

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, SEPTEMBER 18, 2023, 7:00 P.M.

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

Also present: President Knisely, Mayor Patterson, Law Director Eliason, and Service-Safety Director Stone.

DISPOSITION OF MINUTES:

Risner moved for approval of the minutes from the Regular Session held September 5, 2023; Ziff seconded. Minutes were unanimously approved as presented.

COMMUNICATIONS:

President Knisely noted that Council Members have received a notice from the Ohio Division of Liquor Control for a permit transfer **from** Athens Pyramids LLC, dba Athens Pyramids, 5 Mill Street, 1st floor only **to** Bob Athens LLC, at the same address.

A phone call was received in the City Council Office from Wayne Forest Supervisor Lee Stewart acknowledging the receipt of a letter suggesting a name change. He indicated that they have received over 1200 responses, have consulted 40 tribes, with 12 of those actively participating in the process. The Secretary's decision is expected in November.

Council Member McCarey appreciates the update on the Wayne National Forest renaming and the land acknowledgment that began this meeting, which is a change from when he took office a couple of years ago, noting the City's progress. He acknowledged that many of our community members are now observing Hispanic Heritage month, September 15 through October 15.

He provided Council with an update and specific feedback from the Racial Equity Coalition of Athens County regarding the City's recent re-commitment to combatting racial injustice. The Coalition offered the following feedback on the adopted Resolution: 1) questioned the extent to which we can work alongside each other as communities, encouraging similar resolutions from nearby local governments and also, personal connections with other villages and cities that might consider resolutions, and encouraged City Council to serve as a resource and perhaps a role model and source of encouragement for neighbors; and 2) encouraged resuming dialogue on affirming commitments to other equity and inclusion topics, and specifically asking about next steps in pledging Council and Administration's support to other diverse groups, in particular, the importance of socioeconomic diversity in our region; and 3) an invitation for City officials to

resume attendance at the Racial Equity meetings, which was at its height in 2020, but has since declined.

He will send along invitations and opportunities that will include a “Community Welcome Event” scheduled for October 26 from 6-8 p.m. in the Athens Middle School cafeteria, and organized by the Racial Equity Coalition of Athens County in collaboration with Athens City Schools, Ohio University Division of Inclusion, City of Athens, Athens Community Relations Commission, and the Athens County Foundation.

Council Member Crowl announced that this is Pollution Prevention Week. The City of Athens, Ohio University and the Athens Soil and Water Conservation District (ASWCD) team together to recognize this week, specifically focused on storm water and the storm water discharge permit that the City and University hold together to regulate the pollution that is entering into the Hocking River and our local waterways. Today, the Athens Rethinks Plastic group was at the Alumni Gate and will be at Baker Center on Thursday along with ASWCD. Climate and Sustainability Ambassadors from Ohio University will be marking campus and City storm drains this week, and on Wednesday, again at the Alumni Gate, there will be a taste test challenge, local tap water vs bottled spring water from 12 to 1 p.m.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

- **Mayor Patterson** reported the following:
 - Shared that he is often hearing appreciation from City residents about our Police and Fire Departments, and Code Enforcement Office, along with the courtesy of contractors working on ongoing paving around town.
 - Receipt of notes from a faculty member at Ohio University who was running the Green Project Camp on campus by the Stacy Literacy Center at Ohio University, for 7 to 12 year olds on ways the City can help the environment. We need to continue to protect the planet; be a more sustainable environment.

ORDINANCES FOR THIRD READING:

0-82-23

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO THE “AGREEMENT ESTABLISHING THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC),” AND A NATURAL GAS PROGRAM AGREEMENT WITH NOPEC, AND RELATED MATTERS. Grace moved for Adoption; Ziff seconded. Discussion: Swank asked how soon, if passed, the citizens of Athens will be able to take advantage of this good pricing.

Mayor responded that all current customers taking part in this gas aggregation are already experiencing the savings.

Swank asked if those who are not currently NOPEC customers would be receiving notification to become a member.

Mayor will reach out to NOPEC and ask them to do a refresh notice as a reminder to citizens of their eligibility to receive these aggregation rates, encouraging them to become a part of NOPEC. All Athens' citizens are eligible for this gas aggregation program, but they can opt-out.

Swank noted that currently the NOPEC rate is \$52.09 and there is nothing out there less than that. This is a good program.

Adoption was approved unanimously.

