salt & Grit).
2. The total appropriations are increased by said amount.
3. This ordinance shall become effective at the earliest date provided by law.

Duly enacted by Council on second reading on the 25<sup>th</sup> day of February, 2013.

NELSONVILLE CITY COUNCIL

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Clerk of Council

First Reading: 02/11/13  
Second Reading 02/25/13

Ordinance No. 11-13

Passed February 25, 2013

ORDINANCE 11-13

AN ORDINANCE AMENDING THE 2013 APPROPRIATIONS ORDINANCE TO APPROPRIATE THE SUM OF SIX THOUSAND DOLLARS (\$6,000.00) FROM THE UNAPPROPRIATED BALANCE OF THE STREET LEVY FUND #230 TO LINE ITEM #230-180-80040 (PUBLIC UTILITY FEES/REFUND).

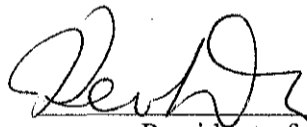
WHEREAS, moneys need to be appropriated to pay tax refunds to AEP and Ohio Bell;

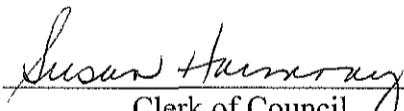
NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:

1. The sum Six Thousand Dollars (\$6,000.00) is appropriated from the unappropriated balance of the Street Levy Fund #230 to line item #230-180-80040 (Public Utility Fees/Refunds).
2. The total appropriations are increased by said amount.
3. This ordinance shall become effective at the earliest date provided by law.

Duly enacted by Council on second reading on the 25<sup>th</sup> day of February, 2013.

NELSONVILLE CITY COUNCIL

  
 \_\_\_\_\_  
 President of Council

  
 \_\_\_\_\_  
 Clerk of Council

First Reading: 02/11/13  
 Second Reading: 02/25/13

Ordinance No. 12-13

Passed February 25, 2013

**ORDINANCE 12-13**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A REVOCABLE LICENSE AGREEMENT WITH NELSONVILLE CROSS, LLC TO INSTALL AND MAINTAIN A GATEWAY STREET ARCH OVER ROCKY BOOTS WAY.**

**WHEREAS**, the Downtown Streetscape section of the City of Nelsonville Comprehensive and Development Plan identifies improvements to the Hocking Street (now Rocky Boots Way) gateway as essential to the enhancement of the sense of place and economic vitality of Downtown Nelsonville; and

**WHEREAS**, Rocky Brands, Inc. and Nelsonville Cross, LLC are committed to the preservation and enrichment of the hometown of Rocky Brands headquarters, Nelsonville, Ohio, and specifically its Historic District registered with the U. S. Department of the Interior, National Registry of Historic Places; and

**WHEREAS**, the completion of the US Route 33 bypass will create opportunities for the City of Nelsonville to capitalize on its local historic and architectural assets by accenting them through the imaginative design and creative talents of local artisans and craftsmen.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:**

1. The City Manager is authorized to execute a revocable license agreement between the City of Nelsonville ("the City") and Nelsonville Cross, LLC, ("Licensee") for use of the public right-of-way in order to identify responsibilities for installation, care and maintenance of private, hardscape street feature in accordance with EXHIBIT "A" attached hereto and incorporated herein by reference.
2. Licensee, Nelsonville Cross, LLC, shall agree to indemnify and save the City of Nelsonville harmless from all claims, demands, costs, expenses and compensation which might arise from the encroachment of said improvements upon property of the City of Nelsonville subject to this ordinance.
3. Licensee, Nelsonville Cross, LLC, shall agree that the City of Nelsonville shall maintain its right and responsibility to repair public infrastructure upon lands, structures and appurtenances subject to this Ordinance and shall not hold the City of Nelsonville responsible for any damage to the property that might occur with necessary maintenance activity.
4. Licensee, Nelsonville Cross, LLC, shall maintain said improvements and appurtenances, including the payment of any utility bills associated with the lighting of said improvements, subject to this Ordinance as their sole responsibility and expense and in accordance with the licensing agreement.
5. This non-transferable license shall be issued exclusively to Nelsonville Cross, LLC, only for the purpose described herein and shall be revocable with thirty (30) day notice from the City of Nelsonville to the Licensee.

