



AGENDA
ATHENS CITY COUNCIL
MONDAY, OCTOBER 9, 2023
7:00 PM
e-mail: dwalker@ci.athens.oh.us
Streaming is available at www.ci.athens.oh.us/video

FINANCE & PERSONNEL COMMITTEE:

- Athens County Convention & Visitors Bureau (Boone Troyer, progress report))
- Amend City Code, Deputy Auditor (to include ORC language)
- Appropriations
 - (\$14,843.33) to General Fund, Fire, capital line, for BWC Grant
 - (\$25,000.00) to Parking Enforcement Fund, services line, for credit card fees
 - (\$20,000.00) to Parking Enforcement Fund, services line, for maintenance contract
- ORC 718 Updates (amend Title 17, Municipal Income Tax)

CITY & SAFETY SERVICES:

- Tabled Ordinance 93-23 (fire penalties)
- Accepting a Sanitary Utility Easement (Tyler Park)

TRANSPORTATION COMMITTEE:

- Vehicle Disposals
 - Bus, 1601 (HAPCAP)

- 2011 Ford Ranger (Code)
- Fire Smoke Trailer

COMMITTEE OF THE WHOLE:

- Tabled Ordinance 99-23 (fee increases)

Chris Knisely
President of Council

The City of Athens supports the Americans with Disabilities Act. Requests for reasonable accommodation may be made with the ADA Coordinator in the City Building or by calling 592-3367.

LEGISLATIVE UPDATE

OHIO HOUSE BILL 33

Municipal Income Tax Provisions

On July 3, 2023, Governor DeWine signed House Bill 33, the state budget bill (the “Bill”), into law. The municipal income tax provisions included in the Bill are listed below.

The Bill requires municipalities to adopt some of these provisions by ordinance or resolution. We are working on model language to be provided to you later this summer, so that you have time to put these changes through your legislative process before year-end.

- **Publication Requirements for JEDDs or JEDZs Adopting an Income Tax.** Effective October 1, 2023, the Bill requires JEDD and JEDZ Boards to publish notice of their adoption of a resolution to impose an income tax in a newspaper of general circulation in the district or zone for two consecutive weeks prior to the effective date of the tax, or if no general circulation newspaper is available, to post notice of the resolution in no less than five of the most public places in the district or zone at least 15 days prior to the effective date of the tax. R.C. 715.691 (H)(5); R.C. 715.70(F)(6)(a)
- **Minors Exempt From Municipal Income Tax.** Beginning with tax year 2024, the income of all individuals under 18 years of age will be exempt from municipal income tax in all municipalities. If your municipality currently taxes the income of individuals under 18, the Bill requires that you adopt this exemption by ordinance or resolution. R.C. 718.01(C)(15)
- **Existing Language Correction.** The Bill makes a cross-reference correction to existing language regarding the net operating loss carryforward. The correction is effective for tax year 2023. The Bill requires all municipalities to adopt this correction by ordinance or resolution. R.C. 718.01(D)(1)(3)(c)(ii)
- **Alternative Apportionment for Businesses with Remote Workers.** For tax years ending on or after December 31, 2023, businesses with remote workers will be permitted to use an alternative apportionment formula for their net profit filings. Instead of apportioning net profits to the municipalities where employees are performing remote work, businesses may elect to apportion net profits to employees’ reporting locations, which in most cases will be a location owned or controlled by the employer business. This provision only impacts business net profits filings, and does not change an employer’s obligation to withhold tax for employees’ remote work locations. We will have more to report on this provision as we prepare for the tax year 2023 filing season. R.C. 718.02(A), 718.02(D), 718.021, 718.82(A), 718.82(D), 718.821 (this provision results in the renumber of existing R.C. 718.021 to R.C. 718.17)

