

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, OCTOBER 2, 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 Auditor Hecht.

DISPOSITION OF MINUTES:

Grace 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 notice from the Ohio Division of Liquor Control for the following permit transfers:

D5A and D6 permits **from** WHI Athens Management LLC, 331 Richland Avenue Patio & Pool, **to** Crestline Hotels Ohio Bevco LLC, dba Ohio University Inn, at the same address; and

C1 and C2 permits **from** GoBrand, Inc., dba Gopuff, 188 Columbus Road **to** GB License LLC, 141 Columbus Road. Responses for both transfers must be postmarked no later than October 16, 2023.

ORDINANCES FOR THIRD 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. Grace moved for Adoption; Ziff seconded. Adoption was approved unanimously.

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

0-89-23

AN ORDINANCE DECLARING CERTAIN POLICE DEPARTMENT FIREARMS NO LONGER NEEDED FOR A MUNICIPAL PURPOSE. McCarey moved for Adoption; Grace seconded. Adoption was approved unanimously.

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. Risner moved for Adoption; Grace seconded. Adoption was approved unanimously.

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). Risner moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-92-23

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

ORDINANCES FOR SECOND 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: Attorney Andrew Grillo, Toy Law Office, is representing the Red Brick Tavern and Dan DeLuca, to address the proposed penalties. His client is requesting City Council Table this Ordinance in order to establish penalties/guidelines that would be more appropriate for the bar overcrowding issue. The proposed penalty, escalating in scale, ranging from a minor misdemeanor to a second-degree misdemeanor that carries jail time, up to 90 days, and fines of up to \$750 for each subsequent violation, might be excessive, or not achieve the purpose at hand. Obviously, the bar is responsible for overcrowding. The bar owners are simply requesting the opportunity for additional discussion to work toward a solution together. They would also like to address the issue regarding the possible suspension of liquor licenses for overcrowding as a public safety concern.

Spjeldnes shares the fire safety concern expressed by Fire Chief Rymer with regard to the overcrowding of bars, however she would be interested in hearing of other effective strategies that may be offered by the bar owners.

Ziff believes it is important to hear from those who will be directly impacted by this change in the penalties, and would appreciate discussion toward more cooperative measures.

McCarey stressed the need for clear criteria, evidence that will show that a change in fees and consequences is effective in reducing the number of violations.

Swank moved to Table; McCarey seconded. Motion was approved by a 6/1 vote, with Grace voting in opposition.

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.

ORDINANCES FOR FIRST READING:

0-96-23

AN ORDINANCE AMENDING ORDINANCE 11-23 AUTHORIZING CONSTRUCTION OF THE NEW FIRE HEADQUARTERS, PROJECT #346.

0-97-23

AN ORDINANCE AMENDING ATHENS CITY ZONING CODE, TITLE 23, CHAPTER 23.03, GENERAL REGULATIONS AND PERMITTED MODIFICATIONS, SECTION 23.03.13 (L) (1) (a), SIGN REGULATIONS.

Discussion: Swank questioned the impetus for including feather flags.

Grace responded that this type of signage is becoming more prevalent, causing distraction, and is not specifically addressed in our sign regulations.

Swank believes this amendment will only add to the duties of the Code Enforcement Office; there are better uses of their time.

Mayor shared that he has seen these feather flags and views them as a safety distraction. Since the City has zero regulation on this type of advertising, he recommends moving this amended language forward.

Spjeldnes agrees this type of sign could be a distraction for drivers.

Grace clarified that there is already language in the City Code that restricts pennants, ribbons, streamers, strings of lights, or other similar devices for periods not to exceed 30 days, and this would just be adding enforcement to include the feather flags. This is not a new process, only a new type of sign.

Swank continues to question the need for this addition.

0-98-23

AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY NO LONGER NEEDED FOR A MUNICIPAL PURPOSE.

0-99-23

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED. Discussion: Swank moved to Table for a more in-depth discussion of Section 11.04.06, vendor licenses; Crawl seconded. Discussion: Spjeldnes agrees it is necessary to continue the discussion of certain fees, particularly the re-inspection fee for rentals that has not been changed since 2006, indicating the City has no progressive inspection fee schedule. She believes funding needs to be increased so that the Code Enforcement Office can better serve the community's rental needs.

Grace questioned whether this needs tabled, or whether the ordinance could be amended at second reading, emphasizing that the ordinance can be changed without tabling.

Mayor would like the Council to allow a citizen in attendance this evening to speak on the special vending license.

Cricket Jones, a resident artist, vends jewelry and believes the fee is too high. Cricket questioned whether the City views artist vending as a value.

See attached email from Rob Delach.

Motion to Table was approved by a 6/1 vote, with Grace voting in opposition.

0-100-23

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, SECTION 5.04.08, SEWER RATES. Discussion: The Mayor provided a graph of Sewer Fund carryover projections through 2040. The City needs to be thoughtful about the percentage increases over a long period of time; 3% gives the City a longer runway with our debt.

