

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, NOVEMBER 7, 2022, 7:00 P.M.

Athens City Council met in Regular Session at the above hour with the following members present: Crawl, Grace, McCarey, Risner, Spjeldnes, Swank, and Ziff.

Also present: President Knisely, Mayor Patterson, Auditor Hecht, Assistant Law Director Jesse Branner-Hittle, Service-Safety Director Stone.

Swank moved to appoint Council Member Grace to serve as Acting Clerk of Council for this meeting; Ziff seconded. Appointment was approved unanimously.

DISPOSITION OF MINUTES:

Risner moved approval of the minutes of the Regular Session of Council held October 3, 2022; Ziff seconded. Minutes were unanimously approved as presented.

COMMUNICATIONS:

Council Member Crawl announced a public Veterans Day assembly on Thursday, November 10, at Athens High School sponsored by the Student Council. Refreshments will be served to attending veterans from 9:15 – 10:00, with the assembly to begin at 10:00 a.m. in the gymnasium.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported the following:

- Outdoor Recreation Council of Appalachia (ORCA) Ceremony, 2:00 p.m. tomorrow at the Doanville-York Trailhead
- EV Bus ribbon cutting on Wednesday in front of the City Pool from 10:00-11:00 a.m.

ORDINANCE FOR THIRD READING:

0-122-22

AN ORDINANCE AMENDING ORDINANCE 08-22; AUTHORIZING PRELIMINARY ENGINEERING SERVICES FOR THE UPTOWN IMPROVEMENTS PROJECT, PROJECT (#329). Risner moved for Adoption; Crawl seconded. Discussion: Swank asked about the timeline.

Service-Safety Director Stone is tracking construction for the summer of 2024.

Adoption was approved unanimously.

0-123-22

AN ORDINANCE CLOSING A PORTION OF EAST STATE STREET ON SATURDAY, DECEMBER 31, 2022, AND SUNDAY, JANUARY 1, 2023, FOR THE NEW YEAR'S EVE PASSION WORKS STUDIO COMMUNITY FESTIVAL. Risner moved to Table, as the event has been canceled for this year; Ziff seconded. Tabling was approved unanimously.

0-124-22

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE SECTION 13.04.10, UNNECESSARY NOISE, TO ACCOMMODATE THE NEW YEAR'S EVE PASSION WORKS STUDIO COMMUNITY FESTIVAL. Risner moved to Table, as noted above; Swank seconded. Tabling was approved unanimously.

0-125-22

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING, TO ALLOW VENDING IN A DESIGNATED AREA ON DECEMBER 31, 2022 AND JANUARY 1, 2023, DURING THE NEW YEAR'S EVE PASSION WORKS STUDIO COMMUNITY FESTIVAL. Risner moved to Table, as noted above; Ziff seconded. Tabling was approved unanimously.

0-127-22

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO, OR TO EXTEND THE AGREEMENT WITH THE BOARD OF ATHENS COUNTY COMMISSIONERS, FOR THE PURPOSE OF OBTAINING THE SERVICES OF THE PUBLIC DEFENDER'S OFFICE THROUGH DECEMBER 31, 2023. Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-128-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE. Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-129-22

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 29, HOUSING REGULATIONS, CHAPTER 29.03, RENTAL DWELLING, SHORT TERM RENTAL, AND HOUSING PERMIT, SECTION 29.03.01, RENTAL PERMIT REQUIRED. Grace moved to Table, as she believes the language is overly broad; Ziff seconded.

Swank stressed the importance of regulating our Airbnb's.

Crowl voiced support for tabling in order to improve the language to provide clarity.

Swank asked about any ideas for rewording.

Grace would like to include language referencing, promoted or advertised for rent; that would specifically identify that the property is being rented. She would also like to retain a certain time period.

President Knisely noted that if Council does not pass this legislation, it does hamper the Code Enforcement Office's enforcement of short-term rentals.

