Nelsonville City Council met in regular session Tuesday, January 26, 2021 at 7PM. President Dunfee called the meeting to order. All stood to recite the Pledge of Allegiance. Mr. Booth offered the opening prayer. ROLL CALL: All Council members were present.
Mr. Sherman made a motion to approve the minutes of the last regular. Mr. Taylor seconded the motion. ROLL CALL: All Council members voted yea.

AUDITOR/TREASURER'S REPORT
The Auditor's report was given at the January 11 meeting. Due to the absence of the Treasurer, The Auditor gave the Treasurer's report for month ending December 31, 2020. Total funds as of months end totaled $2,825,303.68. Of that amount $1,712,819.51 are invested funds. The City's CD's were moved to a People's Bank money market account until interest rates improve.
The Auditor encouraged anyone who has not signed up for the water abatement program due so as soon as possible. Mr. Smith made a motion to extend the deadline to February 10, 2021. Mr. Taylor seconded the motion. There was no discussion. ROLL CALL: All Council members voted yea. Motion passed.
The Auditor also reported that due to a system and processing error sewer rates for in-town customers were miscalculated and the bills were sent before the error was caught. They are working very hard to get the recalculated bills out to those customers. He also reported that the City has signed up for the Ohio Checkbook program and all transactions can be seen online.
Mr. Taylor made a motion to approve the Treasurer's report as presented. Mr. Dunfee seconded the motion. ROLL CALL: All Council members voted yea.

MAYOR'S COURT REPORT
The new Mayors Court Clerk, Ms. Nancy Bumgardner was introduced. She started in September. At this time the new system is set up and she is in training, but it has become a daunting task. She discussed money made a past years and reported that in the month of January over $3,000 has been taken in. She does not have the December report at this time but in November the balance in the account was $11,194.00 She has been sending out letters for delinquent payments and contempt of court that she has written herself, but there are stock letters in the new system she would like to use. Ms. Bumgardner said she is here to help the City. She loves her town and will do anything to help out.

COMMITTEE DISCUSSION
Ms. Jones called a Planning and Development Committee meeting for February 17 at 7 PM.
Mr. Dunfee called a Recreation Committee meeting for the same night at 8 PM.
Mr. Smith reported on a Utility Committee meeting. There is legislation tonight, but Mr. Smith made two corrections before it is read. The title should read "amending water regulations" and not "adopting new water regulations". The legislation is only to add to the existing regulations. There has also been a change in late fees to comply with Ohio Revised Code to charge a $5 late fee for each month the payment is late and not a percentage. There was a discussion if the dollar amount or a percentage should be used. The Auditor said per the state fees should be 2% based on actual services rendered.
Mr. Taylor reported on a Judiciary Committee meeting to discuss implementing a code of conduct for city employees and council members. He is working on a code of conduct and hopes to have legislation for the next Council meeting. He called a Judiciary Committee meeting for February 3 at 7 PM.

POLICE DEPARTMENT UPDATE
Chief Fitch reported that Officers Fennell and Tolliver were hired last week and have begun their training. Annual evaluations have been completed. He discussed planned training for the new officers this year. He has been working with Mr. Frank

and Mr. Hunter on contract negotiations. Stats for the month of January includes 4 blue slips, over 70 criminal reports and 607 calls for service. There have been 38 traffic tickets issued, one traffic ticket, 28 criminal arrests and 36 warrant arrests. Officers hired during last summer and fall are progressing and moving into leadership rolls. With a proactive department there has been some minimal overtime due to court appearances, but there has been good positive feedback. The canine officer is worth his weight in gold. Chief Fitch wants to focus his attention on target enforcement. There are a couple of cases they are working on with the Prosecutor's Office. He thanked Mr. Blackburn and Mr. Barrett.
Mr. Smith said when the department was being dispatched by 911 it was easy to get public records and he asked what the procedure was now. Chief Fitch said to call Monday through Friday when the clerk is working or send an email. Officers are also doing virtual training through EOPADA, which makes a more rounded officer and will reduce some liability on the City. He has also applied for grants to pay for new vests for officers that need them. He is also applying for other grants.
Mr. Sherman asked if offices were carrying Narcan. Chief said they were. Mr. Taylor asked if some of the newer officers could come to a meeting so that we can meet them. He said that would be possible and he should be able to do that at the next meeting.