Risner expressed concern that future Federal and State regulations may change requiring additional upgrades to the plant. He believes it is safer to stay with the 3% increase.

Swank indicated that the 2023 carryover is \$6.7 million. Without any increase, the carryover in 2024 and 2025 will be \$7.4; in 2026, it is \$7.2; and only in 2027 does the carryover dip below the current \$6.7 million. He understands that over time, the City will need to increase sewer rates. He does not, however see the need for an increase next year. He questioned, if there is no increase in 2024, but instead a 3% increase in 2025, what the carryover would look like on the graph; he does not think it will change much. If the City can delay increasing the sewer rate another year and not affect the long-term health of the account, he would be interested in that.

Mayor will re-graph 2024 at 0% increase, and will also include 1%, 2% and 3% so Council can review the full picture.

Crowl noted that 3% is the overall goal, although each individual rate is not increased by 3%; the individual residential rate does not go up 3%.

0-101-23

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 7, TRAFFIC CODE, CHAPTER 7.05, PARKING REGULATIONS, SECTIONS 7.05.22 AND 7.05.26.

0-102-23

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, TO INCLUDE SECTIONS 7.05.22 AND 7.05.26, PARKING RATES. Discussion: Ziff expressed concern that drivers of marked delivery vehicles have to pay meters while parked in business loading parking spaces. He noted having seen several receive parking tickets.

Mayor responded that there is an online process that allows individual carriers to register to pay the fee for operating in the City's public right-of-way in the uptown area. The driver does not have to be responsible for paying the meter at the time they are in the space.

Ziff appreciates this information and will inform delivery drivers of this service.

Swank requested the Auditor provide a graph projecting carryover in years 2024, 2025 and 2026 if parking rates were not increased. He questioned instituting rate increases prior to the change from parking meters to a kiosk pay system, pointing out that there will no longer be a need for parking enforcement to patrol the garage, allowing them more time on the street paying particular attention to parking meter, business zone, and handicapped zone violations. The City will generate more money in the Parking Garage, collecting 24 hours a day, 6 days a week, and there will be more boots on the ground around the City collecting more money. It is anticipated that parking revenue will go up. The City will also be saving money on the purchase, repair and maintenance of parking meters. He would like the new kiosk system in place for 6-12 months before consideration of raising rates.

President noted that the City would no longer generate money from parking tickets, cautioning that the City does need to generate some revenue for unanticipated repair costs to the facility.

Auditor reminded Council that the City is still paying down the \$2 million loan for recent repairs to the facility, and that the Parking Garage Fund still owes the General Fund \$85,000.

0-103-23

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE 155-22.

0-104-23

AN ORDINANCE FINALIZING COSTS FOR THE ARMORY, PROJECT #313, AND AUTHORIZING EXPENDITURES FROM THE CITY OF ATHENS TO THE ATHENS COMMUNITY IMPROVEMENT CORPORATION (ACIC) FUND.

0-105-23

AN ORDINANCE AUTHORIZING FUNDS TO THE ATHENS COMMUNITY IMPROVEMENT CORPORATION FOR PAYMENT OF 2023 ARMORY ELECTRIC BILLS; AUTHORIZING AN INTERFUND TRANSFER; AND REQUESTING REIMBURSEMENT FOR PAYMENTS MADE BY THE CITY OF ATHENS.

0-106-23

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A VIBRANT COMMUNITIES GRANT AGREEMENT WITH JOBS OHIO, AS PART OF THE ARMORY PROJECT #313. Swank moved for Suspension of the Rules in order to expedite return of the agreement in order to release the grant funds; Spjeldnes seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-107-23

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A CULTURAL PROJECT COOPERATIVE USE AGREEMENT, THE ATHENS HALL OF HONOR VETERANS MEMORIAL, WITH THE STATE OF OHIO (GENERAL ASSEMBLY), FOR FUNDS GRANTED IN H.B. 687, AS PART OF THE ARMORY PROJECT #313. Discussion: Swank asked for detail on this memorial.

Mayor responded that the memorial will be in the Armory foyer consisting of panels recognizing soldiers who served in the Ohio National Guard from WWI through Desert Storm. There will be other areas throughout the Armory that will reflect the heritage of the Armory. He will provide Council with the Armory designs that include this memorial design.

0-108-23

AN ORDINANCE ESTABLISHING A "SPECIAL REVENUE FUND" POLICY FOR THE CITY OF ATHENS.

ANNOUNCEMENTS & OTHER BUSINESS:

Crowl moved to accept the July and August 2023 Financial reports; Ziff seconded. Motion was approved unanimously.

Grace moved to accept the May, June, July and August 2023 Credit Card Transactions; Ziff seconded. Motion was approved unanimously.

Crowl moved to appoint John Molinaro to the City's Tax Review Board; Swank seconded. The vote was approved by a vote of 6/0/1, with Spjeldnes abstaining.

President of Council

ATTEST:

Clerk of Council