RECORD OF ORDINANCES

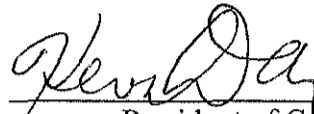
Ordinance No. 12-13

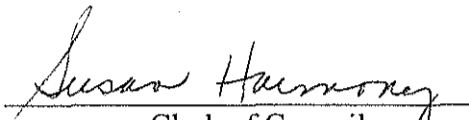
Passed February 25, 2013

6. This Ordinance shall become effective at the earliest date provided by law.

Duly enacted by Council upon second reading this 25<sup>th</sup> day of February 2013.

NELSONVILLE CITY COUNCIL

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Clerk of Council

First Reading: 02/11/13  
Second Reading: 02/25/13

Ordinance No. 13-13

Passed March 11, 2013, \_\_\_\_\_

**ORDINANCE 13-13**

**AN ORDINANCE AMENDING THE 2013 APPROPRIATIONS ORDINANCE TO APPROPRIATE THE SUM OF NINE HUNDRED DOLLARS (\$900.00) FROM THE UNAPPROPRIATED BALANCE OF THE BAIRD FUND #850 TO LINE ITEM #850-850-41000 (CITY BEAUTIFICATION PROJECTS).**

**WHEREAS**, funds need to be appropriated for payment of the Final Friday Fire and Ice Evening;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:**

1. The sum of Nine Hundred Dollars (\$900.00) is appropriated from the unappropriated balance of the Baird Fund #850 to Line Item #850-850-41000 (City Beautification Projects).
2. The total appropriations are increased by said amount.
3. This ordinance shall become effective at the earliest date provided by law.

Duly enacted by Council on second reading on the 11<sup>th</sup> day of March, 2013.

**NELSONVILLE CITY COUNCIL**

  
 \_\_\_\_\_  
 President of Council

  
 \_\_\_\_\_  
 Clerk of Council

First Reading: 02/25/13  
 Second Reading: 03/1/13

# RECORD OF ORDINANCES

Ordinance No. 14-13

Passed Defeated - February, 25, 2013

## ORDINANCE 14-13

### AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EMPLOY SEASONAL EMPLOYEES DURING 2013.

WHEREAS, it is necessary to authorize seasonal employees to operate the Aquatic Center;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:

1. The City Manager is hereby authorized to employ seasonal employees as needed at the Nelsonville Aquatic Center during 2013 at the minimum wage.
2. This Ordinance shall become effective at the earliest date provided by law.

Duly enacted by Council upon second reading this 11<sup>th</sup> day of March, 2013.

NELSONVILLE CITY COUNCIL

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council

First Reading: 02/25/13  
Second Reading: 03/11/13

Ordinance No. 15-13

Passed March 25, 2013

ORDINANCE 15-13

AN ORDINANCE VACATING AN ALLEY BETWEEN THE J.S. SCOTT ADDITION OF FAIRVIEW AND JOSEPH VERITY ADDITION TO THE VILLAGE (NOW CITY) OF NELSONVILLE.

WHEREAS, pursuant to *Ohio Revised Code §723.05*, the legislative authority of a municipal corporation is authorized to vacate a street or alley when there is good cause shown and there is no detriment to the general interest; and

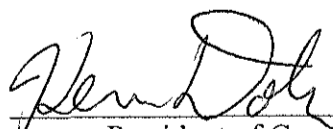
WHEREAS, pursuant *Ohio Revised Code §723.06*, petitioners Russell M. Barrows and Anna Mae Barrows request waiver of the notification requirement otherwise provided in *Ohio Revised Code §723.07* and pray the legislative authority vacate an alley between the J.S. Scott Addition of Fairview and Joseph Verity Addition to the Village (now City) of Nelsonville, Ohio.


NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO AS FOLLOWS:

1. Pursuant to *Ohio Revised Code §723.05*, an alley seven (7) feet in width between Lot 777 of the J.S. Scott Addition of Fairview and Lot 461 of the Joseph Verity Addition to the Village (now City) of Nelsonville, Ohio is hereby vacated to Russell M. Barrows and Anna Mae Barrows, their heirs, successors or assigns and in accordance with EXHIBIT "A" attached hereto and incorporated herein by reference.
2. Pursuant to *Ohio Revised Code §723.041*, the City of Nelsonville retains in perpetuity a permanent easement for the purpose of maintaining, operating, renewing, reconstructing, or removing utility facilities whether publicly or privately owned.
3. The Clerk of Council is hereby directed to file a certified copy of this ordinance with the Athens County Auditor and Athens County Recorder
4. This ordinance shall become effective the earliest date provided by law.

Duly enacted by Council upon second reading this 25<sup>th</sup> day of March, 2013.

NELSONVILLE CITY COUNCIL

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Clerk of Council

First Reading: 03/11/13  
Second Reading: 03/25/13