FIRST READING
Mr. Taylor introduced Ordinance 02-21.
ORDINANCE 02-21.
AN ORDINANCE AMENDING THE 2021 APPROPRIATIONS ORDINANCE TO APPROPRIATE FROM THE UNAPPROPRIATED BALANCE THE FOLLOWING: THREE THOUSAND DOLLARS ($3,000.00) FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND #100 TO LINE ITEM #100-100-10010 (SALARIES AND WAGES; FIVE HUNDRED DOLLARS ($500.00) FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND #100 TO LINE ITEM #100-100-10032 (RETIREMENT MATCH); TWO HUNDRD TWENTY-FIVE DOLLARS ($225.00) FROM THE UNAPPROPRIATED BALANCE OF THE BAIRD FOUNDATION TO LINE ITEM # 850-850-41000 (CITY BEAUFIFICATION PROJECTS); TWELVE THOUSAND DOLLARS ($12,000.00) FROM THE UNAPPROPRIATED BALANCE OF THE MAYOR'S COURT COMPUTER FUND #910 TO LINE ITEM # 910-900-60010 (EQUIPMENT RENTS AND LEASES) AND THREE THOUSAND SEVEN HUNDRED DOLLARS ($3,700.00) FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND #100 TO LINE ITEM #100-100-10065 (OTHER EMPLOYEE COSTS).
Mr. Sherman pointed out that the money for the Mayor's Court system has to be reappropriate because it was not spent last year.

Ms. Jones introduced Ordinance 03-21.
ORDINANCE 03-21. AN ORDINANCE ACCEPTIONG A DONATION OF TWO HUNDRED TWENTY-FIVE DOLLARS FROM THE BAIRD FOUNDATION FOR CHRISTMAS LIGHT REPAIRS AND REIMBURSING ROCKY BOOTS TWO HUNDRED TWENTY-FIVE DOLLARS ($225.00) FOR MAKING REPAIRS TO THE CHRISTMAS LIGHTS.
The Auditor said the work was done last year but he recently got the check for the reimbursement check and it has to go through the City.

Mr. Sherman introduced Ordinance 04-21.
ORDINANCE 04-21. AN ORDINANCE ADOPTING NEW WATER REGULATIONS.

Changes were made prior to the first reading.
Discussion: In the discussion of percentage vs. a flat rate Mr. Sappington said our largest customers experience delays as we all do but that could cost them into the thousands of dollars if the percentage rate is applied.

Mr. Booth introduced Ordinance 05-21.
ORDINANCE 05-21. AN ORDINANCE AWARDING THE CHURCH STREET PROJECT CONTRACT TO THE GEORGE J. IGEL & CO., INC. IN THE AMOUNT OF TWO HUNDRED ONE THOUSAND SEVEN HUNDRED SEVENTY-TWO DOLLARS ($201,772.00) FOR THE BASE BID.
Mr. Smith made a motion to add emergency language and suspension of the rules so this project can be completed as soon as possible. People on Church Street have been waiting a long time. Mr. Taylor seconded the motion. Discussion: Ms. Grant asked what is meant by base bid. Mr. Frank said the Finance Committee asked for an additional quote for the guardrail as it is not covered by the grant, hence a base bid. The original quote was $6800, and he is working on numbers now to try to get a better deal. Mr. Smith said the project was originally estimated at $640,000. If we work on it, we won't get the grant funds. ROLL CALL: All Council members voted yea.
Mr. Sherman made a motion to suspend the rules, Mr. Dunfee seconded the motion. There was no discussion. ROLL CALL: All Council members voted yea.
Mr. Sherman made the motion to adopt. Mr. Taylor seconded the motion. ROLL CALL: All Council members voted yea.
Ordinance 05-21 adopted on first reading under suspension of the rules.