Motion to Table was defeated by a vote of 2-5, with McCarey, Risner, Spjeldnes, Swank, and Ziff voting in opposition.

Grace moved to amend the first sentence in 29.03.01 to read:

All residential property within the city owned for rental purposes or occupied by a **RENT PAYING** party other than the owner ~~for a period of more than six months during any single calendar year~~, shall require a rental dwelling, short-term rental, or rooming house permit from the office of code enforcement. McCarey seconded. Amendment was approved unanimously.

Swank moved for Suspension of the Rules; Risner seconded. Suspension of the Rules was defeated by a 3-4 vote, with Crowl, Grace, McCarey, and Ziff voting in opposition.

0-130-22

AN ORDINANCE AMENDING ORDINANCE 134-17; TO REZONE THE MADISON HEIGHTS MINOR SUBDIVISION, PROPERTY LOCATED ON THE CORNER OF EAST STATE STREET AND MADISON AVENUE. Grace moved for Adoption; Swank seconded. Adoption was approved unanimously.

0-131-22

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$300,000 OF NOTES BY THE CITY OF ATHENS, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF RENEWING NOTES PREVIOUSLY ISSUED FOR THE PURPOSE OF PAYING PART OF THE COSTS OF ACQUIRING A NEW FIRE TRUCK AND RELATED EQUIPMENT, AND DECLARING AN EMERGENCY. Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

0-132-22

AN ORDINANCE FUNDING A TRANSFORMER UPGRADE BY AMERICAN ELECTRIC POWER (AEP) TO PROVIDE SOLAR POWER AT THE CITY'S WASTEWATER TREATMENT PLANT. Crowl moved to amend to revise the dollar amount from \$75,000.00 to \$77,740.55 being appropriated to the Sewer

Fund, to be reimbursed by SOPEC from the City's carbon fee; Grace seconded. Amendment was approved unanimously. Amendment was approved unanimously.

Service-Safety Director Stone requested Council consider suspending the rules, as there is a long lead-time, possibly six months, on these transformers, once ordered.

Crowl moved for Suspension of the Rules in order to get the transformer ordered; Ziff seconded. Suspension of the Rules was approved unanimously.

Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-133-22

AN ORDINANCE AMENDING ORDINANCE 50-22; AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACT FOR REPLACEMENT OF THE COMMUNITY CENTER ROOF, PROJECT #353.

0-134-22

AN ORDINANCE AMENDING ORDINANCE 32-22; AUTHORIZING THE MAYOR TO EXTEND THE AGREEMENT WITH SUNDAY CREEK HORIZONS, A CONSULTING FIRM, TO CONTINUE WORK ON A REMOTE WORK SYSTEM FOR THE CITY OF ATHENS.

ORDINANCES FOR FIRST READING:

0-135-22

AN ORDINANCE RETAINING EXISTING WARD BOUNDARIES IN THE CITY OF ATHENS IN ACCORDANCE WITH THE 2020 FEDERAL CENSUS.

0-136-22

AN ORDINANCE AUTHORIZING THE MAYOR AND SERVICE-SAFETY DIRECTOR TO ENTER INTO A MUTUAL AID AGREEMENT WITH THE ATHENS COUNTY SHERIFF'S OFFICE FOR PARTICIPATION OF ATHENS POLICE OFFICERS IN A SPECIAL RESPONSE AND TACTICS UNIT.

0-137-22

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO MICHELLE WILSON, OWNER, 264 EAST STATE STREET, FOR USE OF AN UNNAMED ALLEY TO ALLOW PARKING FOR ATHENS IMPACT.

0-138-22

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ATHENS CITY CODE, TITLE 7, TRAFFIC; AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH.

0-139-22

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ATHENS CITY CODE, TITLE 13, GENERAL OFFENSES; AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH.

0-140-22

AN ORDINANCE AUTHORIZING DISPOSAL OF VEHICLES NO LONGER NEEDED FOR A MUNICIPAL PURPOSE.