0-84-23

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY USE PERMIT AT 39 HOOPER STREET TO PATRICK AND JAMES BALDING, OWNERS, FOR CONTINUED USE OF THE CITY RIGHT-OF-WAY FOR AN EXISTING FENCE. Grace moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-85-23

AN ORDINANCE ACCEPTING A CERTIFICATE OF REGISTRATION FROM MADISON ENERGY COOPERATIVE ASSOCIATION/UTILITY PIPELINE LTD, FOR USE OF THE CITY'S RIGHT-OF-WAY. Grace moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-86-23

AN ORDINANCE AUTHORIZING DISPOSAL OF A POLICE DEPARTMENT VEHICLE NO LONGER NEEDED FOR A MUNICIPAL PURPOSE. Risner moved for Adoption; Grace seconded. Adoption was approved unanimously.

0-87-23

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE 155-22. Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

0-83-23

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO EXECUTE A 25-YEAR REPLACEMENT EASEMENT WITH OHIO UNIVERSITY FOR AN EXISTING WATERLINE.

0-88-23

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE LE-AX REGIONAL WATER DISTRICT FOR RELEASE OF CERTAIN REAL ESTATE PARCELS TO THE CITY FOR WATER SERVICE ALONG DAIRY LANE.

0-89-23

AN ORDINANCE DECLARING CERTAIN POLICE DEPARTMENT FIREARMS NO LONGER NEEDED FOR A MUNICIPAL PURPOSE.

0-90-23

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN LPA FEDERAL LOCAL-LET PROJECT AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION, FOR SIDEWALK, ACCESSIBILITY, AND TRAFFIC SIGNAL IMPROVEMENTS IN THE UPTOWN AREA, PROJECT (#329); AND DECLARING AN EMERGENCY.

0-91-23

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACTS FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING SERVICES FOR THE UPTOWN IMPROVEMENTS PROJECT (#329).

Discussion: Swank asked if an estimate is available yet on the cost of moving the utility lines underground on West Washington Street.

Service-Safety Director responded that it appears to be in the \$400,000 range. He will however, provide an exact amount prior to final reading. The biggest barrier is the cost to private parcel owners to reinstall their service to underground on State Street.

Swank would like continued consideration of West State since it has a conglomeration of overhead wiring.

Mayor is exploring Round II Appalachian Communities Grant (ACG) funding to look at improvements on Carpenter Street, and accounting for the cost of underground for State Street between Court and Congress; timing is an important factor.

Grace asked if ACG funding is allowable to offset the private property owners' expense for moving utility service underground.

Mayor will check the guidelines to see if that would be a permissible expense.

0-92-23

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE

ORDINANCES FOR FIRST READING:

0-93-23

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 9, GENERAL REGULATIONS, CHAPTER 9.05, FIRE CONTROL; PETROLEUM LIQUIDS, SECTION 9.05.99, PENALTIES. Discussion: Swank asked if these penalties are consistent with the State for similar infractions.

McCarey understands from Fire Chief Rymer that they are within the State's guidelines.

Grace indicated that these fine amounts are the State's maximum amounts for these offenses.

0-94-23

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND ADDENDUM WITH THE OHIO ORGANIZED CRIME INVESTIGATIONS COMMISSION, TASK FORCE #22-09.

0-95-23

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE 155-22.

ANNOUNCEMENTS & OTHER BUSINESS:

Ziff announced the Skate Jam event at the Community Center Skate Park on Saturday from noon to 9:00 p.m.

Grace moved to accept the appointments of Karen Dahn, who will be completing Hannah Gilkey's unexpired term, and Kimberlee Francis to a new 3-year term, serving on the City's Affordable Housing Commission; Swank seconded. Appointments were approved unanimously.

EXECUTIVE SESSION:

At approximately 8:00 p.m., Ziff moved to go into Executive Session for the purpose of considering Collective Bargaining and the Sale of Municipal Property, and invited the Mayor, Law Director, and Service-Safety Director to attend; Grace seconded. A roll call vote was taken as follows: Spjeldnes, aye; Risner, aye; Crawl, aye; Swank, aye; Grace, aye; Ziff, aye; and McCarey, aye.

At approximately 8:45 p.m., Ziff moved to come out of Executive Session; Swank seconded. Motion was approved unanimously.

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

President of Council

ATTEST:

Clerk of Council