Ms. Jones introduced Ordinance 06-21.
ORDINANCE 06-21. AN ORDINANCE AUTHORIZING THE CITY MANAGER OF THE CITY OF NELSONVILLE TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT ON BEHALF OF THE CITY OF NELSONVILLE FOR THE CONSTRUCTION OF THE 2020 WATER SYSTEM IMPROVEMENTS PROJECT, AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

Mr. Booth introduced Ordinance 07-21.
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS #5 FOR PHASE 1 OF THE NELSONVILLE REGIONAL SEWER COLLECTION SYSTEM AND DECLARING AN EMERGENCY.
Michael Betts said this money is for Stonegate's contract. They ran into storm drains they didn't know were there so this closes out the contract and sets the final price.
Mr. Smith made a motion to suspend the rules, Mr. Taylor seconded the motion. There was no discussion. ROLL CALL: All Council members voted yea.
Mr. Taylor made the motion to adopt. Mr. Booth seconded the motion. There was no discussion. ROLL CALL: All Council members voted yea.
Ordinance 07-21 adopted on first reading under suspension of the rules.

Ms. Jones introduced Resolution 2239.
RESOLUTION 2239. A RESOLUTION BY CITY COUNCIL CENSURING COUNCIL MEMBER GREG SMITH FOR CONDUCT UNBECOMING A CITY COUNCIL MEMBER.
Mr. Smith had several questions for Mr. Hunter concerning research into these allegations before writing the Resolution. Ms. Jones said she wrote the Resolution. Mr. Smith asked if research was done to see that you cannot post in that group if you are not a member. Ms. Jones said she found the Facebook group and found the

comments made by Greg Smith and when she clicked on Greg Smith it took her back to Mr. Smith's Facebook page where they were friends. Mr. Smith said he could not post on that page because he was not a member; he has never a member of that group. The Crackhead page even said Mr. Smith could not post on the site because he was not a member. His felt his choice was to either join the group, which he didn't want to do, or delete his Facebook page. He doesn't like that language either. He reiterated he has never been a member of that group, those are not his thoughts and he resents anyone trying to tag them to his name. He thinks there is someone who is afraid of something he might reveal to the public. Mr. Taylor asked if he apologized for the statements, and Mr. Smith said if he had made them he would apologize. It was suggested he un-delete his Facebook account, but Mr. Smith said his attorney has his account. The day he can prove his case there will be hell to pay. Ms. Jones said she has no agenda, and she stands by the censure resolution because Council as a group has to stand up and say they do not tolerate that type of language. There are people in our community and family's that would find these types of remarks offensive. Mr. Dunfee said he has known Ms. Jones and Mr. Booth for a number of years, and he knows neither has an agenda. Mr. Smith reiterated his feeling that someone is afraid of something he might expose. Mr. Taylor made the motion to adopt. Mr. Booth seconded the motion. There was no further discussion. ROLL CALL: All Council members voted yea except Mr. Smith who voted no.
Resolution 2239 adopted on first reading.

Mr. Sherman made a motion to have an investigation into Mr. Smith's possible violation of Charter Section 11.08, Rule #1, section 4.02 with regard to his residency. He asked for a hearing late next week to present evidence and hear any evidence Mr. Smith has. This has been talked about for years. Mr. Smith said in 2018 the same charge was made to the Board of Elections. Assistant County Prosecutor, Zach Saunders, and the Board of Elections ruled his residence was in Nelsonville and they will have the same findings as then. Mr. Smith said Adams Street is his only residence. He has just about had enough with Dan Sherman and his attorney will be filing a lawsuit. Mr. Smith said the next step is Common Pleas Court. Mr. Hunter said he can bypass the Board of Elections and go straight to Common Pleas Court. Mr. Dunfee said Council will do their investigation and pass it to the Board of Elections. Mr. Smith asked if he would get charges he could look at or will this just be another witch hunt. Mr. Taylor seconded the motion. There was no further discussion. ROLL CALL: All Council members voted yea except Mr. Smith who voted no. Motion passed.