- **Net Profit Extension Filings Extended One Month.** For business net profit filers that are on a federal filing extension, the Bill extends the municipal income tax filing deadline by one month, to the 15th day of the 11th month after the end of the taxpayer's tax year. This provision is in effect for tax years ending on or after January 1, 2023, meaning fiscal year net profit filers with a fiscal year ending during 2023 will receive the benefit of this additional month, if they are on a federal filing extension. R.C. 718.05(G)(2)(a), 718.85(D)(1)(a)
- **Notices Prohibited While Taxpayers on Extension.** The Bill prohibits tax administrators from sending non-filing inquiries or notices to taxpayers about a tax year for which the taxpayer has a federal extension in place; and requires a municipality to reimburse a taxpayer up to \$150 for any costs a taxpayer incurs to respond to a prohibited notice. As it is not RITA's practice to send non-filing notices for a tax year until after the federal extension deadline for that tax year, this provision will not impact the non-filing programs RITA conducts for its member municipalities. R.C. 718.05(G)(5), 718.85(D)(b)(3)
- **Late Filing Penalty Capped and Waiver Required.** Beginning with tax year 2023, the penalty municipalities may charge a taxpayer for a late filed return is reduced to a maximum of \$25, from the current maximum of \$150. The Bill also requires that a municipality waive the fee the first time a taxpayer files a late return. The penalties and interest for late payment remain in place and unchanged. R.C. 718.27(C)(3), 718.89(A)(1)
- **Information Exchanged Between Municipalities and the Ohio Tax Commissioner (TC).** The Bill modifies the timing and substance of certain information exchanged between municipalities and the TC. While current law requires municipalities to notify the TC of any tax increase within 60 days of its effective date, municipalities must now notify the TC of any change in their tax rate within 60 days; and with respect to information provided by the TC to municipalities about net profit opt-in taxpayers, the Bill changes from November to December the second of two opt-in reports the TC must send to municipalities, and changes the taxpayers that the TC must include on those reports. R.C. 718.80(C)(1)(B), 718.84(B)

We are also continuing to monitor the following pieces of pending legislation:

- **Ohio House Bill 126** – to expand the municipal income tax exemption for certain military pay
- **Ohio House Bill 166** - to subject the income of foreign temporary agricultural workers to municipal income tax
- **Ohio Senate Bill 75** – to allow certain municipalities to form JEDDs without townships

0-93-23

Introduced by Micah McCarey, Chair
City & Safety Services Committee

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 9, GENERAL REGULATIONS, CHAPTER 9.05, FIRE CONTROL; PETROLEUM LIQUIDS, SECTION 9.05.99, PENALTIES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The Athens City Zoning Code, Title 9, General Regulations, Chapter 9.05, Fire Control; Petroleum Liquids, Section 9.05.99, Penalties, is hereby amended to read as follows:

9.05.99. – Penalties.

(A) Any person who shall violate any of the provisions of Sections 9.05.01 through 9.05.05, 9.05.07, and 9.05.09, 9.05.11, 9.05.13, and 9.05.14 of the Athens City Code shall ~~severally, for each and every such violation and noncompliance respectively,~~ be **deemed** guilty of a fourth degree misdemeanor, **punishable by not more than 30 days in jail and a fine of not more than \$250.00.** ~~as defined in Sections 2929.21 of the Ohio Revised Code.~~

(B) Any person who shall violate Section 9.05.08 of the Athens City Code, on a first offense, shall be deemed guilty of a minor misdemeanor and fined not more than \$150.00; a second offense within a two-year period shall be deemed a misdemeanor of the fourth degree, punishable by not more than 30 days in jail and a fine of not more than \$250.00; a third offense within a two year period shall be deemed a misdemeanor of the third degree, punishable by not more than sixty days in jail and a fine of not more than \$500.00; and a fourth offense within a two-year period shall be deemed a misdemeanor of the second degree, punishable by not more than 90 days in jail and a fine of not more than \$750.00. Each time a violation occurs shall constitute a separate and complete offense.

~~(B)~~(C) Whoever is convicted of or pleads guilty to a violation of 9.05.06 9.05.12 and 9.05.15 through 9.05.22 herein shall be **deemed** guilty of a minor misdemeanor as ~~defined in Section 2929.21 of the Ohio Revised Code.~~, **and fined not more than \$150.00.**

SECTION II: This Ordinance shall be in effect and full force upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

UTILITY EASEMENT

THIS EASEMENT is made and entered into on the date of the signature below, by Erie Land Co., LLC, an Ohio Limited Liability Company (**Grantor**), whose mailing address is 500 S. Front St., 10th Fl. Columbus, Ohio 43215 and The City of Athens, Ohio, a municipal corporation (**Grantee**), whose address is 8 E. Washington Street, Athens, Ohio 45701.