0-141-22

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN LPA FEDERAL LOCAL-LET PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENT OF WEST UNION STREET, PROJECT (#322); AND DECLARING AN EMERGENCY. Discussion: Swank asked if this included the access road from Union to West State Street.

Service-Safety Director Stone responded that it does.

Spjeldnes would like to see a copy of the current design proposal.

0-142-22

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE WEST UNION STREET IMPROVEMENTS PROJECT (#322).

0-143-22

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT FOR A STATE INFRASTRUCTURE BANK (SIB) LOAN FOR THE WEST UNION STREET IMPROVEMENTS PROJECT (#322); AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

0-144-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE. Risner asked about the increased cost for meter parts with the IPS Group.

Service-Safety Director Stone responded that with a fully staffed Meters Department and meter repair training, the City will be repairing more meters in-house.

Swank recalls that Mr. Underwood from AHRC indicated that \$47,000 would not be enough to cover increased fuel costs. He questioned possibly removing that appropriation and addressing it through separate legislation.

Crowl supports the inclusion of the appropriation in this Ordinance.

McCarey agrees with Crowl. Approving this appropriation will be a show of good faith by the City to address these fuel costs.

Swank understands that these additional expenses are not pressing and can be addressed any time before the conclusion of the contract on June 30, 2023.

Auditor Hecht's preference is to pay the amount, to date, currently requested, out of this year's budget.

Crowl moved to amend to remove the appropriation for \$77,740.55 to the Sewer Fund, as it was covered in Ordinance 132-22; Grace seconded. Amendment was approved unanimously.

0-145-22

AN ORDINANCE AUTHORIZING THE AUDITOR TO REDUCE 2022 YEAR-END APPROPRIATIONS.

0-146-22

AN ORDINANCE AMENDING ORDINANCE 51-22 THE MEMORANDUM OF UNDERSTANDING WITH THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME) LOCAL 2403(1), OHIO COUNCIL 8, AFL-CIO (UNION).

0-147-22

AN ORDINANCE AUTHORIZING 2023 STAFFING LEVELS AND NON-UNION COMPENSATION; REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

0-148-22

AN ORDINANCE ADOPTING A FRINGE BENEFITS PACKAGE FOR NON-UNION PERSONNEL WITHIN THE CITY OF ATHENS AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

0-149-22

AN ORDINANCE ACCEPTING RECEIPT OF THE CITY'S CARBON FEE FOR THE CITY OF ATHENS SEWER SOLAR PROJECT.

0-150-22

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SOLAR POWER PURCHASE AGREEMENT (SPPA) WHICH INCLUDES A SOLAR LICENSE AGREEMENT (SLA) FOR PHOTOVOLTAIC SOLAR ENERGY INSTALLATIONS TO BE SITED IN THE CITY OF ATHENS.

ANNOUNCEMENTS & OTHER BUSINESS:

Grace moved to confirm the Mayor's Reappointment of Rob Delach to the Board of Zoning Appeals; Swank seconded. Reappointment was approved unanimously.

The Mayor announced that the City has been notified that the City has been awarded a grant through the NatureWorks Program of (\$18,759) for improvements to our skate park.

EXECUTIVE SESSION:

At approximately 8:50 p.m. Grace moved to go into Executive Session for the purpose of considering Collective Bargaining and Threatened Litigation, and invited the Mayor, Service-Safety Director, Auditor, and Assistant Law Director to attend; Ziff seconded. A roll call vote was taken as follows: Spjeldnes, aye; Risner, aye; Crowl, aye; Swank, aye; Grace, aye; Ziff, aye; and McCarey, aye.

At approximately 9:25 p.m., Ziff moved to come out of Executive Session; Grace seconded. Motion was approved unanimously.

The Regular Session was reconvened and Ziff moved to adjourn the meeting; McCarey seconded. Motion was approved unanimously.

President of Council

ATTEST:

Clerk of Council