Mr. Taylor made a motion to amend the agenda to pass the remainder of the budget for 2021. The first quarter budget was passed, but the Finance Committee had a meeting and agreed to adopt the remainder of the yearly 2021 budget. The budget has been certified by the County Auditor, but it can be adjusted if necessary. Mr. Hunter said the only reason he would allow the budget to be adopted in this fashion is that everyone has seen the budget and it was quartered in order to have a first quarter budget. Mr. Sappington said most entities usually pass the rest of their budgets as soon as they can. It would be very helpful for operations. Mr. Frank sad a lift station went down, and the back-up pump went down. Mr. Dunfee seconded the motion. ROLL CALL: All Council members voted yea. Motion passed.

CITY MANAGER'S REPORT
Mr. Frank reported C.J. Williams was hired for the open position in the Utility Department. There were a lot of talented applicants in the group and it was a close choice. Mr. Williams is from the Coolville area and is moving to the Nelsonville area. He has a lot of experience with water and sewer lines in the private sector and showed some of his skills while in the shop. Mr. Williams will start in two weeks.

A stump grinder was rented today, and crews will begin using it tomorrow cleaning up stumps from over the years.
The Woodland Drive bridge project will begin very soon.
Crews have been in Frog Hollow working on drainage issues. He thinks they have fixed the drainage problem on St John St. The are working to keep water off the roads.

GOOD OF THE ORDER
Mr. Dunfee wish his twin daughters a happy 9 th birthday today. He offered his deepest sympathy to the Mike and Judy Crihfield family. They have lost both their mother and father, two outstanding community members. They will be missed. A WOW to Bernie Roell for his adventure building.
Ms. Grant said she was happy that not all legislation tonight was an emergency.
Mr. Booth offered her condolences to the Crihfield family and offered kudos to all City departments. There is a level of professionalism he has not seen in a long time.
Ms. Jones wished a happy birthday to her Goddaughters, Emma and Katherine. She gave a shout out to Rocky for their major acquisition of Muck Boots. We need to recognize the businesses in our community. They have been very generous to the City.
Mr. Smith asked Mr. Hunter for a public record, the complaint filed by Mr. Booth against Dave Randolph along with the body cam video turned in to the prosecutor. He would like them as soon as possible. M. Hunter said he does not have them, but he will forward the request to the appropriate person. He also wants a copy of the investigation of Carla’s husband. He will forward other requests.
Mr. Taylor congratulated Rocky Brands on their newest acquisition. Its great to hear and he anticipates great things coming from that for our community. Rocky has brought a lot to our community and the City benefits from that. He also echoed Mr. Dunfees comments about Bernie Roell.
Mr. Sherman echoed Mr. Dunfees and Mr. Taylors remarks concerning Bernie Roell and his new business. He is going for a permit for the Eagles Building in February and get that project started. He commended Rocky Brands for the purchase of Muck Boots. That will bring jobs into Nelsonville. They do a great job and support the community.

Mr. Dunfee made a motion to go into Executive Session under O.R.C. 121.22 (g) for personnel and legal matters to discuss labor negotiations. Mr. Hunter and Mr. Frank were invited to attend. Mr. Taylor seconded the motion. ROLL CALL: All Council members voted yea.

Mr. Booth made a motion to return to open session. Mr. Taylor seconded the motion. ROLL CALL: All council members voted yea.\

Mr. Dunfee made a motion to adjourn. Mr. Taylor seconded the motion. ROLL CALL: All council members voted yea.

NELSONVILLE CITY COUNCIL

_____
President of Council

_____
Clerk of Council