WITNESSETH:

For and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, the receipt of which is hereby acknowledged by the Grantor, the Grantor grants and conveys to the Grantee, its successors and assigns a Sanitary Utility Easement for the Tyler Park lift station and related equipment, and the right to maintain, repair, and/or replace, as needed, the lift station, utility lines, and related equipment (the "Easement") in the easement area.

The Easement area includes, to wit:

Being a **0.1568 acre Sanitary Utility Easement** located in the City of Athens, Athens Township, Athens County, State of Ohio, Section 22, Township 9 North, Range 14 West, Farm Lot #101 and being part of a 4.06 acre parcel conveyed to Erie Land Co LLC by a deed as recorded in Official Record 585 at Page 1324 of the Athens County Recorder's office, part of a 21.00 acre parcel as conveyed to Erie Land Co LLC by a deed recorded in Official Record 585 at Page 1329 of said county deed records, and being more particularly described in the attached **Exhibit A**.

The plat of this Easement is found on the attached **Exhibit B**.

Grantor, for itself and its successors and assigns, covenants with the Grantee, its successors and assigns, that it is the true and lawful owner in fee simple, and has the right and power to convey the Easement and that the property is free and clear from all liens and encumbrances, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor will warrant and defend the property against all claims of all persons.

The property conveyed by this Easement is being acquired by Grantee for the purpose of building, accessing, and maintaining the Tyler Park Lift Station and related equipment, and the right to maintain, repair, and replace, as needed, the Tyler Park Lift Station and related equipment in the easement area.

The Easement granted by this Agreement shall run with the land of the Grantor, and shall be binding upon the heirs, executors, administrators, successors, and assigns of the Grantor and of the Grantee.

IN WITNESS WHEREOF, Erie Land Co., LLC has caused its name to be subscribed by _____, its duly authorized _____
(office held in LLC), and its duly authorized agent on the _____ day of _____, 2023.

Erie Land Co., LLC

By _____
Print Name

Office held within Erie Land Co., LLC

STATE OF OHIO
COUNTY OF _____, SS:

On _____, 2023, before me, a Notary Public in and for said state and county, personally came _____ who acknowledged being the duly authorized agent of Erie Land Co., LLC, and acknowledged the foregoing instrument to be their voluntary act and deed. This is an acknowledgement clause. No oath or affirmation was administered to the signer with regard to this notarial act.

Printed name: _____
Notary Public
My commission expires: _____

This instrument is two pages in length, plus two exhibits. It was prepared by Jessica Branner Hittle (Reg. No. 0090497), Asst. Athens City Law Director 8 E. Washington Street Athens, Ohio 45701



buckleygroup

engineering + surveying

6801 State Route 56 Athens, Ohio 45701
 Phone: 740-589-5001 Fax: 740-589-5004
www.buckley.group

DESCRIPTION OF A UTILITY EASEMENT

Situated in City of Athens, Athens County, State of Ohio

Being a **0.1568 acre Sanitary Utility Easement** located in the City of Athens, Athens Township, Athens County, State of Ohio, Section 22, Township 9 North, Range 14 West, Farm Lot #101 and being part of a 4.06 acre parcel conveyed to Erie Land Co LLC by a deed as recorded in Official Record 585 at Page 1324 of the Athens County Recorder's office, part of a 21.00 acre parcel as conveyed to Erie Land Co LLC by a deed recorded in Official Record 585 at Page 1329 of said county deed records, and being more particularly described as follows:

Beginning a point at a northwesterly corner of said 0.1568 acre easement, being a point on the easterly line of said 21.00 acre parcel and the southerly right of way line of State Route 682, a variable width right of way, from which the northeast corner of Farm Lot 101, bears N 2° 45' 40" W, 1285.65 feet for reference;

Course No. 1: Thence, S 28° 30' 47" E, with the southerly right of way line of said State Route 682, 123.10 feet to a point;

Through said 4.06 acre parcel the following seven courses:

Course No. 2: Thence, S 59° 17' 30" W, 35.95 feet to a point;

Course No. 3: Thence, N 76° 31' 25" W, 11.27 feet to a point;

Course No. 4: Thence, N 38° 35' 18" W, 16.87 feet to a point;

Course No. 5: Thence, N 32° 09' 05" W, 24.10 feet to a point;

Course No. 6: Thence, N 64° 17' 38" W, 25.66 feet to a point;

Course No. 7: Thence, S 32° 30' 36" W, 28.48 feet to a point;

Course No. 8: Thence, N 54° 13' 38" W, 23.94 feet to a point, being a point on the easterly line of said 21.00 acre parcel;

Course No. 9: Thence, N 35° 46' 41" E, with easterly line of said 21.00 acre parcel, 41.24 feet;

EXHIBIT A

Through said 21.00 acre parcel the following three courses:

Course No. 10: Thence, N 57° 57' 38" W, 7.65 feet to a point;

Course No. 11: Thence, N 32° 10' 08" E, 15.93 feet to a point;

Course No. 12: Thence, S 57° 37' 50" E, 8.66 feet to a point, being a point on the easterly line of said 21.00 acre parcel;

Course No. 13: Thence, N 35° 46' 41" E, with easterly line of said 21.00 acre parcel, 52.81 feet to the **Point of Beginning**, containing **0.1568 acres**, more or less.

Easements are contained within a 4.06 acre parcel conveyed to Erie Land Co LLC as recorded in Official Record 585 at Page 1324 and 21.00 acre parcel as conveyed to Erie Land Co LLC by a deed recorded in Official Record 585 at Page 1329 of said county Deed Records.

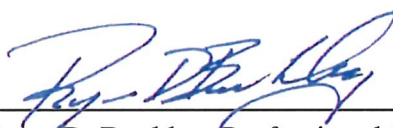
Bearings, coordinates and distances are based on Ohio State Plane (North Zone) Grid, NAD83 (CORS 96) datum.

Plat of Easement is attached hereto and made a part thereof.

This description was prepared under the direct supervision of Ryan D. Buckley, Registered Surveyor No. 8676 and is based on a field survey made by Buckley Group, LLC completed in September 2023.

September 6, 2023

Date



Ryan D. Buckley, Professional Surveyor No. 8676

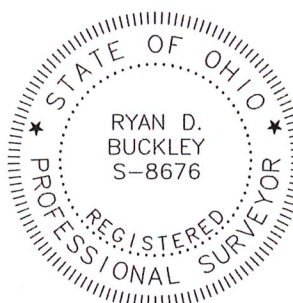


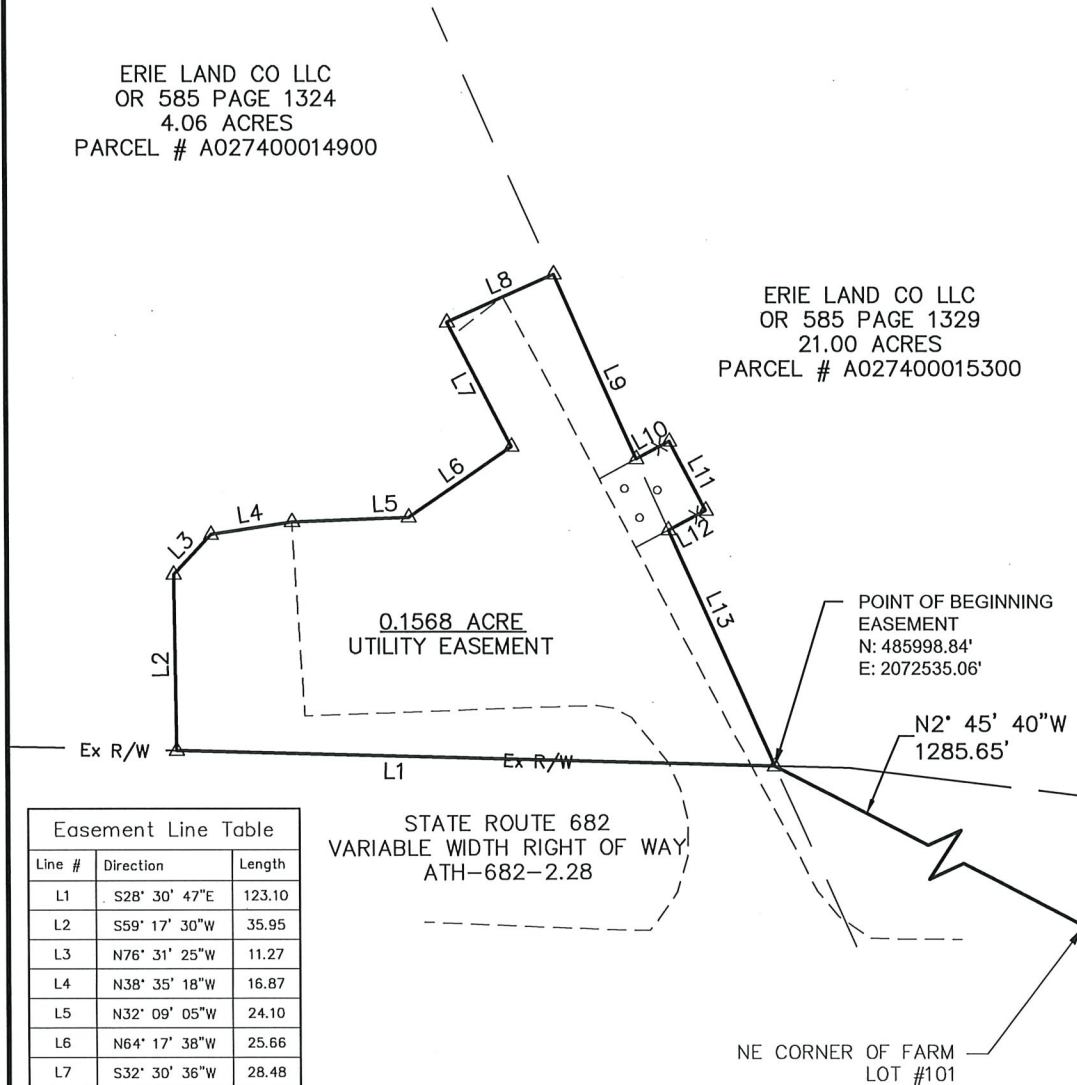
EXHIBIT B

PERTINENT DOCUMENTS AND
SOURCES OF DATA USED:
DEED REFERENCES (AS NOTED)
SPECIFIED COUNTY ROADWAY MAP
SPECIFIED COUNTY TAX PARCEL MAP
PREVIOUS SURVEY PLATS

ATHENS COUNTY
ATHENS TOWNSHIP
SECTION 22
TOWN 9N, RANGE 14W
OHIO COMPANY PURCHASE
STATE of OHIO

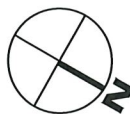
ERIE LAND CO LLC
OR 585 PAGE 1324
4.06 ACRES
PARCEL # A027400014900

ERIE LAND CO LLC
OR 585 PAGE 1329
21.00 ACRES
PARCEL # A027400015300



Easement Line Table		
Line #	Direction	Length
L1	S28° 30' 47"E	123.10
L2	S59° 17' 30"W	35.95
L3	N76° 31' 25"W	11.27
L4	N38° 35' 18"W	16.87
L5	N32° 09' 05"W	24.10
L6	N64° 17' 38"W	25.66
L7	S32° 30' 36"W	28.48
L8	N54° 13' 38"W	23.94
L9	N35° 46' 41"E	41.24
L10	N57° 57' 38"W	7.65
L11	N32° 10' 08"E	15.93
L12	S57° 37' 50"E	8.66
L13	N35° 46' 41"E	52.81

LEGEND	
○	MONUMENT FOUND
●	MONUMENT SET 5/8"x30" REBAR/CAP 04153
△	POINT



0 15 30
1 INCH = 30 FEET
NOTE: DRAWING SCALE MAY BE
ADJUSTED DUE TO REPRODUCTION

ATTENTION:
THIS PLAT OF SURVEY REPRESENTS
THE MINIMUM STANDARDS FOR BOUNDARY
SURVEYS IN THE STATE OF OHIO AS
ADOPTED 5-1-80 OF THE ADMINISTRATIVE
CODE CHAPTER 4733-37. LOCAL
GOVERNING REQUIREMENTS IF MORE
STRINGENT, SHALL BE ADHERED TO.

BASIS OF BEARINGS:
STATE PLANE COORDINATE SYSTEM
OHIO SOUTH ZONE, NAD 83

DATE 9/6/2023
DRWN. RDB ICHK. RDB
JOB NO. 201530

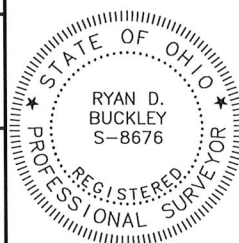
PLAT OF EASEMENT

SURVEYED FOR:
ERIE LAND CO LLC

 **buckleygroup**
engineering+surveying

6801 STATE ROUTE 56,
ATHENS, OH 45701
PH: (740) 589-5001
WEB: buckleygroup


RYAN D. BUCKLEY
PROFESSIONAL SURVEYOR No. 8676
STATE OF OHIO
DATE: 9/6/2023



0-99-23

Introduced by All Members of Council

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Effective January 1, 2024, certain sections of Athens City Code Title 1, General Provisions, Chapter 1.03, Code Fees Established, are hereby amended to read as follows:

Section 5.03.04, Water rates.

\$35.00 Transfer/turn on charge.

An additional ten percent shall be added to water bills not paid on or before the due date. Additional fees shall be charged for the following:

\$15.00 Red tag fee

\$40.00 Delinquency turn-on penalty

\$33.00 Non-sufficient funds charge

~~\$50.00~~ **\$100.00** After hours turn off

Customers served outside the corporation limits of the City of Athens, Ohio, shall be charged the above rates, plus an additional 20 percent.

Section 5.04.05, Wastewater dischargers.

~~\$0.065~~ **\$0.075** per gallon of hauled septage

Section 9.12.03, Opening permit required.

~~\$75.00~~ **\$100.00** Opening permit **into ROW**

[Section 9.02.06](#), Inspection and fees.

New Construction Fire Inspections Fees:

\$100.00 Final

\$50.00 Reinspection

\$50.00 Sprinkler hydrostatic

\$50.00 UG hydro

\$50.00 Fire alarm

Fire Safety Inspection Fees:

\$50.00	Initial annual visit for building with occupied space under 10,000 square feet
\$150.00	Initial annual visit for building with occupied space over 10,000 square feet
\$0.00	1st reinspection after initial visit
\$25.00 \$50.00	2nd reinspection after initial visit
\$50.00 \$100.00	3rd reinspection after initial visit, and increasing by \$25.00 for each subsequent visit thereafter

[Section 11.04.06](#), **Vendors**

\$200.00 Vending per month

~~\$100.00~~ Specialty vendor's license per month – personally manufactured or produced art products for sale to the public

Section 23.06.02(H), Fees.

\$80.00 Application fee

\$100.00 Use permit

\$150.00 New construction permit, plus ~~\$-.03~~ **\$.10** per square foot of gross floor area

~~\$75.00~~ **\$100.00** Alteration permit, plus \$1.50 per thousand dollars of improvement or portion thereof

~~\$75.00~~ **\$100.00** Accessory structure permit

Section 23.07.08(D)(4), Application and standards for variances.

~~\$75.00~~ **\$100.00** Zoning board variance request, plus advertising costs

Section 25.03.04(F), Floodplain land permit

~~\$70.00~~ **\$100.00** Application

Section 27.03.04(B5), (C4), and (D4) Plan content.

\$30.00 **\$50.00** Less than one acre

~~\$60.00~~ **\$150.00** 1—5 acres

~~\$105.00~~ **\$200.00** Greater than five acres

Section 29.03.08, Rental permit fee.

~~\$150.00 per unit for up to 10 units in one building.~~

\$150.00 for 3 bedrooms or less

\$175.00 for 4 bedrooms or more

\$100.00 per housekeeping unit or owner-occupied unit keeping renters.

\$75.00 per unit for over 10 units in one building.

\$100.00 per unit for over 10 units in more than one building at one location.

\$40.00 per bedroom for rooming houses, or short term rentals.

[Section 29.03.10](#)(B), Inspection fee for additional inspections

~~\$40.00~~ **\$50.00**

[Section 29.06.04](#), Demolition fee

~~\$75.00~~ **\$100.00** if equal to or greater than 576 sq. ft.

~~\$35.00~~ **\$50.00** if less than 576 sq. ft.

[Section 41.04](#)(B), Procedure for approval.

~~\$100.00~~ **\$125.00** Application fee

SECTION II: This Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor