



**AGENDA**  
**ATHENS CITY COUNCIL**  
**MONDAY, NOVEMBER 13, 2023 AT 7:00 PM**

e-mail: [dwalker@ci.athens.oh.us](mailto:dwalker@ci.athens.oh.us)

Streaming is available at [www.ci.athens.oh.us/video](http://www.ci.athens.oh.us/video)

\*\*\*\*\*SPECIAL SESSION\*\*\*\*\*

**1. Establish Quorum**

**2. Ordinances for Third Reading:**

**0-109-23**

AN ORDINANCE ACCEPTING A PERMANENT SANITARY UTILITY EASEMENT FROM ERIE LAND CO., LLC, FOR THE TYLER PARK LIFT STATION.

Introduced by Council Member McCarey

**0-111-23**

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 17, MUNICIPAL INCOME TAX, CHAPTER 17.01, IN GENERAL.

Introduced by Council Member Crowl

**0-112-23**

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 3, ADMINISTRATIVE PROVISIONS, CHAPTER 3.03, EXECUTIVE; OTHER OFFICIALS, SECTION 3.03.07, DEPUTY AUDITOR.

Introduced by Council Member Crowl

**0-113-23**

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE 155-22.

Introduced by Council Member Crowl

**0-114-23**

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 29, HOUSING REGULATIONS, CHAPTER 29.03, RENTAL DWELLING, SHORT TERM RENTAL, AND HOUSING PERMIT, SECTION 29.03.08, FEES.

Introduced by Council Member Crowl

**3. Ordinances for Second Reading:**

**0-99-23**

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL

PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED.  
Introduced by All Members of Council

**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.  
Introduced by Council Member Risner

**0-115-23**

AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF A COMMUNITY REINVESTMENT AREA IN THE CITY OF ATHENS, OHIO, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL.  
Introduced by All City Council Members

**0-116-23**

AN ORDINANCE DECLARING THE IMPROVEMENTS TO CERTAIN REAL PROPERTY LOCATED IN THE CITY OF ATHENS, ATHENS COUNTY, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH IMPROVEMENTS TO BE EXEMPT FROM REAL PROPERTY TAXATION PURSUANT TO OHIO REVISED CODE SECTION 5709.40(B); REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL DIRECTLY BENEFIT THE REAL PROPERTY; AND ESTABLISHING A PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SERVICE PAYMENTS, TOGETHER WITH RELATED AUTHORIZATIONS.  
Introduced by All City Council Members

**0-118-23**

AN ORDINANCE APPROVING THE FINAL PLAT OF THE HOMESTEAD COURT AND BROADMOOR, UNIVERSITY ESTATES, PLANNED UNIT DEVELOPMENT.  
Introduced by Council Member Grace

**0-119-23**

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 3, ADMINISTRATIVE PROVISIONS, CHAPTER 3.07, ADMINISTRATIVE DEPARTMENTS; BOARDS AND COMMISSIONS, SECTION 3.07.74, ESTABLISHMENT OF COMMISSION.  
Introduced by Council Member Crowl

**0-120-23**

AN ORDINANCE AUTHORIZING THE AUDITOR TO REDUCE 2023 YEAR-END APPROPRIATIONS.  
Introduced by Council Member Crowl

**0-121-23**

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE 155-22, AND AUTHORIZING AN INTERFUND TRANSFER.

Introduced by Council Member Crawl

**0-123-23**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO EXECUTE AN EASEMENT AND RIGHT-OF-WAY AGREEMENT WITH THE OHIO POWER COMPANY (AEP) FOR INSTALLATION OF ELECTRICAL SERVICE TO THE NEW FIRE STATION ON STIMSON AVENUE.

Introduced by Council Member McCarey

**0-124-23**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO EXECUTE AN EASEMENT AND RIGHT-OF-WAY AGREEMENT WITH COLUMBIA GAS OF OHIO, INC., FOR SERVICE TO THE NEW FIRE STATION ON STIMSON AVENUE.

Introduced by Council Member McCarey

**4. Ordinance for First Reading:**

**0-125-23**

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE 155-22, AND AUTHORIZING AN INTERFUND TRANSFER.

Introduced by Council Member Crawl

**5. Adjournment**

**6. COMMITTEE OF THE WHOLE:**

- Solid Waste (rates)

**7. FINANCE & PERSONNEL COMMITTEE:**

- 2024 Budget
- Non-Union Compensation & Benefits
- 2024 Income Tax Mix
- Health Insurance (Third Party Administrator contract)
- Medical Insurance (Stop-Loss contract)
- FOP (contract)
- Athens County Convention & Visitors Bureau (contract)

- City Hall 150th Anniversary Renovation (authorized expenditure)
- Appalachian Community Grant (round 2)

#### **8. PLANNING & DEVELOPMENT COMMITTEE:**

- Sunday Creek Horizons (2024 contract)
- Tobacco Retail (license)

City Zoning Code Amendment (request to City Planning Commission)

#### **9. CITY & SAFETY SERVICES COMMITTEE:**

- Amend 0-48-23 (Dairy Lane/Stagecoach sewer, post-construction surface restoration)

Fire Safety Compliance (occupancy update)

#### **10. TRANSPORTATION COMMITTEE:**

- Amend 0-142-22 (West Union Street Improvements, Project #322, to add additional ODOT funding)

East State Street Signal Improvements, Project #367 (design, construction & construction engineering)

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.



**0-109-23**

Introduced by Micah McCarey, Chair  
City & Safety Services Committee

**AN ORDINANCE ACCEPTING A PERMANENT SANITARY UTILITY EASEMENT  
FROM ERIE LAND CO., LLC, FOR THE TYLER PARK LIFT STATION.**

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

**SECTION I:** Athens City Council does hereby accept a permanent sanitary utility easement from Erie Land Co., LLC, for the purpose of building, accessing, and maintaining 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 in the easement area, for the total consideration of One Dollar (\$1.00), more fully described in the agreement and Exhibits "A" and "B" attached hereto and incorporated herein by reference.

**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., 10<sup>th</sup> 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.

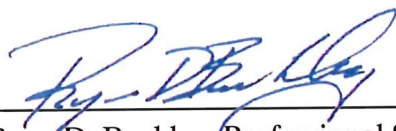
Bearings, coordinates and distances are based on Ohio State Plane (North Zone) Grid, NAD83 (CORS 96) datum.

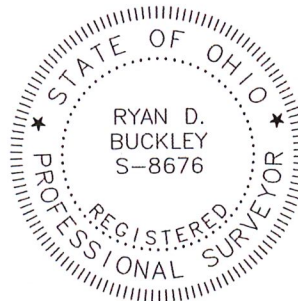
Plat of Easement is attached hereto and made a part thereof.

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



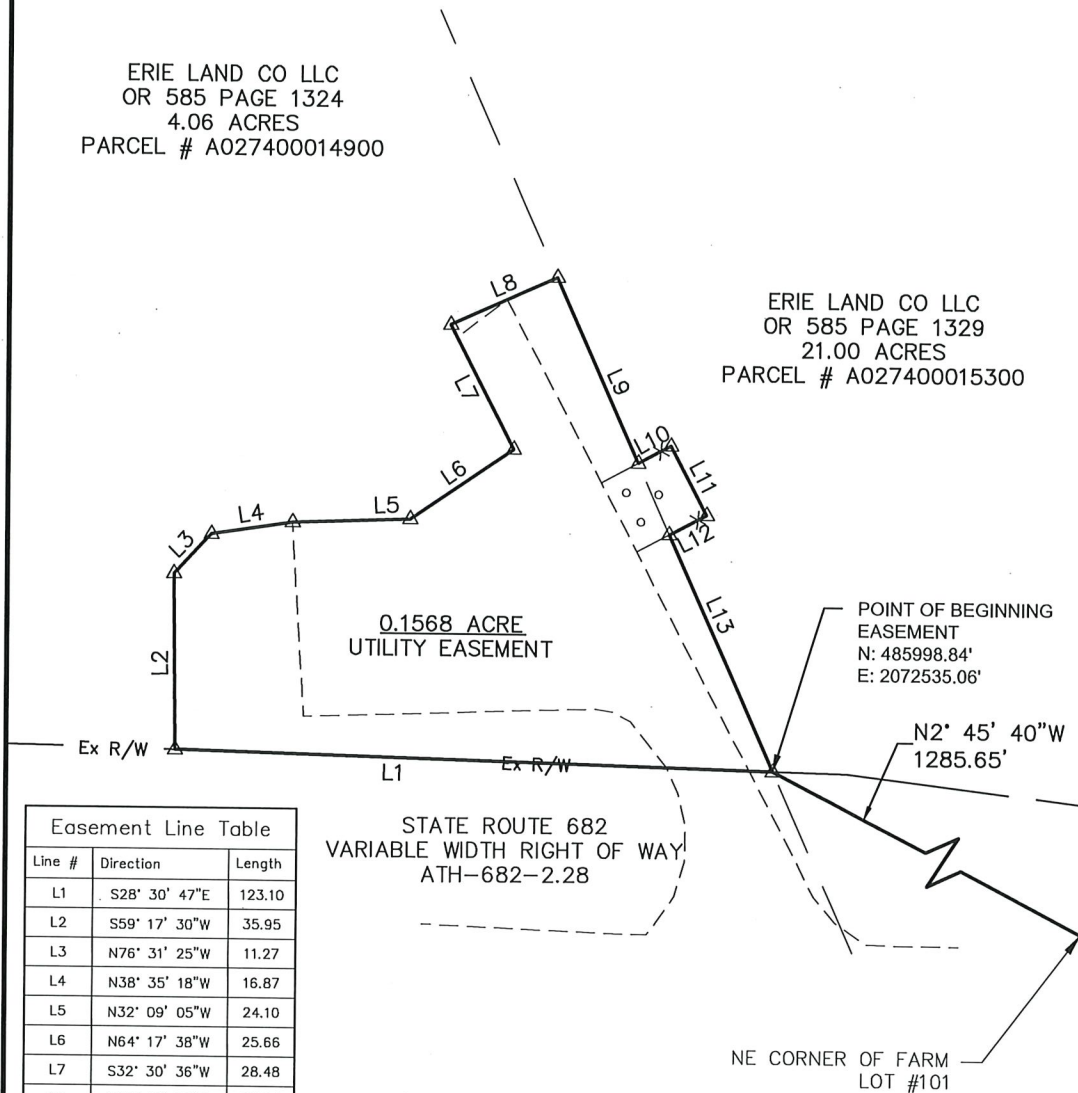
# EXHIBIT B

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<br>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 I/CHECK. RDB  
JOB NO. 201530

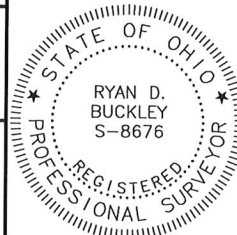
## PLAT OF EASEMENT

SURVEYED FOR:  
ERIE LAND CO LLC



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

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



**0-111-23**

Introduced by Sam Crawl, Chair  
Finance & Personnel Committee

**AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 17, MUNICIPAL  
INCOME TAX, CHAPTER 17.01, IN GENERAL.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO;**

**SECTION I:** Athens City Council hereby amends Athens City Code, Title 17, Municipal Income Tax, Chapter 17.01, In General, a copy of which is attached hereto and incorporated herein by reference.

**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.

**ATTEST:**

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

**APPROVED:**

\_\_\_\_\_  
Mayor



**17.01.014 Statement of procedural history; state mandated changes to municipal income tax.**

(C) Important amendments to Section 718 of the Ohio Revised Code were enacted by Am. Sub. H.B. 33, passed by the 135<sup>th</sup> General Assembly, and signed by Governor DeWine on July 3, 2023, and H.B. 33 required municipal corporations to conform to and adopt the amended provisions of Section 718 of the Ohio Revised Code in order to have the authority to impose, enforce, administer and collect a municipal income tax.

(D) As mandated by H.B. 33, municipal income tax Ordinance 111-23, effective January 1, 2024, comprehensively establishes Title 17 in accordance with the provisions of Section 718 of the Ohio Revised Code to allow the City of Athens to continue the income tax and withholding tax administration and collection efforts on behalf of the City of Athens.

**17.01.02 Effective Date**

(C) Ordinance 111-23, effective January 1, 2024, contains corresponding changes to Section 718 of the Ohio Revised Code. All provisions of this Chapter 17.01 apply to taxable years beginning 2016 and succeeding taxable years.

**17.01.062 Net profit; income subject to net profit tax; alternative apportionment.**

(D) For the purposes of Division (A)(3) of this section, **and except as provided in division (G) of this section**, receipts from sales and rentals made and services performed shall be situated to the City of Athens as follows:

(F)(1) Except as provided in Divisions (F)(2) **and (G)** of this section, commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be situated to the City of Athens if that is where the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to the City of Athens based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the City of Athens to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

**(G)(1) As used in this division:**

**(a) "Qualifying remote employee or owner" means an individual who is an employee of a taxpayer or who is a partner or member holding an ownership interest in a taxpayer**



that is treated as a partnership for federal income tax purposes, provided that the individual meets both of the following criteria:

- (i) The taxpayer has assigned the individual to a qualifying reporting location.
- (ii) The individual is permitted or required to perform services for the taxpayer at a qualifying remote work location.

(b) "Qualifying remote work location" means a permanent or temporary location at which an employee or owner chooses or is required to perform services for the taxpayer, other than a reporting location of the taxpayer or any other location owned or controlled by a customer or client of the taxpayer. "Qualifying remote work location" may include the residence of an employee or owner and may be located outside of a municipal corporation that imposes an income tax in accordance with this chapter. An employee or owner may have more than one qualifying remote work location during a taxable year.

(c) "Reporting location" means either of the following:

- (i) A permanent or temporary place of doing business, such as an office, warehouse, storefront, construction site, or similar location, that is owned or controlled directly or indirectly by the taxpayer;
- (ii) Any location in this state owned or controlled by a customer or client of the taxpayer, provided that the taxpayer is required to withhold taxes under Section 17.01.051 of this chapter, on qualifying wages paid to an employee for the performance of personal services at that location.

(d) "Qualifying reporting location" means one of the following:

- (i) The reporting location in this state at which an employee or owner performs services for the taxpayer on a regular or periodic basis during the taxable year;
- (ii) If no reporting location exists in this state for an employee or owner under division (G)(1)(d)(i) of this section, the reporting location in this state at which the employee's or owner's supervisor regularly or periodically reports during the taxable year;
- (iii) If no reporting location exists in this state for an employee or owner under division (G)(1)(d)(i) or (ii) of this section, the location that the taxpayer otherwise assigns as the employee's or owner's qualifying reporting location, provided the assignment is made in good faith and is recorded and maintained in the taxpayer's business records. A taxpayer may change the qualifying reporting location designated for an employee or owner under this division at any time.

(2) For tax years ending on or after December 31, 2023, a taxpayer may elect to apply the provisions of this division to the apportionment of its net profit from a business or profession. For taxpayers that make this election, the provisions of division (F) of this section apply to such apportionment except as otherwise provided in this division.



A taxpayer shall make the election allowed under this division in writing on or with the taxpayer's net profit return or, if applicable, a timely filed amended net profit return or a timely filed appeal of an assessment. The election applies to the taxable year for which that return or appeal is filed and for all subsequent taxable years, until the taxpayer revokes the election.

The taxpayer shall make the initial election with the tax administrator of each municipal corporation with which, after applying the apportionment provisions authorized in this division, the taxpayer is required to file a net profit tax return for that taxable year. A taxpayer shall not be required to notify the tax administrator of a municipal corporation in which a qualifying remote employee's or owner's qualifying remote work location is located, unless the taxpayer is otherwise required to file a net profit return with that municipal corporation due to business operations that are unrelated to the employee's or owner's activity at the qualifying remote work location.

After the taxpayer makes the initial election, the election applies to every municipal corporation in which the taxpayer conducts business. The taxpayer shall not be required to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in such municipal corporation.

Nothing in this division prohibits a taxpayer from making a new election under this division after properly revoking a prior election.

(3) For the purpose of calculating the ratios described in division (F)(1) of this section, all of the following apply to a taxpayer that has made the election described in division (G)(2):

(a) For the purpose of division (F)(1)(a) of this section, the average original cost of any tangible personal property used by a qualifying remote employee or owner at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(b) For the purpose of division (F)(1)(b) of this section, any wages, salaries, and other compensation paid during the taxable period to a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(c) For the purpose of division (F)(1)(c) of this section, and notwithstanding division (F)(4) of this section, any gross receipts of the business or profession from services performed during the taxable period by a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(4) Nothing in this division prevents a taxpayer from requesting, or a tax administrator from requiring, that the taxpayer use, with respect to all or a portion of the income of the taxpayer, an alternative apportionment method as described in division (F)(2) of this



section. However, a tax administrator shall not require an alternative apportionment method in such a manner that it would require a taxpayer to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in that municipal corporation.

(5) Except as otherwise provided in this division, nothing in this division is intended to affect the withholding of taxes on qualifying wages pursuant to Section 17.01.051 of this chapter.

#### **17.01.094. Extension of time to file.**

(A) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return **for a taxpayer that is an individual** shall be the fifteenth day of the tenth month after the last day of the taxable year to which the return relates. **For tax years ending on or after January 1, 2023, the extended due date of the City of Athens income tax return for a taxpayer that is not an individual shall be the fifteenth day of the eleventh month after the last day of the taxable year to which the return relates.**

(F) If the tax administrator considers it necessary in order to ensure the payment of the tax imposed by the municipal corporation in accordance with this chapter, the tax administrator may require taxpayers to file returns and make payments otherwise than as provided in this section, including taxpayers not otherwise required to file annual returns.

(G) If a taxpayer receives an extension for the filing of a municipal income tax return under division (A)(B), (C), or (E) of this section, the tax administrator shall not make any inquiry or send any notice to the taxpayer with regard to the return on or before the date the taxpayer files the return or on or before the extended due date to file the return, whichever occurs first.

If a tax administrator violates division (G) of this section, the municipal corporation shall reimburse the taxpayer for any reasonable costs incurred to respond to such inquiry or notice, up to \$150.

Division (G) of this section does not apply to an extension received under division (A) of this section if the tax administrator has actual knowledge that the taxpayer failed to file for a federal extension as required to receive the extension under division (A) of this section or failed to file for an extension under division (C) of this section.

**17.01.10. Penalty, interest, fees, and charges.**

(4)(a) For tax years ending on or before December 31, 2022, ~~w~~With respect to returns other than estimated income tax returns, the City of Athens ~~shall~~ **may** impose a monthly penalty of \$25.00 for each failure to timely file each return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed a total of \$150.00 in assessed penalty for each failure to timely file a return.

(b) For tax years ending on or after January 1, 2023, with respect to returns other than estimated income tax returns, the City of Athens may impose a penalty not exceeding \$25 for each failure to timely file each return, regardless of the liability shown thereon, except that The City of Athens shall abate or refund the penalty assessed on a taxpayer's first failure to timely file a return after the taxpayer files that return.

**0-112-23**

Introduced by Sam Crawl, Chair  
Finance & Personnel Committee

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 3, ADMINISTRATIVE PROVISIONS, CHAPTER 3.03, EXECUTIVE; OTHER OFFICIALS, SECTION 3.03.07, DEPUTY AUDITOR.

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

SECTION I: In accordance with Ohio Revised Code 733.19, Athens City Code, Title 3, Administrative Provisions, Chapter 3.03, Executive; Other Officials, Section 3.03.07, is hereby amended to add the following:

3.03.07. - Deputy Auditor.

(A) There is established one position of deputy auditor. The deputy auditor shall assist the auditor in the performance of their duties.

(B) There are established two income tax administrator position(s). The income tax administrator(s) shall be appointed by the auditor and shall work under the direction of the auditor.

(C) Compensation for these positions shall be that sum as set by council.

(D) In the absence or disability of the Auditor, the Deputy Auditor shall perform the duties of the Auditor.

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

**0-113-23**

Introduced by Sam Crawl, Chair  
Finance & Personnel Committee

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE 155-22.

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

SECTION I: The 2023 Appropriation Ordinance 155-22 is hereby amended by appropriating from the unappropriated balance the following sums:

Fourteen Thousand Eight Hundred Forty-Three and 33/100 Dollars (\$14,843.33) to General Fund, Fire, 101.208, T.C. 500, for BWC Grant; and

Forty-Five Thousand Dollars (\$45,000.00) to General Fund, Parking Enforcement, 101.718, T.C. 300, (\$25,000.00) for credit card fees and (\$20,000.00) for maintenance contract, and increasing the total appropriations by the same amounts.

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

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

**0-114-23**

Introduced by Sam Crawl, Chair  
Finance & Personnel Committee

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 29, HOUSING REGULATIONS, CHAPTER 29.03, RENTAL DWELLING, SHORT TERM RENTAL, AND HOUSING PERMIT, SECTION 29.03.08, FEES.

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

SECTION I: Athens City Code Title 29, Housing Regulations, Chapter 29.03, Rental Dwelling, Short Term Rental, and Housing Permit, Section 29.03.08, Fees, is hereby amended to read as follows:

29.03.08. - Fees.

(A) The annual fee for a rental dwelling, short term rental, or rooming house permit shall be established by ordinance. Nothing herein contained shall prohibit the owner of a dwelling used for rental purposes from treating all the required inspection fees as a normal business expense incidental to the renting of property and, therefore, an appropriate consideration in the determination of debt. A permit issued after July 1 shall pay half of the annual fee for that year.

(B) Failure to pay a rental permit fee within one year after the date of its mailing, shall result in the cancellation of the rental permit.

(C) Said rental permit shall be reinstated upon payment of all past due amounts, plus interest, along with a reinstatement fee of ~~\$100.00 per unit~~ **established by separate ordinance**.

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



**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 **on**

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                                                                 |
| <del>\$25.00</del> \$50.00  | 2nd reinspection after initial visit                                                                 |
| <del>\$50.00</del> \$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

~~\$ 25.00~~ 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~~ **\$175.00** per unit for up to 10 units in one building

\$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

**\$100.00 rental permit reinstatement fee**

Section 29.03.10(A), Reinstatement fee — ~~\$100.00~~

Section 29.03.10(B), Inspection fee for additional inspections.

~~\$40.00~~ **\$65.00**

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

**0-102-23**

Introduced by Jeff Risner, Chair  
Transportation Committee

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.

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

SECTION I: Effective January 1, 2024, Athens City Code Title 1, General Provisions, Chapter 1.03, Code Fees Established, Section 7.05.22, is hereby amended to read as follows:

7.05.22. Pay parking rates, regulations and penalties.

(A)

The city pay parking rates shall be as follows:

- (1) High intensity zones shall cost ~~\$1.00~~ **\$1.25** per hour (\$0.25 per ~~15~~ **12** minutes);
- (2) Moderate intensity zones shall cost ~~\$0.75~~ **\$1.00** per hour (\$0.25 per ~~20~~ **15** minutes);
- (3) Low intensity zones and all accessible parking spaces shall cost ~~\$0.50~~ **\$0.75** per hour (\$0.25 per ~~30~~ **20** minutes);
- (4) Single space short term parking meters shall be no more than a 20-minute time limit and shall cost ~~\$0.50~~ **\$0.75** per 20 minutes (~~\$0.25~~ **\$0.40** per 10 minutes);
- (5) Contractor bags shall cost \$8.00 Per day.

SECTION II: Effective January 1, 2024, Athens City Code Title 1, General Provisions, Chapter 1.03, Code Fees Established, Section 7.05.26(B) (1 through 5), is hereby amended to read as follows:

7.05.26. - Regulation of city parking garage.

(B) The city parking garage rates and regulations are established as follows:

- (1) ~~75-cents~~ **\$1.00** per hour and **\$0.25** cents per ~~20~~ **15** minutes.



(2) Card system charges will be ~~75-cents~~ **\$1.00** per hour and refunds will be in 20-minute increments.

(3) \$150.00 per month to reserve a space on levels Lower B, Upper B, and Lower 1.

(4) \$125.00 plus any transactional fees per space per month for up to 150 non-reserved spaces above Level 3.

(5) The service-safety director is hereby authorized to enter into written agreements to lease multiple non-reserved parking spaces, and offer an appropriate discount. However, the minimum cost per space may not be less than \$100.00 plus any transactional fees.

SECTION III: 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

**0-115-23**

Introduced by All City Council Members

AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF A COMMUNITY REINVESTMENT AREA IN THE CITY OF ATHENS, OHIO, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL.

WHEREAS, the City Council of the of the City of Athens, Ohio (the "City"), desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of the City that have not enjoyed reinvestment from remodeling or new construction; and

WHEREAS, the City, with the assistance of Community Building Partners, LLC, has conducted a housing survey of the area to be included in the proposed community reinvestment area, as required by Ohio Revised Code Section ("R.C.") 3735.66, a copy of such housing survey is on file, as part of Ordinance 77-23, in the office of the Clerk of Council (the "Clerk") and is incorporated herein by reference; and

WHEREAS, the construction of new structures for commercial, industrial, or residential uses in the proposed community reinvestment area would serve to encourage economic stability, maintain real property values, and generate new employment opportunities within the proposed community reinvestment area; and

WHEREAS, the construction of new commercial, industrial, or residential structures in the proposed community reinvestment area constitutes a public purpose for which real property tax exemptions may be granted; and

WHEREAS, it is necessary to adopt this Ordinance as soon as practicable to provide economic stability, maintain real property values, and to generate new employment opportunities, thereby preserving the public peace, health, and safety of the City and its citizens.

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

SECTION I: The proposed community reinvestment area hereby designated as the "Ridges Community Reinvestment Area" (the "Community Reinvestment Area") constitutes an area in which housing facilities or structures of historical significance are

located, and in which new housing construction and repair of existing facilities or structures are discouraged.

SECTION II: Pursuant to R.C. 3735.66, the Community Reinvestment Area is hereby established in the area described in Exhibit A, attached hereto and incorporated herein by reference.

The community reinvestment area exemptions granted for real property within the Community Reinvestment Area shall be consistent with the applicable zoning regulations and Section III of this Ordinance.

SECTION III: Within the Community Reinvestment Area, exemptions from real property taxes on the assessed valuation of new structures or the increase in the assessed valuation of existing structures after remodeling as described herein and in R.C. 3735.67 may be granted for each parcel of real property on which a structure is remodeled or constructed to be used for commercial, industrial, or residential purposes. Exemptions granted for commercial and industrial purposes shall be negotiated on a case-by-case basis in advance of the effectiveness of any such tax exemption pursuant to R.C. 3735.671. The results of such negotiation as approved by this Council will be memorialized in writing in a community reinvestment area agreement and in approval legislation in accordance with R.C. 3735.671.

Pursuant to R.C. 3735.67, exemptions granted for the remodeling of a residential structure and upon which the cost of remodeling (i) is at least Two Thousand Five-Hundred Dollars (\$2,500.00) if the residential structure is comprised of up to two family units or (ii) is at least Five Thousand Dollars (\$5,000.00) if the residential structure is comprised of three family units or more, will be a fifteen (15) year tax exemption for one hundred percent (100%) of the amount by which the remodeling increased the assessed value of the property. Exemptions granted for the construction of a residential structure will be a fifteen (15) year tax exemption for one hundred percent (100%) of the amount by which the construction increased the assessed value of the property.

For the purposes of the Ridges Community Reinvestment Area and pursuant to R.C. 3735.66, the construction or remodeling of any structure composed of a single-family unit, duplexes, triplexes, or multi-family units will be classified as a "residential structure," as long as it complies with all applicable zoning regulations.

SECTION IV: To administer and implement the provisions of this Ordinance, the Service-Safety Director for the City of Athens, or any such person designated by the Service-Safety Director, is designated as the Housing Officer as described in R.C. 3735.65 through 3735.70.

SECTION V: Pursuant to R.C. Section 3735.69, the Athens Community Reinvestment Area Housing Council (the "Housing Council") is hereby created, which Housing Council shall consist of two members appointed by the Mayor of the City, two members appointed by this Council, and one member appointed by the Planning Commission of the City. Terms of the members of the Housing Council shall be for three (3) years. An unexpired term resulting from a vacancy in the Housing Council shall be filled in the same manner as the initial appointment was made. The Housing Council shall make an annual inspection of the properties within the Community Reinvestment Area for which an exemption has been granted under R.C. 3735.67. The council shall also hear appeals under R.C. 3735.70.

SECTION VI: A Community Reinvestment Area monitoring fund is hereby created to be used exclusively for the purpose of complying with R.C. 3735.672 and for the purposes of performing duties prescribed by R.C. Section 5709.85 by the applicable Tax Incentive Review Council.

SECTION VII: Pursuant to R.C. 5709.85, a Tax Incentive Review Council of Athens, Ohio (the "TIRC") has already been formed. The TIRC shall review annually the compliance of all agreements involving the granting of exemptions for commercial or industrial real property improvements within the Community Reinvestment Area under R.C. 3735.671 and make written recommendations to this Council as to continuing, modifying or terminating said agreement based upon the performance of such agreements.

SECTION VIII: The recitals to this Ordinance are hereby incorporated into and shall constitute a part of this Ordinance.

SECTION IX: Upon the adoption of this Ordinance, this Council shall send, by certified mail, one copy of the Ordinance and a map of the Community Reinvestment Area in sufficient detail to denote the specific boundaries of the area, to the Director of the Ohio Department of Development.

The Ordinance shall be published in a newspaper of general circulation in the City of Athens once a week for two consecutive weeks, or as provided in R.C. 7.16, immediately following its adoption.

SECTION X: The Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, that all deliberations of this Council and of its committees, if any, which

resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including R.C. 121.22.

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

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Christine Knisely  
President of Council

ATTEST:

APPROVED:

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Debra Walker  
Clerk of Council

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Steve Patterson  
Mayor

## **EXHIBIT A**

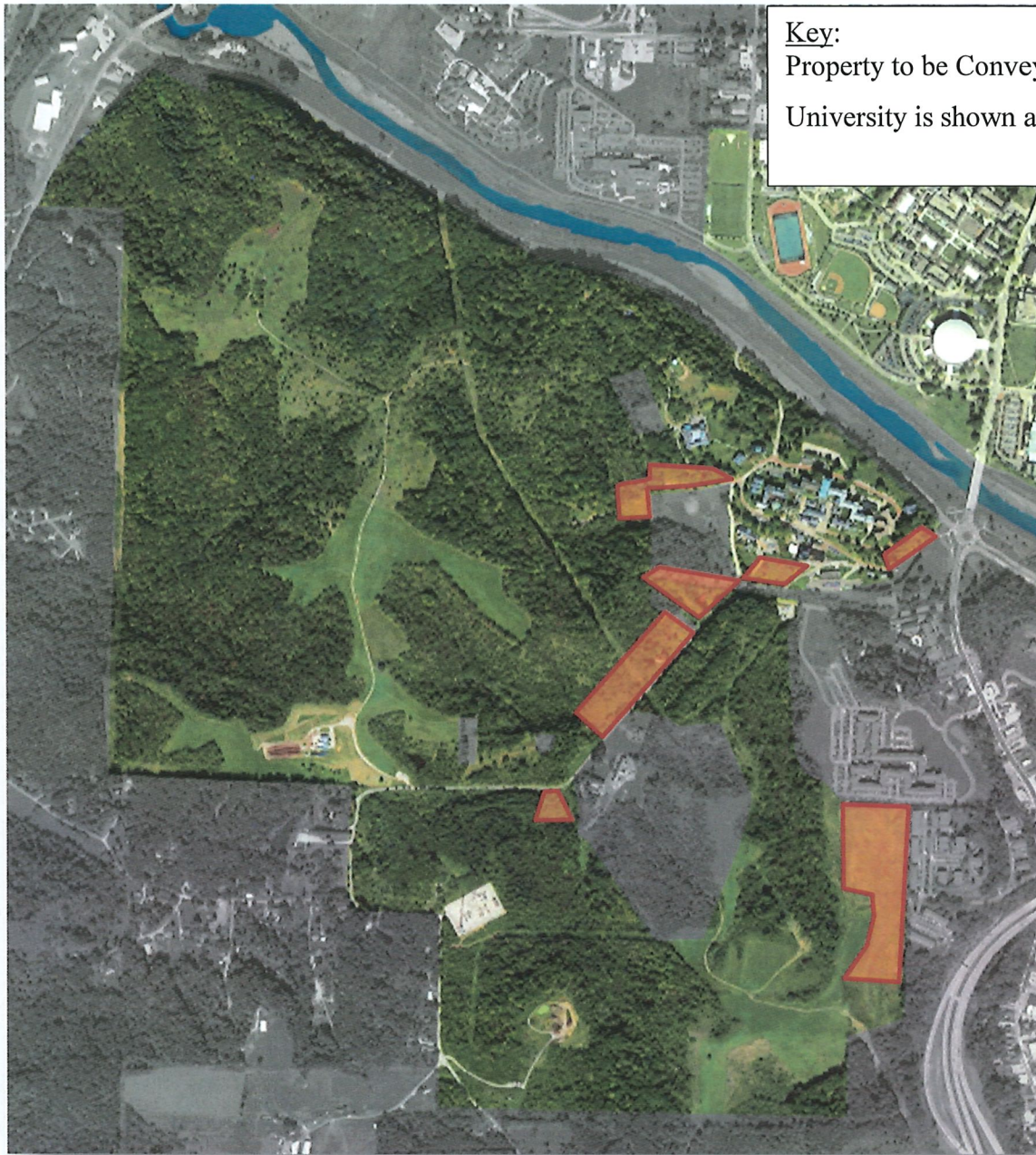
### **DESCRIPTION OF THE RIDGES COMMUNITY REINVESTMENT AREA**

The Ridges Community Reinvestment Area is comprised of the three areas depicted in this Exhibit A, “Property to be Conveyed by University”, “Property to be Conveyed by City”, and the “Historical Ridges Campus”. The Ridges Community Reinvestment Area appears as outlined below in this Exhibit A on real property comprising approximately 87+/- acres located within the City of Athens. The area outlined in orange consists of the “Property to be Conveyed by University”. The area outlined in blue consists of the “Historical Ridges Campus”. The area outlined in hash-marked yellow consists of the “Property to be Conveyed by City”. The Ridges Community Reinvestment Area is comprised of all or portions of the ten (10) parcels depicted on pages A-2 and A-5 and currently listed as Athens County Tax Parcels: A029050100100, A029050100200, A029050100400, A029050100800, A029050100900, A029050101200, A029050101300, A029050101400, A029050101500, and A029050103000.

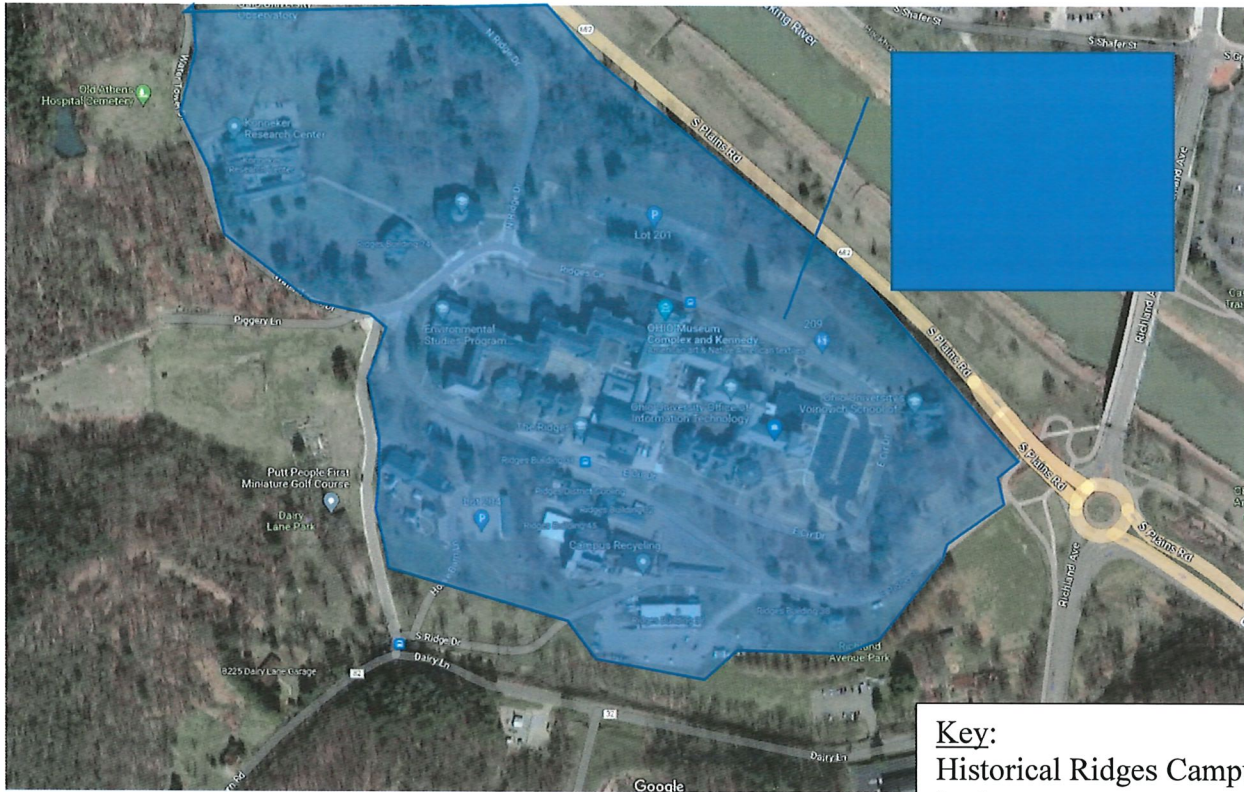








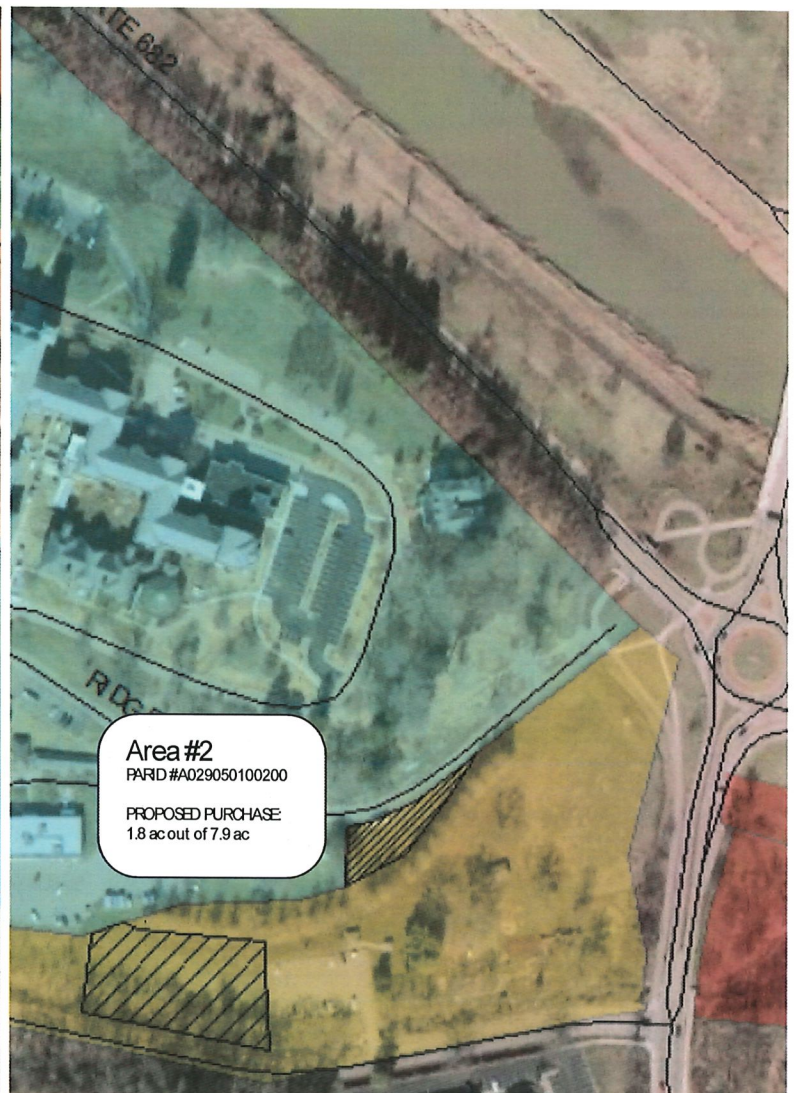
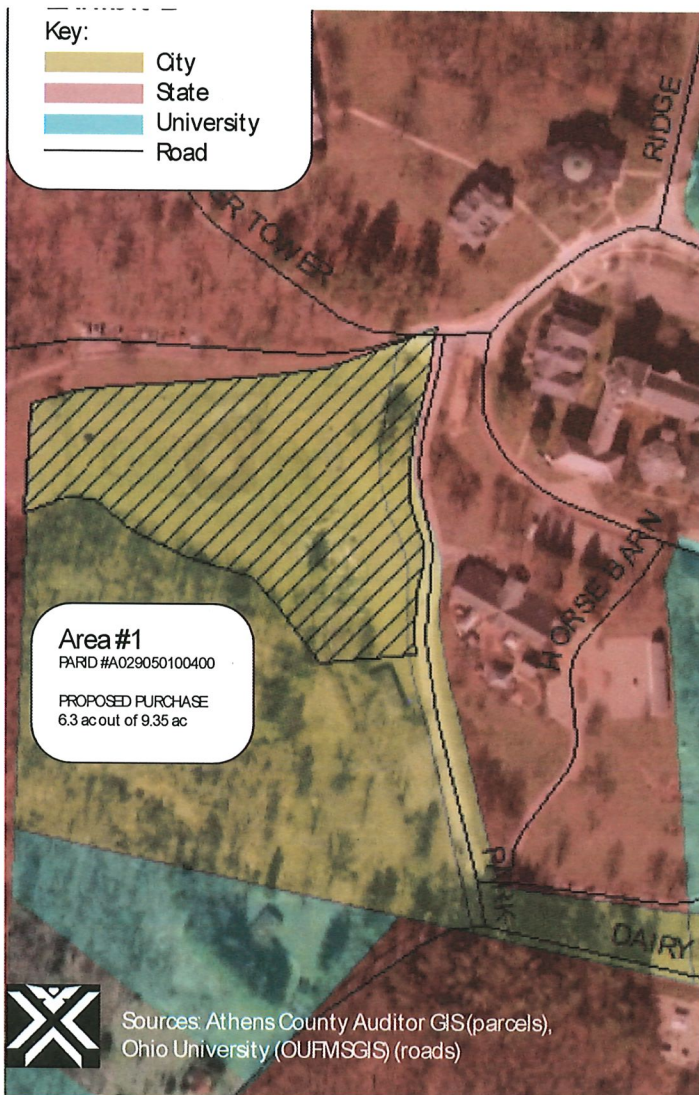
Key:  
Property to be Conveyed by  
University is shown as: 



Key:  
 Historical Ridges Campus area  
 is shown as:







The three regions in yellow designated by the hash marks denote the portions of the legal parcels that consist of the area “Property to be Conveyed by City.”

**0-116-23**

Introduced by All City Council Members

AN ORDINANCE DECLARING THE IMPROVEMENTS TO CERTAIN REAL PROPERTY LOCATED IN THE CITY OF ATHENS, ATHENS COUNTY, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH IMPROVEMENTS TO BE EXEMPT FROM REAL PROPERTY TAXATION PURSUANT TO OHIO REVISED CODE SECTION 5709.40(B); REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL DIRECTLY BENEFIT THE REAL PROPERTY; AND ESTABLISHING A PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SERVICE PAYMENTS, TOGETHER WITH RELATED AUTHORIZATIONS.

**WHEREAS**, the City of Athens, Ohio (the "City") in coordination with Community Building Partners LLC, and its affiliates and assigns (the "Developer"), has prepared a strategy to foster the development and redevelopment of certain real property located within the City and the Ridges New Community Authority new community district for various residential and commercial uses (the "Ridges Property"), all in an effort to contribute to the positive economic development of the Ridges Property, to enlarge and create a taxable property tax base underlying the Ridges Property, and to stimulate collateral development within the Ridges Property and the City; and,

**WHEREAS**, the Developer plans to contribute to the economic development of the City by developing and redeveloping a mixed-use development on the Ridges Property which plans include senior housing, artisan live-work units, commercial properties, owner-occupied business properties, and renewable energy resources, together with site improvements and appurtenances related thereto (the "Development"), all as described in the Petition to form the Ridges New Community Authority that was submitted by the Developer and approved by this Council via Ordinance No. 77-23, adopted on June 15, 2023, and as may be further described and defined pursuant to one or more development agreements that may be executed between the City and the Developer, along with such other agreements as may be required from time to time; and,

**WHEREAS**, the Ridges Property, the real property upon which the Development will be constructed, shall constitute the real property comprising the TIF Site (the "TIF Site" with each parcel comprising the TIF Site, whether as presently appearing on the Athens County tax duplicates or as appearing on future tax duplicates due to subsequent subdivisions, combinations, re-combinations, or re-numberings, being referred to individually as a "Parcel"), as is more fully depicted and described in **EXHIBIT A**, attached hereto and incorporated herein by reference; and,

**WHEREAS**, this Council has determined that it is necessary, appropriate and in the best interests of the City to utilize Division (B) of Ohio Revised Code Section ("R.C.") 5709.40, along with R.C. 5709.42, 5709.43, and any other related provisions (collectively, the "TIF Act") in order to: (i) authorize municipal tax increment financing to declare the Improvement (as defined herein) of any Parcel comprising the TIF Site to be a public purpose exempt from real property taxation, (ii) require annual service payments in lieu of real property taxes with respect to the Parcels comprising the TIF Site, pursuant to R.C. 5709.42, (iii) establish a public improvement tax increment equivalent fund into which such service payments shall be deposited, and (iv) provide a mechanism to facilitate and finance the construction of the public infrastructure improvements that will directly benefit the Parcels comprising the TIF Site, as described on **EXHIBIT B** attached hereto and incorporated herein by reference (the "Public Infrastructure Improvements"); and,

**WHEREAS**, the TIF Act provides for the use of municipal tax increment financing to pay the costs of Public Infrastructure Improvements, which costs may include, without limitation: (i) the payment for or reimbursement of costs of the Public Infrastructure Improvements incurred by the Developer, the City, the Ridges New Community Authority, or any other public or private party in cooperation with the City, and (ii) payment of debt service, required reserves, and administrative expenses on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements (collectively, the "Debt Service"); and,

**WHEREAS**, it is the intention of this Council to pay to the Athens City School District (the "Athens City Schools") and the Tri-County Career Center (the "Tri-County" and together with the Athens City Schools, the "School Districts") certain compensation payments to compensate the School Districts in the amount of the taxes that would have been payable (as defined herein) to the School Districts but for this Council's authorization of this Ordinance and the TIF Exemption (as defined herein); accordingly, certain compensation payments shall be paid to the School Districts as provided in this Ordinance, which provides that Tri-County shall receive compensation at the same rate and under the same terms received by the Athens City Schools; and,

**WHEREAS**, because this Ordinance provides that the School Districts shall receive compensation in the amount of the taxes that would have been payable to the School Districts but for this Council's authorization of this Ordinance and the TIF Exemption, notice of this proposed Ordinance was delivered to each of the School Districts at least fourteen (14) days prior to the day on which this Council intended to adopt this Ordinance, pursuant to R.C. 5709.40(D)(5) and 5709.83; and,

**WHEREAS**, pursuant to the compensation provided to the School Districts by the terms of this Ordinance, the percentage of the Improvement (as defined herein)

that may be exempted from taxation may exceed seventy-five percent (75%) and the TIF Exemption may be authorized for up to thirty (30) years without the approval of the Board of Education of the Athens City Schools, all pursuant to R.C. 5709.40(D)(1); and,

**WHEREAS**, the City desires to grant a one hundred percent (100%) exemption from real property taxation for a period of thirty (30) years (the "TIF Exemption") for each Improvement to the TIF Site; and,

**WHEREAS**, by separate Ordinance (the "CRA Creation Ordinance") and pursuant to R.C. 3735.65 and 3735.66, this Council intends to designate a Community Reinvestment Area that is coterminous with the boundaries of the TIF Site to further encourage the positive economic development and redevelopment of the Ridges Property;

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

**SECTION I: Authorization of TIF Exemption.** Pursuant to and in accordance with the provisions of R.C. 5709.40(B), this Council hereby finds and determines that one hundred percent (100%) of the increase in the assessed value of each Parcel comprising the TIF Site that first appears on the tax list and duplicate of real and public utility property subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "Improvement" or "Improvements," as defined in R.C. 5709.40(A)(4)) is declared to be a public purpose. Pursuant to and in accordance with the TIF Act, the Improvement with respect to each Parcel shall be exempt from real property taxation (the "TIF Exemption") for a period commencing for each Parcel in the tax year in which the Athens County Auditor determines that there is an Improvement caused by any "Project" as such term is defined in R.C. 5709.40(A)(7) on that Parcel within the TIF Site (the "Commencement Date"); and ending, for each Parcel included within the TIF Site, on the date that is the earlier of (a) thirty (30) years after the Commencement Date, or (b) the date on which the City can no longer require service payments in lieu of taxes, either by law, or because the costs of all Public Infrastructure Improvements are paid for, in accordance with the requirements of R.C. 5709.40, 5709.42, and 5709.43. The TIF Exemption with respect to each Parcel shall be subordinate to any real property tax abatement provided under R.C. Chapter 3735, the CRA Creation Ordinance, and any future CRA Agreements entered into between the City and the Developer or any other property owner pursuant to R.C. 3735.65 through R.C. 3735.70, irrespective of who files the exemption application under R.C. 5709.911.



SECTION II: Payment of Service Payments. As provided in R.C. 5709.42, but only while the TIF Exemption for each Parcel is effective, this Council hereby directs and requires the Developer (to the extent that the Developer is the owner of such Parcel) and any other current or future owner, or owners, of each of the Parcels comprising the TIF Site (the "Owner" or "Owners") to make annual service payments in lieu of taxes with respect to the Improvement allocable to each Owner's Parcel to the County Treasurer of Athens County, Ohio (the "County Treasurer") on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then-current rate established under R.C. 323.121 and 5703.47, will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if this Council had not authorized the TIF Exemption pursuant to this Ordinance. Such service payments in lieu of taxes, penalties and interest, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reduction required by R.C. 319.302, 321.24, 323.152, and 323.156, as the same may be amended from time to time, or any successor provisions thereto, as the same may be amended from time to time (the "Property Tax Rollback Payments," and together with the annual service payments in lieu of taxes and penalties and interest described above, the "Service Payments"). Such Service Payments will be allocated and distributed in accordance with Sections III and IV of this Ordinance.

SECTION III: Creation of TIF Fund; Application of Service Payments. This Council hereby establishes, pursuant to and in accordance with the provisions of R.C. 5709.43, a Public Improvement Tax Increment Equivalent Fund (the "TIF Fund"). The City Treasurer may create one or more accounts or sub-accounts within such fund as appropriate to distinguish the Service Payments received with respect to the TIF Exemption established pursuant to this Ordinance from any other tax increment financing programs that may be established by the City in the future and as are necessary to account for payment of the costs of the Public Infrastructure Improvements, including any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements, Debt Service on, and other expenses relating to the issuance of any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements. As used in this Ordinance, TIF Fund shall refer to the specific fund or account that receives the Service Payments provided for in this Ordinance.

The TIF Fund shall be maintained in the custody of the City and shall receive all distributions of Service Payments required to be made to the City. Those Service Payments received by the City with respect to the TIF Exemption, shall be used solely for the purposes authorized in the TIF Act, its related rules and laws, and this Ordinance, including, but not limited to, paying any costs of the Public Infrastructure

Improvements. For purposes of this Ordinance, "costs" of the Public Infrastructure Improvements payable from the TIF Fund shall specifically include, but are not limited to, the items of "costs of permanent improvements" set forth in R.C. Section 133.15(B) and incurred with respect to the Public Infrastructure Improvements, which "costs" specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements, Debt Service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements. The TIF Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any surplus funds remaining therein shall be transferred to the City's General Fund, all in accordance with the TIF Act.

SECTION IV: Payments to the School Districts. Pursuant to the TIF Act, the County Treasurer shall make semi-annual payments to Athens City Schools, solely from the Service Payments, collectively in the amount equal to the property tax payments that the Athens City Schools would otherwise have received from the Improvements had the Improvements not been exempted pursuant to the TIF Exemption authorized by this Ordinance. Pursuant to R.C. 5709.40(D)(1), the City is required to compensate Tri-County at the same rate and under the same terms received by the Athens City Schools. Therefore, the County Treasurer shall also make semi-annual payments to Tri-County, solely from the Service Payments, collectively in the amount equal to the property tax payments the Tri-County would otherwise have received from the Improvements had the Improvements not been exempted pursuant to the TIF Exemption authorized by this Ordinance. No such payments to the School Districts shall be made with respect to the Improvements exempted from real property taxation under R.C. Chapter 3735, the CRA Creation Ordinance, and any future CRA Agreements for the period, and to the extent that, the Improvements are exempt pursuant to R.C. Chapter 3735, the CRA Creation Ordinance, and any such CRA Agreements.

The County Treasurer shall remit all remaining Service Payments to the City for deposit in the TIF Fund established in Section III of this Ordinance. The City shall then distribute the Service Payments on deposit in the TIF Fund to pay, or reimburse, the City, the Developer, the Ridges New Community Authority, or any other designee identified by the City for the costs of Public Infrastructure Improvements constructed by the City, the Developer, or the Ridges New Community Authority, respectively, according to the terms and conditions of one or more separately negotiated agreements between the City, Developer, the Ridges New Community Authority, or any other designee identified by the City, as the case may require, provided that one hundred percent (100%) of the Service Payments on deposit in the TIF Fund are to be used to finance the Public Infrastructure Improvements designated in this Ordinance and for the purposes described in the TIF Act and its related laws and rules.

SECTION V: Public Infrastructure Improvements. This Council hereby designates the Public Infrastructure Improvements described in **EXHIBIT B** attached hereto as “public infrastructure improvements” (as such term is defined in R.C. 5709.40(A)(8)) made, to be made, or in the process of being made, and that, once made, will directly benefit the Parcels comprising the TIF Site.

SECTION VI: Application for Real Property Tax Exemption and Remission. This Council hereby authorizes and directs the City Planner, the City Treasurer, and other appropriate officers of the City, to prepare and sign any applications for real property tax exemption pursuant to R.C. 5709.911, the provisions of which govern the priority status of the exemptions provided under this Ordinance.

SECTION VII: Further Authorizations. This Council further hereby authorizes and directs the City Planner, the City Treasurer, and other appropriate officers of the City, to prepare and sign all agreements, and any amendments thereto such that the character of those changes is not substantially adverse to the City, which shall be established conclusively by their signatures thereon, and to prepare and sign all instruments and to take all other actions as may be necessary and appropriate to implement this Ordinance.

SECTION VIII: Notices. This Council hereby finds and determines that notice of this proposed Ordinance has been delivered to all affected school districts, including Athens City Schools and Tri-County, in accordance with R.C. 5709.40 and 5709.83, and hereby ratifies the giving of that notice.

SECTION IX: Tax Incentive Review Council. This Council hereby designates the Tax Incentive Review Council of Athens, Ohio (the “TIRC”) as the tax incentive review council that shall annually review the TIF Exemption resulting from this Ordinance and any other matters as may properly come before the TIRC, in accordance with R.C. 5709.85.

SECTION X: Ohio Department of Development. Pursuant to R.C. 5709.40(I), the City Planner, the City Treasurer, or another appropriate officer of the City is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen (15) days after its adoption. On or before March 31 of each year that the TIF Exemption set forth in Section I hereof remains in effect, the City Treasurer or another authorized officer of this City shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under R.C. 5709.40(I).

SECTION XI: Nondiscriminatory Hiring Practices. In accordance with R.C. 5709.832, this Council hereby determines that no employer located upon the Parcels

comprising the TIF Site is to deny any individual employment based on considerations of race, religion, sex, disability, color, national origin, or ancestry.

SECTION XII: Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with Ohio's Sunshine Laws, including R.C. 121.22.

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

ATTEST:

\_\_\_\_\_  
Debra Walker  
Clerk of Council

\_\_\_\_\_  
Christine Knisely  
President of Council

APPROVED:

\_\_\_\_\_  
Steve Patterson  
Mayor

## **EXHIBIT A**

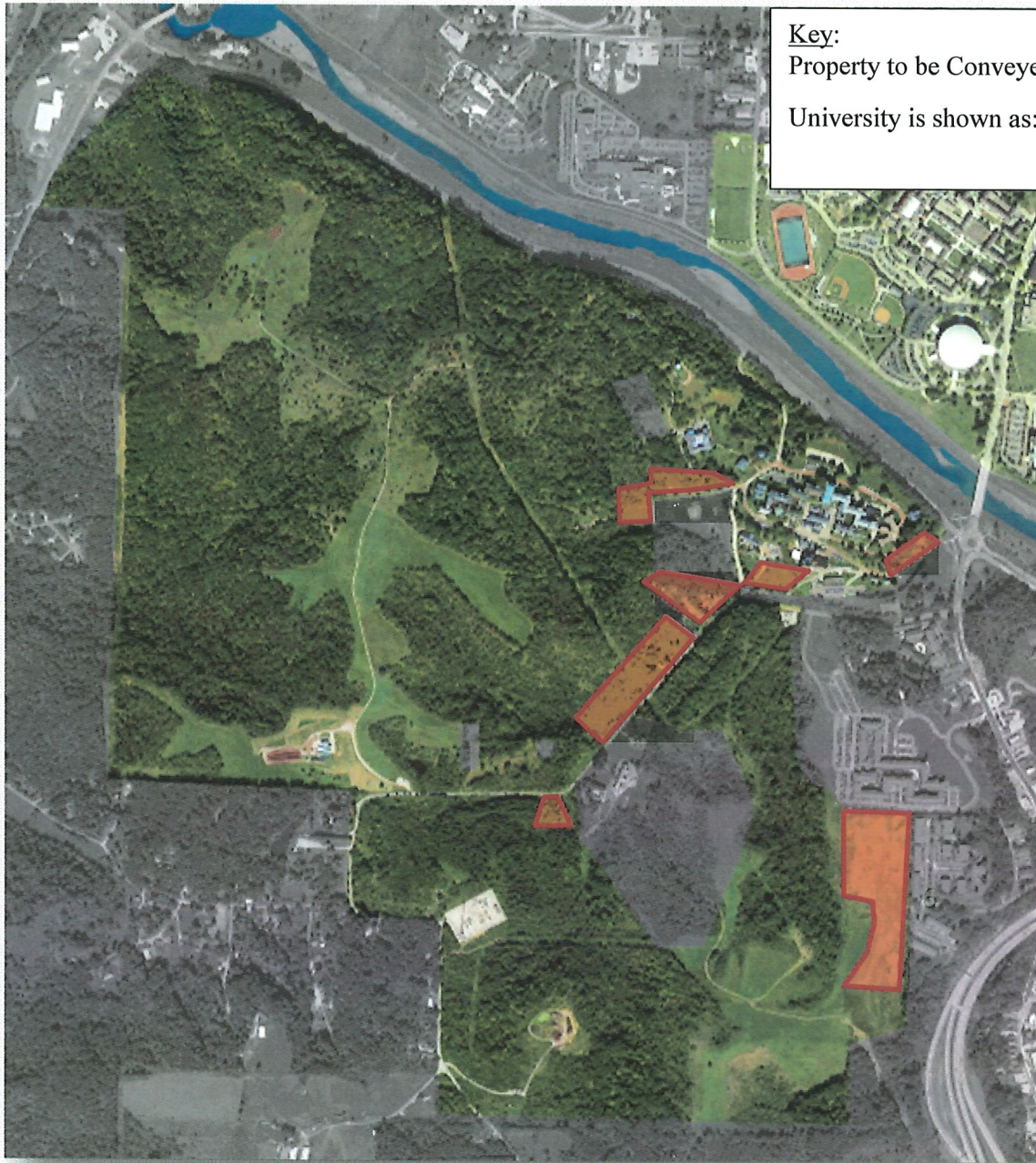
### **Maps of the TIF Site**

The TIF Site is comprised of the three areas depicted in this Exhibit A, “Property to be Conveyed by University”, “Property to be Conveyed by City”, and the “Historical Ridges Campus”. The TIF Site appears as outlined below in this Exhibit A on real property comprising approximately 87+/- acres located within the City of Athens. The area outlined in orange consists of the “Property to be Conveyed by University”. The area outlined in blue consists of the “Historical Ridges Campus”. The area outlined in hash-marked yellow consists of the “Property to be Conveyed by City”. The TIF Site is comprised of all or portions of the ten (10) parcels depicted on pages A-2 and A-5 and currently listed as Athens County Tax Parcels: A029050100100, A029050100200, A029050100400, A029050100800, A029050100900, A029050101200, A029050101300, A029050101400, A029050101500, and A029050103000.









Key:  
Property to be Conveyed by  
University is shown as: 







The three regions in yellow designated by the hash marks denote the portions of the legal parcels that consist of the area "Property to be Conveyed by City."



## **EXHIBIT B**

### **Public Infrastructure Improvements**

The Public Infrastructure Improvements consist generally of acquiring and constructing the infrastructure described below:

- Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of the lines and traffic patterns of roads, highways, streets, bridges (both roadway and pedestrian), traffic calming devices, sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing lighting systems, signalization, and traffic controls, the continued maintenance of public roads and highways, and all other appurtenances thereto;
- Construction, reconstruction or installation of improvements (including any underground utilities), storm and sanitary sewers (including necessary site grading therefore), police equipment and police station buildings and improvements, fire equipment and fire buildings and improvements, water and fire protection systems, the continued maintenance of water and sewer lines, and all other appurtenances thereto;
- Construction, reconstruction or installation of gas, electric, and communication service facilities, and all other appurtenances thereto;
- Construction or reconstruction of one or more public parks, including grading, trees and other park plantings, park accessories and related improvements, and all other appurtenances thereto;
- Construction or installation of streetscape and landscape improvements including trees and shrubs, landscaping mounds and fencing, tree grates, planting beds, signage, curbs, sidewalks, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, and all other appurtenances thereto;
- Construction of one or more public parking facilities, including public surface parking, public parking structures and related improvements, off-street parking facilities, including those in which all or a portion of the parking spaces are reserved for specific uses when determined to be necessary for economic development purposes, and all other appurtenances thereto;
- Demolition and excavation, including demolition and excavation on private property when determined to be necessary for economic development purposes;
- Acquisition of real estate or interests in real estate (including easements) necessary to accomplish the foregoing improvements;
- Any on-going administrative expenses relating to the Public Infrastructure Improvements and maintaining the TIF revenues, including but not limited to engineering, architectural, legal, TIF administration, and other consulting and professional services; and,
- All inspection fees and other governmental fees related to the foregoing.

The Public Infrastructure Improvements specifically include the costs of financing the Public Infrastructure Improvements, including the items of “costs of permanent improvements” set forth in R.C. 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which “costs” specifically include any reimbursement payments for the reimbursement of the costs of the Public

Infrastructure Improvements and the Debt Service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements.

All of the Public Infrastructure Improvements described above are hereby determined to be “public infrastructure improvements” (as defined in R.C. 5709.40(A)(8)) and are intended to benefit the real property described in Exhibit A.



**0-118-23**

Introduced by Sarah Grace, Chair  
Planning & Development Committee

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE HOMESTEAD COURT  
AND BROADMOOR, UNIVERSITY ESTATES, PLANNED UNIT DEVELOPMENT.**

WHEREAS, on September 7, 2023 the Athens City Planning Commission held a public hearing and unanimously recommended that the final plat of the Homestead Court and Broadmoor, University Estates, Planned Unit Development be approved; and

WHEREAS, on October 16, 2023 the Athens City Council held a public hearing on said project;

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

**SECTION I:** The final plat of the Homestead Court and Broadmoor, University Estates, Planned Unit Development, attached hereto and incorporated herein by reference, is hereby approved.

**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

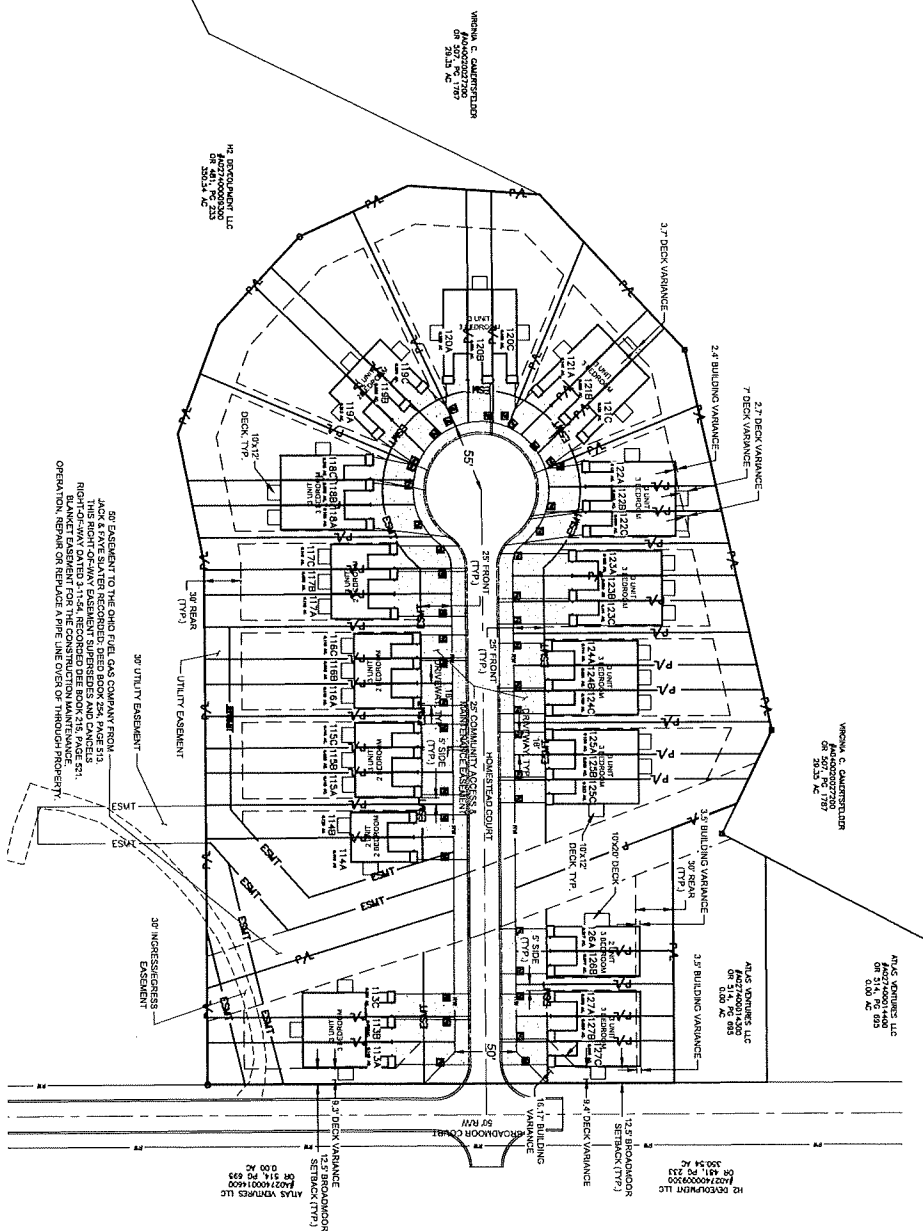
| Line Table |             |        |              |
|------------|-------------|--------|--------------|
| Line #     | Bearing     | Length | Curve Length |
| L1         | S44°13'31"E | 277.26 |              |
| L2         | S44°10'31"E | 222.50 |              |
| L3         | S44°10'31"E | 222.50 |              |
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| L17        | S44°10'31"E | 222.50 |              |
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| L39        | S44°10'31"E | 222.50 |              |
| L40        | S44°10'31"E | 222.50 |              |
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| L42        | S44°10'31"E | 222.50 |              |
| L43        | S44°10'31"E | 222.50 |              |
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| L75        | S44°10'31"E | 222.50 |              |
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| L100       | S44°10'31"E | 222.50 |              |

| Curve Table |             |                |              |
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| Curve #     | Bearing     | Curve Division | Curve Length |
| C1          | S44°10'31"E | 18.86'         |              |
| C2          | S44°10'31"E | 18.86'         |              |
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| C99         | S44°10'31"E | 18.86'         |              |
| C100        | S44°10'31"E | 18.86'         |              |

| Distance Table |        |              |          |
|----------------|--------|--------------|----------|
| Line #         | Length | Curve Length | Distance |
| L1             | 277.26 |              | 277.26   |
| L2             | 222.50 |              | 499.76   |
| L3             | 222.50 |              | 722.26   |
| L4             | 222.50 |              | 944.76   |
| L5             | 222.50 |              | 1167.26  |
| L6             | 222.50 |              | 1389.76  |
| L7             | 222.50 |              | 1612.26  |
| L8             | 222.50 |              | 1834.76  |
| L9             | 222.50 |              | 2057.26  |
| L10            | 222.50 |              | 2279.76  |
| L11            | 222.50 |              | 2502.26  |
| L12            | 222.50 |              | 2724.76  |
| L13            | 222.50 |              | 2947.26  |
| L14            | 222.50 |              | 3169.76  |
| L15            | 222.50 |              | 3392.26  |
| L16            | 222.50 |              | 3614.76  |
| L17            | 222.50 |              | 3837.26  |
| L18            | 222.50 |              | 4059.76  |
| L19            | 222.50 |              | 4282.26  |
| L20            | 222.50 |              | 4504.76  |
| L21            | 222.50 |              | 4727.26  |
| L22            | 222.50 |              | 4949.76  |
| L23            | 222.50 |              | 5172.26  |
| L24            | 222.50 |              | 5394.76  |
| L25            | 222.50 |              | 5617.26  |
| L26            | 222.50 |              | 5839.76  |
| L27            | 222.50 |              | 6062.26  |
| L28            | 222.50 |              | 6284.76  |
| L29            | 222.50 |              | 6507.26  |
| L30            | 222.50 |              | 6729.76  |
| L31            | 222.50 |              | 6952.26  |
| L32            | 222.50 |              | 7174.76  |
| L33            | 222.50 |              | 7397.26  |
| L34            | 222.50 |              | 7619.76  |
| L35            | 222.50 |              | 7842.26  |
| L36            | 222.50 |              | 8064.76  |
| L37            | 222.50 |              | 8287.26  |
| L38            | 222.50 |              | 8509.76  |
| L39            | 222.50 |              | 8732.26  |
| L40            | 222.50 |              | 8954.76  |
| L41            | 222.50 |              | 9177.26  |
| L42            | 222.50 |              | 9399.76  |
| L43            | 222.50 |              | 9622.26  |
| L44            | 222.50 |              | 9844.76  |
| L45            | 222.50 |              | 10067.26 |
| L46            | 222.50 |              | 10289.76 |
| L47            | 222.50 |              | 10512.26 |
| L48            | 222.50 |              | 10734.76 |
| L49            | 222.50 |              | 10957.26 |
| L50            | 222.50 |              | 11179.76 |
| L51            | 222.50 |              | 11402.26 |
| L52            | 222.50 |              | 11624.76 |
| L53            | 222.50 |              | 11847.26 |
| L54            | 222.50 |              | 12069.76 |
| L55            | 222.50 |              | 12292.26 |
| L56            | 222.50 |              | 12514.76 |
| L57            | 222.50 |              | 12737.26 |
| L58            | 222.50 |              | 12959.76 |
| L59            | 222.50 |              | 13182.26 |
| L60            | 222.50 |              | 13404.76 |
| L61            | 222.50 |              | 13627.26 |
| L62            | 222.50 |              | 13849.76 |
| L63            | 222.50 |              | 14072.26 |
| L64            | 222.50 |              | 14294.76 |
| L65            | 222.50 |              | 14517.26 |
| L66            | 222.50 |              | 14739.76 |
| L67            | 222.50 |              | 14962.26 |
| L68            | 222.50 |              | 15184.76 |
| L69            | 222.50 |              | 15407.26 |
| L70            | 222.50 |              | 15629.76 |
| L71            | 222.50 |              | 15852.26 |
| L72            | 222.50 |              | 16074.76 |
| L73            | 222.50 |              | 16297.26 |
| L74            | 222.50 |              | 16519.76 |
| L75            | 222.50 |              | 16742.26 |
| L76            | 222.50 |              | 16964.76 |
| L77            | 222.50 |              | 17187.26 |
| L78            | 222.50 |              | 17409.76 |
| L79            | 222.50 |              | 17632.26 |
| L80            | 222.50 |              | 17854.76 |
| L81            | 222.50 |              | 18077.26 |
| L82            | 222.50 |              | 18299.76 |
| L83            | 222.50 |              | 18522.26 |
| L84            | 222.50 |              | 18744.76 |
| L85            | 222.50 |              | 18967.26 |
| L86            | 222.50 |              | 19189.76 |
| L87            | 222.50 |              | 19412.26 |
| L88            | 222.50 |              | 19634.76 |
| L89            | 222.50 |              | 19857.26 |
| L90            | 222.50 |              | 20079.76 |
| L91            | 222.50 |              | 20302.26 |
| L92            | 222.50 |              | 20524.76 |
| L93            | 222.50 |              | 20747.26 |
| L94            | 222.50 |              | 20969.76 |
| L95            | 222.50 |              | 21192.26 |
| L96            | 222.50 |              | 21414.76 |
| L97            | 222.50 |              | 21637.26 |
| L98            | 222.50 |              | 21859.76 |
| L99            | 222.50 |              | 22082.26 |
| L100           | 222.50 |              | 22304.76 |

NOTE: LOT LINES ALONG PARTY WALLS ARE APPROXIMATE AND SHALL BE ESTABLISHED AND RECORDED UPON CONSTRUCTION.

| Lot #           | Lot Size  | Lot Width | Front Street | Rear Street | Side Yard Setback | Side Yard Setback | Lot Coverage | On-Site Parking |
|-----------------|-----------|-----------|--------------|-------------|-------------------|-------------------|--------------|-----------------|
| min 6,000 sq ft | min 66 ft | min 25 ft | min 50 ft    | min 50 ft   | min 5.00          | min 10%           | min 3 spaces |                 |
| 113A            | 6,448     | 33        | 48           | 66          | 0.00              | 62%               | 2            |                 |
| 113B            | 4,010     | 20        | 48           | 66          | 0.75              | 23%               | 2            |                 |
| 113C            | 1,092.3   | 74        | 48           | 66          | 45.00             | 10%               | 2            |                 |
| 114A            | 1,786.1   | 67        | 29           | 116         | 0.00              | 33%               | 2            |                 |
| 114B            | 5,337     | 26        | 29           | 106         | 0.00              | 32%               | 2            |                 |
| 114C            | 5,144     | 26        | 25           | 110         | 0.00              | 42%               | 2            |                 |
| 115A            | 4,008     | 20        | 25           | 110         | 0.00              | 32%               | 2            |                 |
| 115B            | 5,143     | 26        | 25           | 110         | 0.00              | 32%               | 2            |                 |
| 115C            | 4,007     | 20        | 25           | 110         | 0.00              | 42%               | 2            |                 |
| 116A            | 5,140     | 26        | 25           | 110         | 0.00              | 32%               | 2            |                 |
| 116B            | 4,007     | 20        | 25           | 110         | 0.00              | 32%               | 2            |                 |
| 116C            | 5,140     | 26        | 25           | 110         | 0.00              | 32%               | 2            |                 |
| 117A            | 5,143     | 26        | 43           | 92          | 0.00              | 50%               | 2            |                 |
| 117B            | 4,007     | 20        | 43           | 92          | 0.00              | 39%               | 2            |                 |
| 117C            | 5,056     | 26        | 35           | 92          | 0.00              | 52%               | 2            |                 |
| 118A            | 4,702     | 26        | 35           | 92          | 0.00              | 52%               | 2            |                 |
| 118B            | 3,827     | 20        | 32           | 61          | 0.00              | 59%               | 2            |                 |
| 118C            | 5,946     | 21        | 32           | 75          | 0.00              | 19%               | 2            |                 |
| 119A            | 5,946     | 21        | 35           | 102         | 0.00              | 19%               | 2            |                 |
| 119B            | 3,828     | 20        | 33           | 103         | 0.00              | 40%               | 2            |                 |
| 119C            | 8,910     | 22        | 33           | 103         | 0.00              | 20%               | 2            |                 |
| 120A            | 10,127    | 21        | 33           | 80          | 0.00              | 31%               | 2            |                 |
| 120B            | 3,101     | 20        | 30           | 68          | 0.00              | 39%               | 2            |                 |
| 120C            | 4,166     | 22        | 31           | 76          | 0.00              | 46%               | 2            |                 |
| 121A            | 6,338     | 23        | 32           | 37          | 0.00              | 35%               | 2            |                 |
| 121B            | 2,857     | 20        | 31           | 26          | 0.00              | 78%               | 2            |                 |
| 121C            | 5,707     | 23        | 31           | 32          | 0.00              | 38%               | 2            |                 |
| 122A            | 5,272     | 25        | 27           | 27          | 0.00              | 40%               | 2            |                 |
| 122B            | 2,765     | 20        | 27           | 23          | 0.00              | 79%               | 2            |                 |
| 122C            | 3,931     | 25        | 28           | 27          | 0.00              | 61%               | 2            |                 |
| 123A            | 4,520     | 25        | 30           | 45          | 0.00              | 54%               | 2            |                 |
| 123B            | 3,867     | 20        | 45           | 49          | 0.00              | 67%               | 2            |                 |
| 123C            | 4,840     | 25        | 45           | 53          | 0.00              | 51%               | 2            |                 |
| 124A            | 4,981     | 25        | 45           | 80          | 0.00              | 42%               | 2            |                 |
| 124B            | 3,981     | 20        | 25           | 84          | 0.00              | 52%               | 2            |                 |
| 124C            | 5,337     | 25        | 25           | 88          | 0.00              | 40%               | 2            |                 |
| 125A            | 5,261     | 25        | 25           | 80          | 0.00              | 54%               | 2            |                 |
| 125B            | 3,889     | 20        | 25           | 72          | 0.00              | 22%               | 2            |                 |
| 125C            | 9,714     | 27        | 25           | 70          | 0.00              | 23%               | 2            |                 |
| 126A            | 9,468     | 60        | 25           | 26          | 0.00              | 60%               | 2            |                 |
| 126B            | 3,382     | 25        | 25           | 26          | 0.00              | 60%               | 2            |                 |
| 127A            | 3,329     | 25        | 25           | 26          | 0.00              | 77%               | 2            |                 |
| 127B            | 3,547     | 20        | 25           | 26          | 0.00              | 77%               | 2            |                 |
| 127C            | 3,911     | 33        | 8            | 26          | 0.00              | 52%               | 2            |                 |



# HOWARD AND LAWSON, LTD. UNIVERSITY ESTATES - PHASE II BROADMOOR CT AND HOMESTEAD CT ATHENS, OH

## OWNER

HOWARD & LAWSON LTD  
39403 STATE ROUTE 689  
ALBANY, OH 45710  
CONTACT: PATRICK LAWSON  
PHONE: 740-591-8547

## FUTURE OWNER

CITY OF ATHENS  
ENGINEERING & PUBLIC WORKS  
30 CURRAN DR.  
ATHENS, OHIO, 45701  
PHONE: (740) 593-7636  
CONTACT: SALEH ELDABAJA, P.E.

## CITY OFFICIALS

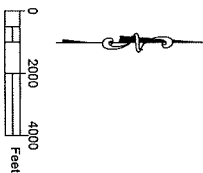
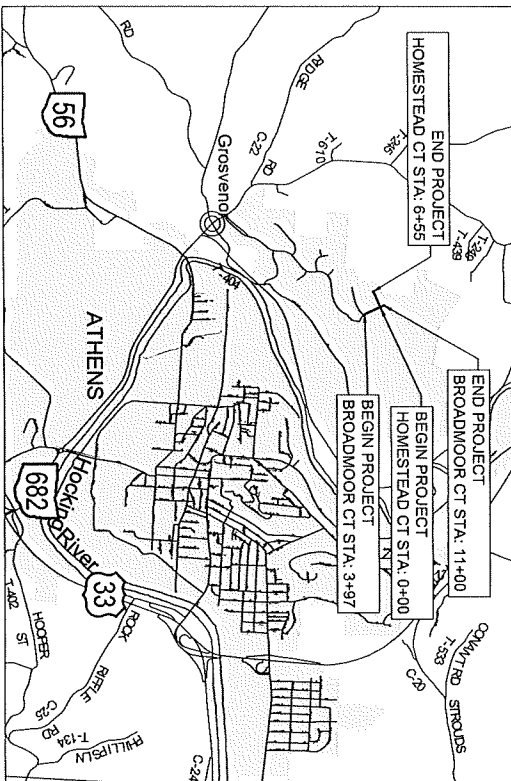
STEVE PATTERSON..... MAYOR  
ANDREW B. STONE, P.E..... SERVICE-SAFETY DIRECTOR  
LISA ELIASON..... LAW DIRECTOR  
KATHY HECHT..... AUDITOR  
JOSH THOMAS..... TREASURER

## COUNCIL MEMBERS

CHRISTINE KINSELY, PRESIDENT  
SARAH GRACE  
JEFFREY RISNER  
MICAH MCCAREY  
DEBBIE WALKER, CLERK  
SOLVEIG SPELDES  
ALAN SWANK  
SAM CROWL  
BEN ZIPF

## ENGINEER / SURVEYOR

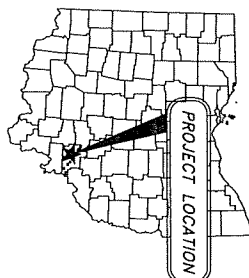
BUCKLEY GROUP, LLC  
6801 STATE ROUTE 56  
ATHENS, OH 45701  
PHONE: (740) 589-5001  
FAX: (740) 592-5817  
CONTACT: CLINTON KUENZLI, P.E.



## SHEET NO.

## SHEET INDEX

| SHEET NO.   | DESCRIPTION                                            |
|-------------|--------------------------------------------------------|
| C-1         | TITLE SHEET                                            |
| C-2         | TYPICAL SECTION                                        |
| C-4 TO C-7  | GENERAL NOTES                                          |
| C-8         | SITE OVERVIEW                                          |
| C-9         | GRADING PLAN                                           |
| C-10        | EROSION CONTROL PLAN                                   |
| C-11 & C-12 | BROADMOOR CT PLAN AND PROFILE & ESTIMATED QUANTITIES   |
| C-13 & C-14 | HOMESTEAD CT PLAN AND PROFILE & ESTIMATED QUANTITIES   |
| C-15 & C-16 | SANITARY SEWER PLAN AND PROFILE & ESTIMATED QUANTITIES |
| C-17 & C-18 | STORM SEWER PLAN AND PROFILE & ESTIMATED QUANTITIES    |
| C-19        | STORM SEWER DETAILS                                    |
| C-20        | INTERSECTION DETAILS                                   |



## LOCATION MAP

NOT TO SCALE

## PROJECT DESCRIPTION

THIS PROJECT CONSISTS OF CONSTRUCTION OF THE EXTENSION OF BROADMOOR CT, AND HOMESTEAD CT, IN THE UNIVERSITY ESTATES SUBDIVISION IN THE CITY OF ATHENS, OHIO.

## SPECIFICATIONS

THE CITY OF ATHENS DIVISION OF SEWER CONSTRUCTION SPECIFICATIONS FOR SEWER LINE INSTALLATION, CITY OF ATHENS WATER CONSTRUCTION SPECIFICATIONS, AND OHIO DEPARTMENT OF TRANSPORTATION 2019 CONSTRUCTION AND MATERIAL SPECIFICATIONS AND ASSOCIATED STANDARD DRAWINGS AND SUPPLEMENTAL SPECIFICATIONS SHALL GOVERN THIS IMPROVEMENT.

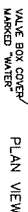
## UNDERGROUND UTILITIES

OHIO  
Utilities  
Protection  
SERVICE  
CALL 811  
BEFORE YOU DIG  
TWO WORKING DAYS  
BEFORE YOU DIG  
CALL 811  
OR  
TOLL FREE 1-800-382-2764  
NONMEMBERS MUST BE  
CALLED DIRECTLY





- CONDUIT DETAIL TYPICAL SECTION**  
**UNDER FLEXIBLE PAVEMENT**  
**(ROAD/DRIVE)**



- CONCRETE COLLARS FOR  
MANHOLES & VALVE BOXES  
NOT TO SCALE

|                                           |                                                                             |                                                                                                                                                                                                                                                           |                                       |                                                       |                |
|-------------------------------------------|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-------------------------------------------------------|----------------|
| DATE<br>07/23/2023                        | UNIVERSITY ESTATES PHASE II<br>BROADMOOR CT & HOMESTEAD CT<br>GENERAL NOTES |  <b>buckleygroup</b><br>engineering+surveying<br>6801 STATE ROUTE 56, ATHENS, OH 45701 (740) 589-5001 ~ <a href="http://www.buckleygroup.com">www.buckleygroup.com</a> | CITY OF ATHENS<br>ATHENS COUNTY, OHIO | PROJECT NAME<br>JOB NO. 201804<br>JOB REVIEW 07/21/22 | REVISION DATES |
|                                           |                                                                             |                                                                                                                                                                                                                                                           |                                       |                                                       |                |
| DRAWN, CDR<br>CHECK, CDR<br>SHEET NO. C-3 |                                                                             |                                                                                                                                                                                                                                                           |                                       |                                                       |                |

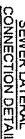
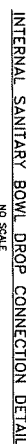
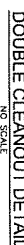
1. ALL SANITARY SEWER SHALL CONFORM TO ASTM D3034, JOINT SPECIFICATION AND D3212, DEEDING CLASSIFICATION ODOT TYPE 2, AND MEET OR EXCEED SDR-35 PVC.

- ### SANITARY CONSTRUCTION & TESTING NOTES

15. COMBINATION OF SAMES PRIOR TO ACCEPTANCE. THE AIR TEST SHALL CONFORM TO ASTM F-1417 FOR PLASTIC PIPE. ALL SAMES OVER 24 INCH DIAMETER SHALL BE SUBJECTED TO INFLATION TESTS. SEWERS OF 14 INCH DIAMETER OR LESS, WHERE THE GROUNDWATER LEVEL ABOVE THE TOP OF THE SEWER IS OVER 2 FEET, SHALL BE SUBJECTED TO INFLATION TESTS. ALL SEWERS OF 24 INCH DIAMETER OR LESS SHALL BE SUBJECTED TO INFLATION TESTS. EXHALATION OR INFLATION LEAKAGE SHALL NOT EXCEED 100 GALLONS PER MIN. PER INCH OF PIPE DIAMETER PER MILE PER HOUR FOR ANY SECTION OF THE SYSTEM. AN EXHALATION OR INFLATION TEST SHALL BE PERFORMED WITH A MINIMUM POSITIVE HEAD OF 2 FEET.

- NOTE:  
SEWER

**SANITARY SEWER**  
**WATERLINE CROSSING DETAIL**  
NO SCALE



THE CITY ENGINEERING AND PUBLIC WORKS DEPARTMENT TO WITNESS THE INSTALLATION AND TESTING OF ALL SANITARY SEWER.

NOTE: CONTRACTOR SHALL PROVIDE 48 HOURS OF ADVANCE NOTICE TO THE CITY ENGINEERING AND PUBLIC WORKS DEPARTMENT TO WITNESS THE INSTALLATION AND TESTING OF ALL SANITARY SEWER.

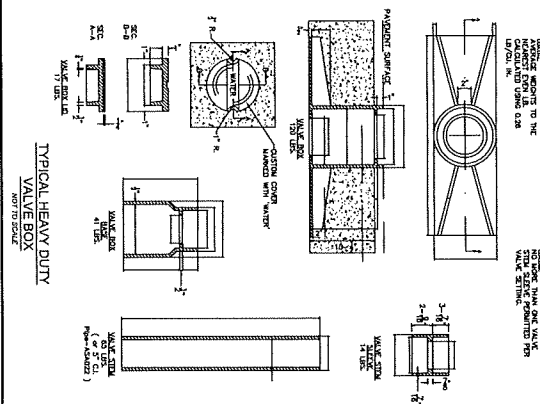
SEWER LATERAL  
CONNECTION DETAIL  
 NOT TO SCALE

OR MAIN

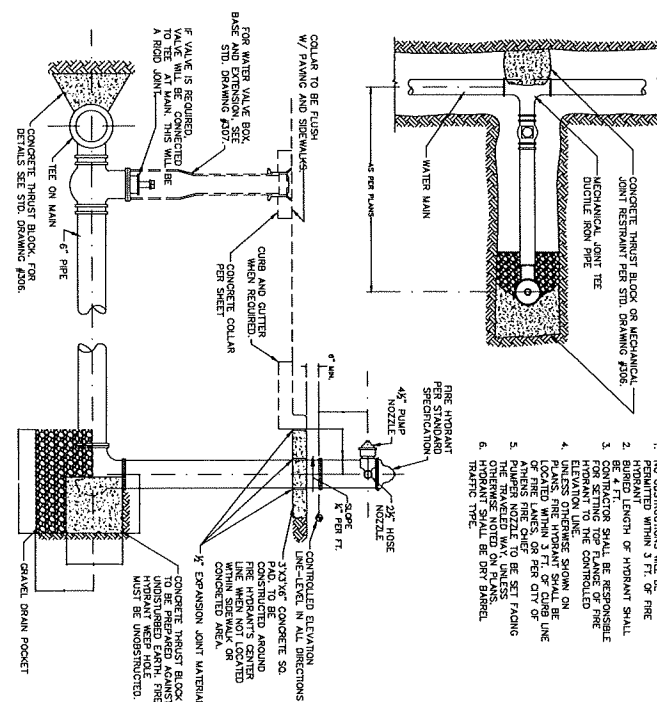
1. NOTES:  
 A. TYPICAL SIZE TO BE DETERMINED BY THE ENGINEERING & PUBLIC WORKS DEPARTMENT (746-263-7500).  
 2. PLACE 4" GAUGULA BEDDING UNDER SEWER LATERAL.  
 3. EXACT LOCATION OF C/LEADS TO BE DETERMINED BY THE CITY ENGINEER.

1. WATER MAINS SHALL BECOME THE OWNERSHIP OF THE CITY OF ATHENS UPON FINAL ACCEPTANCE.

- [illegible]



**TYPICAL HEAVY DUTY  
VALVE BOX  
NOT TO SCALE**

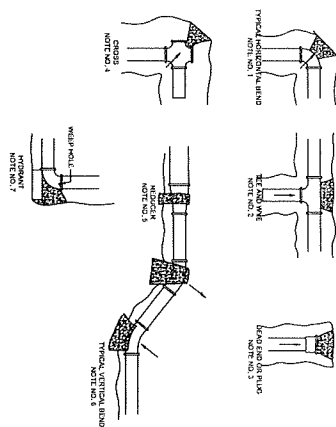


**DETAIL OF FIRE HYDRANT  
SETTING WITH BLOCKING**

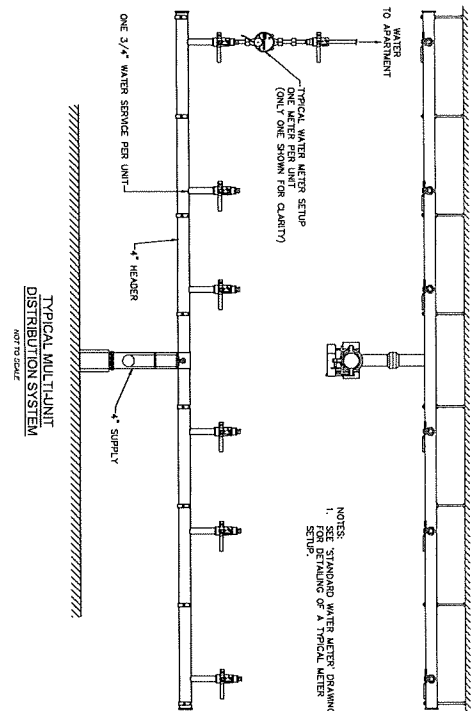
[illegible]

TYPICAL CONCRETE  
THRUST BLOCKING

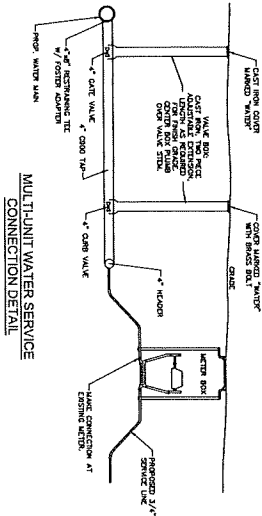
END WILL INCLUDE



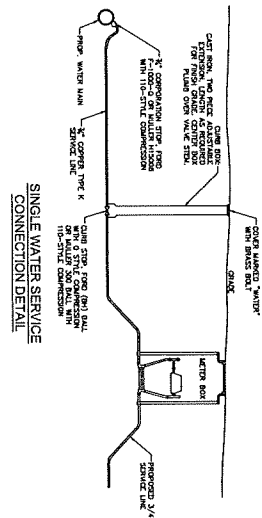
|                              |            |                                                                             |  |                                                                                                                                                                                                                                                                                                             |  |                                       |  |                               |  |                               |  |
|------------------------------|------------|-----------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------|--|-------------------------------|--|-------------------------------|--|
| DATE<br>07/21/2023           |            | UNIVERSITY ESTATES PHASE II<br>BROADMOOR CT & HOMESTEAD CT<br>GENERAL NOTES |  | <div><div></div><div><div>buckleygroup</div><div>engineering+surveying</div></div><div>6801 STATE ROUTE 56, ATHENS, OH 45701 (740) 589-5001 ~ <a href="http://www.buckleygroup.com">www.buckleygroup.com</a></div></div> |  | CITY OF ATHENS<br>ATHENS COUNTY, OHIO |  | COL. NAME<br>DATE<br>06/17/23 |  | COL. NAME<br>DATE<br>07/07/23 |  |
| DRAWN, CDD<br>JDB NO. 201656 | CHECK, CDD |                                                                             |  |                                                                                                                                                                                                                                                                                                             |  | REVISION DATES                        |  |                               |  |                               |  |
| SHEET NO.<br>C-5             |            |                                                                             |  |                                                                                                                                                                                                                                                                                                             |  |                                       |  |                               |  |                               |  |



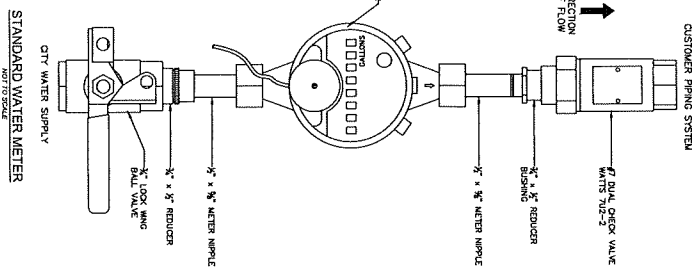
NOTES:  
1. SEE STANDARD WATER METER DRAWING FOR REMAINING OF A TYPICAL METER SETUP.



MULTI-UNIT WATER SERVICE  
CONNECTION DETAIL



SINGLE WATER SERVICE  
CONNECTION DETAIL



|               |                             |
|---------------|-----------------------------|
| DATE          | 07/31/2023                  |
| SCALE         | NOT TO SCALE                |
| PROJECT       | UNIVERSITY ESTATES PHASE II |
| LOCATION      | BROADMOOR CT & HOMESTEAD CT |
| GENERAL NOTES |                             |



**buckleygroup**  
engineering+surveying

6801 STATE ROUTE 56, ATHENS, OH 45701 (740) 589-5001 - [www.buckleygroup.com](http://www.buckleygroup.com)

|                     |
|---------------------|
| CITY OF ATHENS      |
| ATHENS COUNTY, OHIO |
| REVISION DATE       |

|            |          |
|------------|----------|
| GOA METER  | 06/13/23 |
| LOT REV 1  | 07/23/23 |
| ISA REVIEW | 07/23/23 |

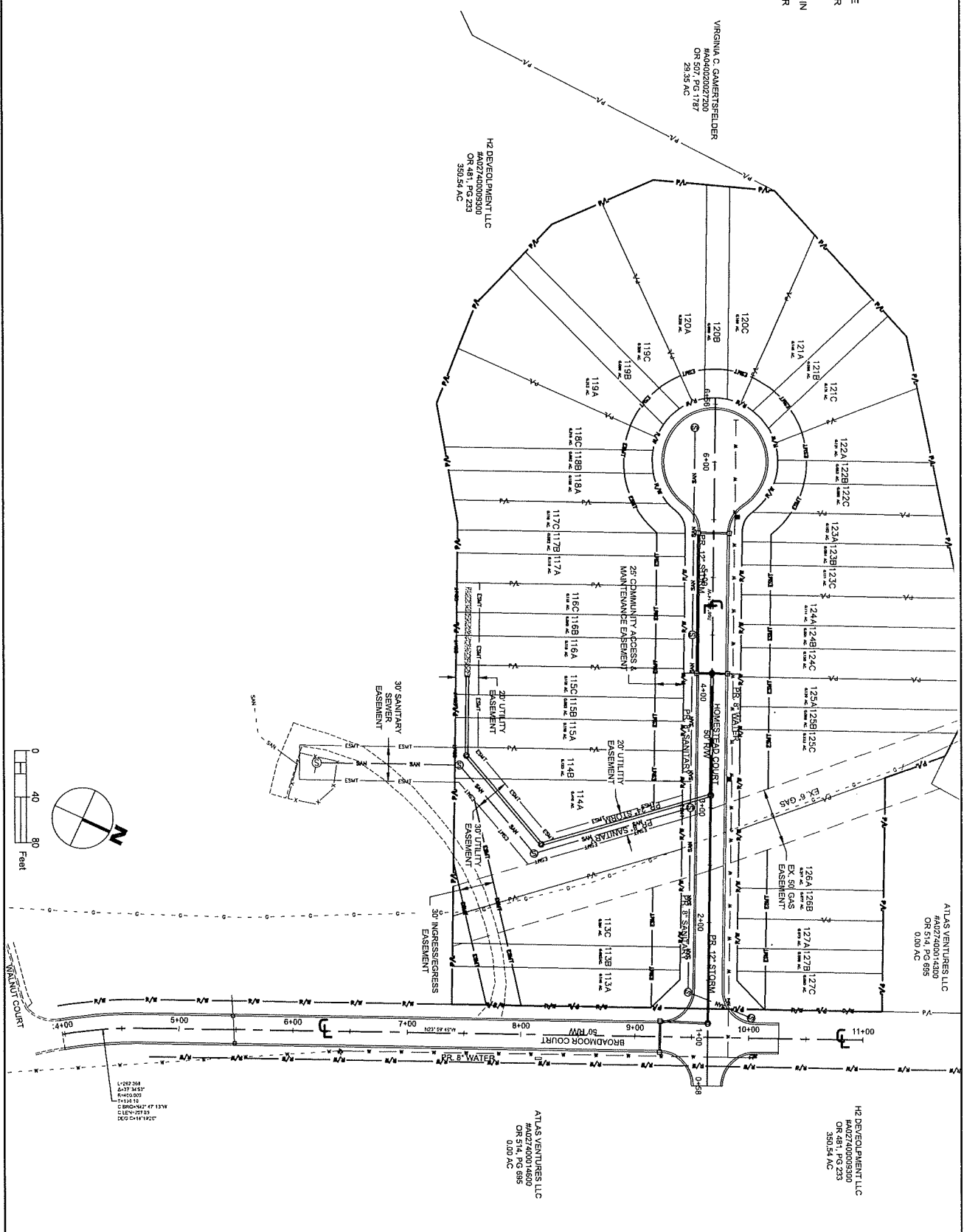
|               |                             |
|---------------|-----------------------------|
| PROJECT       | UNIVERSITY ESTATES PHASE II |
| LOCATION      | BROADMOOR CT & HOMESTEAD CT |
| GENERAL NOTES |                             |

C-6

- [illegible]



- LEGEND**
- CENTERLINE
  - RIGHT OF WAY
  - PROPERTY LINE
  - EX. SAN. SEWER
  - EX. GAS LINE
  - PR. CATCH BASIN
  - PR. SAN. SEWER

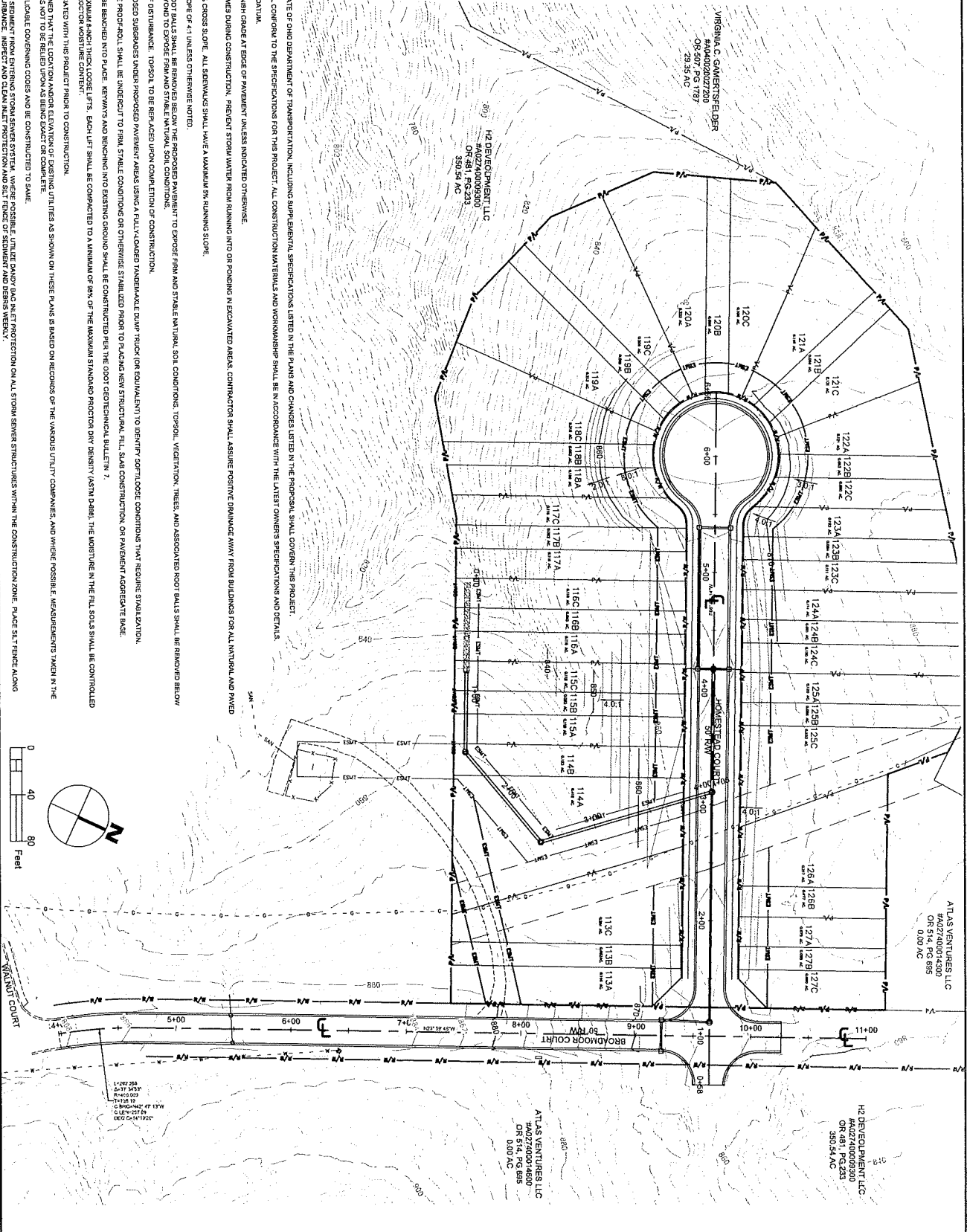


# LEGEND

- C CENTERLINE
- RW RIGHT OF WAY
- P PROPERTY LINE
- EX SAN. SEWER
- EX GAS LINE
- EX CONTOUR
- PR CATCH BASIN
- PR SAN. SEWER
- PR CONTOUR

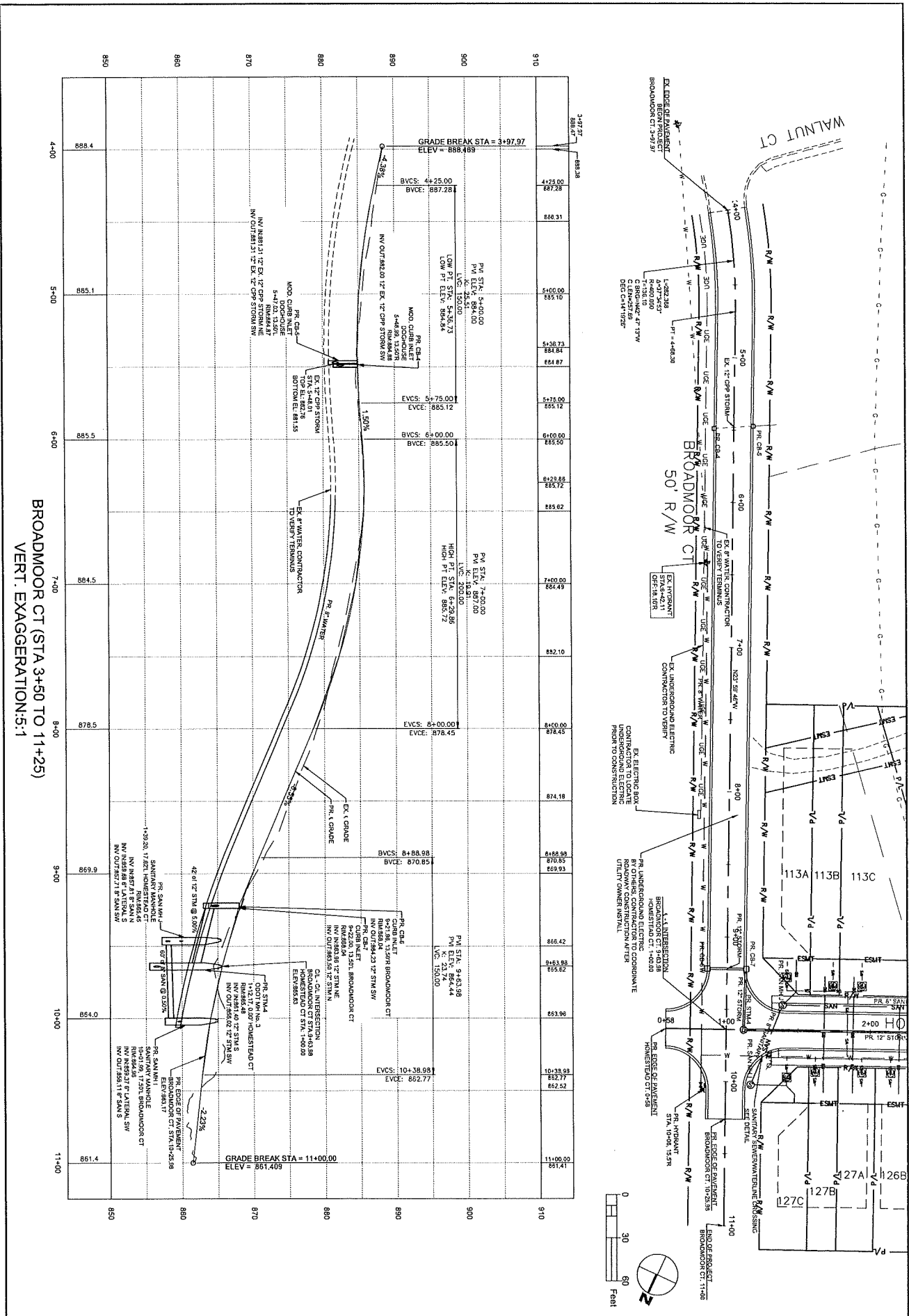
## GENERAL GRADING NOTES

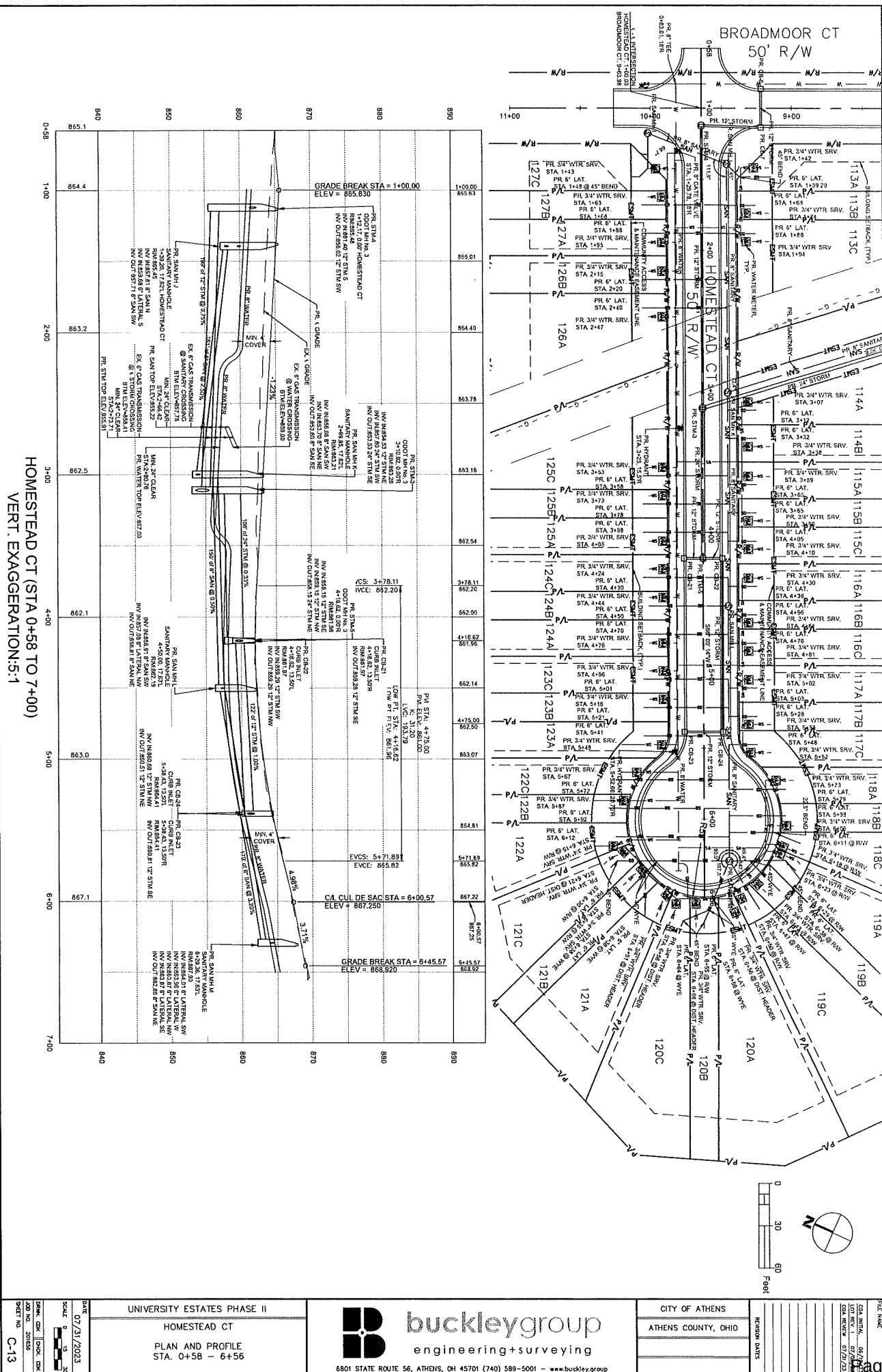
1. THE STANDARD SPECIFICATIONS OF THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION, INCLUDING SUPPLEMENTAL SPECIFICATIONS LISTED IN THE PLANS AND CHANGES LISTED IN THE PROPOSAL, SHALL GOVERN THIS PROJECT.
2. ALL GRADING AND SITE PREPARATION SHALL CONFORM TO THE SPECIFICATIONS FOR THIS PROJECT. ALL CONSTRUCTION MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE LATEST OWNER'S SPECIFICATIONS AND DETAILS.
3. ALL ELEVATIONS ARE BASED ON WADSWORTH DATUM.
4. ALL PROPOSED ELEVATIONS ARE TOP OF FINISH GRADE AT EDGE OF PAVEMENT UNLESS INDICATED OTHERWISE.
5. MAINTAIN PROPER SITE DRAINAGE AT ALL TIMES DURING CONSTRUCTION. PREVENT STORM WATER FROM RUNNING INTO OR PONDING IN EXCAVATED AREAS. CONTRACTOR SHALL ASSURE POSITIVE DRAINAGE AWAY FROM BUILDINGS FOR ALL NATURAL AND PAVED AREAS.
6. ALL SIDEWALKS SHALL HAVE A MAXIMUM 2% CROSS SLOPE. ALL SIDEWALKS SHALL HAVE A MAXIMUM 5% RUNNING SLOPE.
7. ALL CUT AND FILL SLOPES SHALL HAVE A SLOPE OF 4:1 UNLESS OTHERWISE NOTED.
8. TOPSOIL, VEGETATION AND ASSOCIATED ROOT BALLS SHALL BE REMOVED BELOW THE PROPOSED PAVEMENT AND STABLE NATURAL SOIL CONDITIONS. TOPSOIL, VEGETATION, TREES, AND ASSOCIATED ROOT BALLS SHALL BE REMOVED BELOW ALL FILL AREAS PLUS 3 FEET LATERALLY BEYOND TO EXPOSE FIRM AND STABLE NATURAL SOIL CONDITIONS.
9. STRIP AND STOCKPILE TOPSOIL IN AREAS OF DISTURBANCE. TOPSOIL TO BE REPLACED UPON COMPLETION OF CONSTRUCTION.
10. CONTRACTOR SHALL PROTECT THE EXPOSED SUBGRADE UNDER PROPOSED PAVEMENT AREAS USING A POLY-ETHYLENE TAMPABLE DUMP TRUCK (OR EQUIVALENT) TO DENSITY SOFT-LOOSE CONDITIONS THAT REQUIRE STABILIZATION.
11. SOFT-LOOSE AREAS IDENTIFIED DURING THE PRELIMINARY SHALL BE SUBSEQUENT TO FIRM STABLE CONDITIONS OR OTHERWISE STABILIZED PRIOR TO PLACING NEW STRUCTURAL FILL. SLAB CONSTRUCTION OR PAVEMENT AGGREGATE BASE.
12. FILL PLACED INTO EXISTING SLOPES SHALL BE BENCHMARKED INTO PLACE. KETTLES AND BENCHMARKING INTO EXISTING GRADING SHALL BE CONSTRUCTED PER THE 2007 GEOTECHNICAL BULLETIN 7.
13. CONTRACTOR SHALL PLACE A MINIMUM 18" MINIMUM 18" (1.5% EACH) SHALL BE CONNECTED TO A MINIMUM OF 8" OF THE MAXIMUM STANDARD PROCTOR DRY DENSITY (ASTM D698). THE MORTAR IN THE FILL SOILS SHALL BE CONTROLLED TO THE MAXIMUM STANDARD PROCTOR MOISTURE CONTENT.
14. LOCATE AND PROTECT ALL UTILITIES ASSOCIATED WITH THIS PROJECT PRIOR TO CONSTRUCTION.
15. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, RECONSTRUCTIONS TAKEN IN THE FIELD. THE EXISTING UTILITY INFORMATION IS NOT TO BE RELIED UPON AS BASIS FOR COMPLETE.
16. CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE COVERING CODES AND BE CONSTRUCTED TO SAME.
17. CONTRACTOR TO PREVENT CONSTRUCTION SEGMENT FROM ENTERING STORM SEWER SYSTEM. WHERE POSSIBLE, UTILIZE SANDY BAG INLET PROTECTION ON ALL STORM SEWER STRUCTURES WITHIN THE CONSTRUCTION ZONE. PLACE 5" FENCE ALONG CONTOUR AT THE EXTENTS OF EARTH DISTURBANCE. INSPECT AND CLEAN INLET PROTECTION AND SETBACK OF SEWER AND DRAINAGE.



|                                                                                                     |               |                                                                                                      |                                                           |                                                                  |
|-----------------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------------|
| <b>UNIVERSITY ESTATES PHASE II</b><br><b>BROADMOOR CT &amp; HOMESTEAD CT</b><br><b>GRADING PLAN</b> |               | <br>engineering+surveying<br>6801 STATE ROUTE 56, ATHENS, OH 45701 (740) 589-5001 - www.buckleygroup | CITY OF ATHENS<br>ATHENS COUNTY, OHIO                     |                                                                  |
| DATE: 07/31/2023<br>SCALE: AS SHOWN<br>SHEET NO: C-9                                                | REGION DATES: |                                                                                                      | COA NO: 66/14<br>COA REV: 07/2023<br>COA REVIEW: 07/27/23 | H2 DEVELOPMENT LLC<br>#A02740014300<br>OR 514, PG 855<br>0.00 AC |

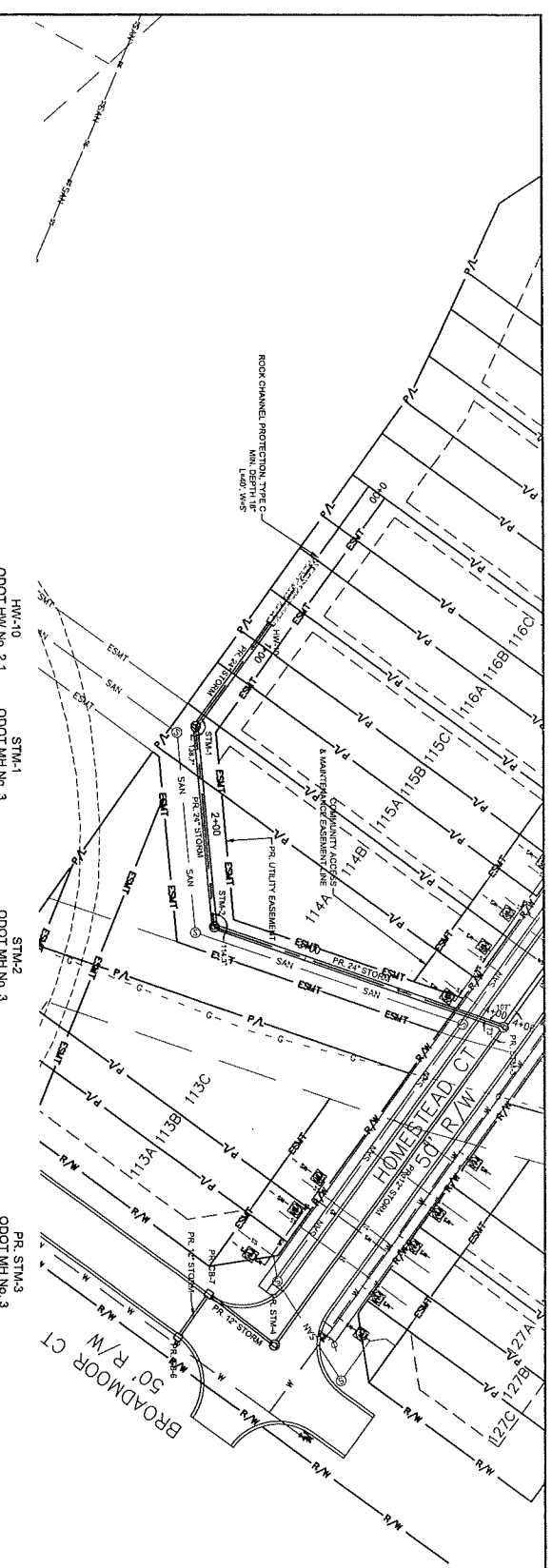








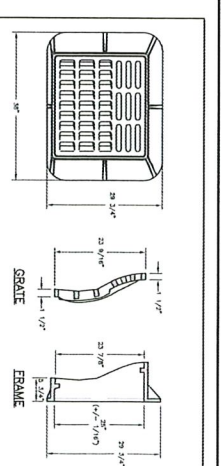
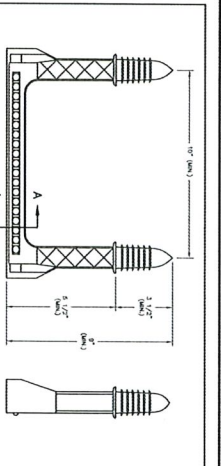
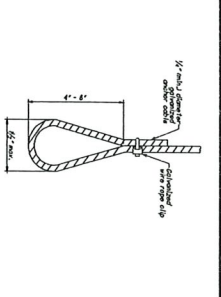
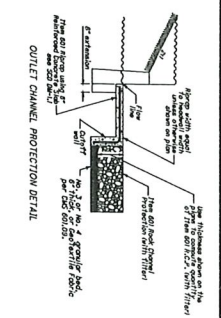




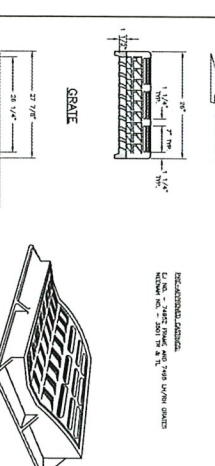
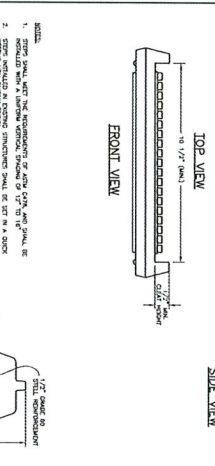
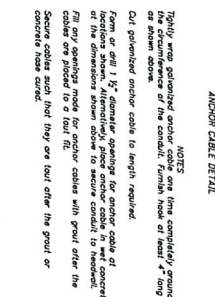
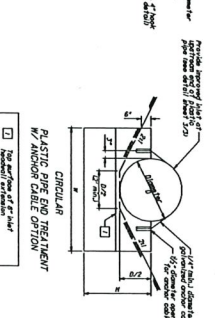
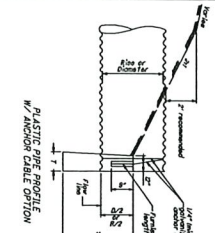
**NOTE: CONTRACTOR SHALL PROVIDE 48 HOURS OF ADVANCE NOTICE TO THE CITY ENGINEERING AND PUBLIC WORKS DEPARTMENT TO WITNESS INSTALLATION OF ALL STORM SEWER.**

# CAST-IN-PLACE HW FOR CONCRETE PLASTIC PIPE

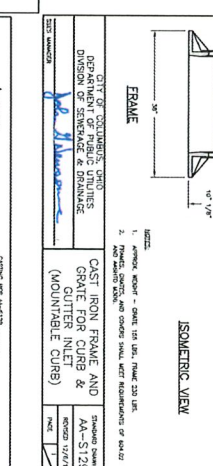
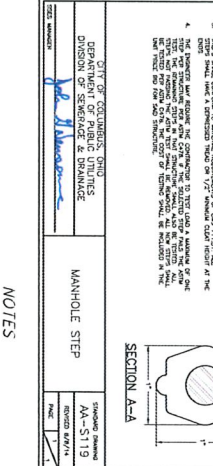
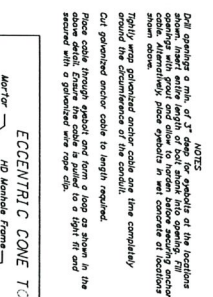
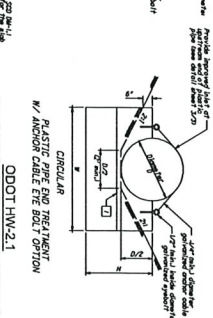
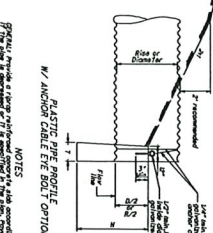
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|-----|-------|-------|----|-------|
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| 8"  | 2'-0" | 3'-0" | 2" | 0.33  |
| 10" | 2'-0" | 3'-0" | 2" | 0.33  |
| 12" | 2'-0" | 3'-0" | 2" | 0.33  |
| 14" | 2'-0" | 3'-0" | 2" | 0.33  |
| 16" | 2'-0" | 3'-0" | 2" | 0.33  |
| 18" | 2'-0" | 3'-0" | 2" | 0.33  |
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| 22" | 2'-0" | 3'-0" | 2" | 0.33  |
| 24" | 2'-0" | 3'-0" | 2" | 0.33  |
| 26" | 2'-0" | 3'-0" | 2" | 0.33  |
| 28" | 2'-0" | 3'-0" | 2" | 0.33  |
| 30" | 2'-0" | 3'-0" | 2" | 0.33  |
| 32" | 2'-0" | 3'-0" | 2" | 0.33  |
| 34" | 2'-0" | 3'-0" | 2" | 0.33  |
| 36" | 2'-0" | 3'-0" | 2" | 0.33  |
| 38" | 2'-0" | 3'-0" | 2" | 0.33  |
| 40" | 2'-0" | 3'-0" | 2" | 0.33  |



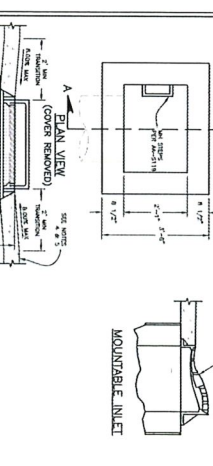
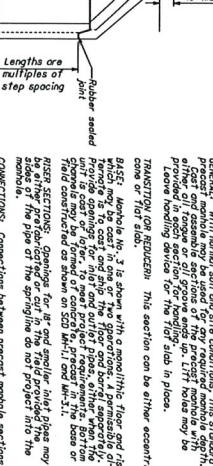
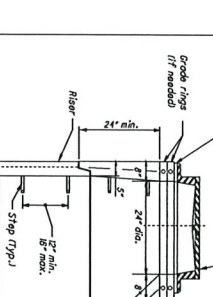
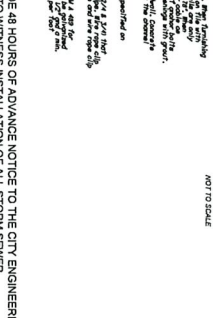
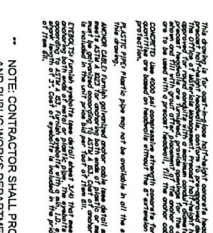
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| DATE        | 07/21/2023 |
| SCALE       |            |
| DRWN. NO.   | 201055     |
| CHECK NO.   |            |
| PROJECT NO. | C-19       |



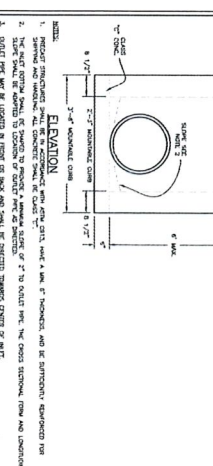
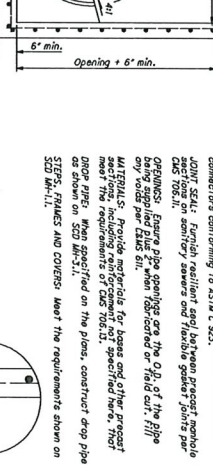
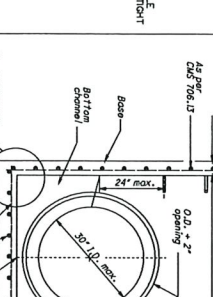
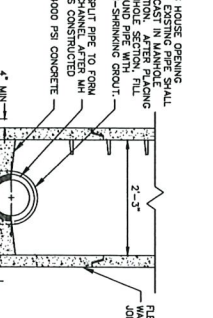
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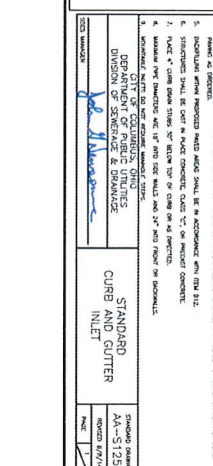
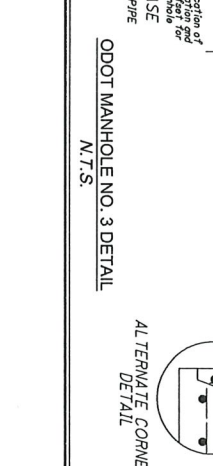
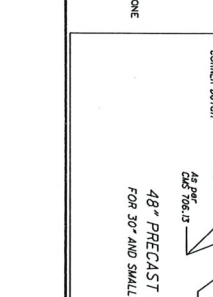
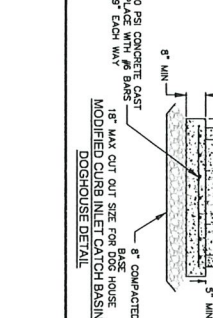
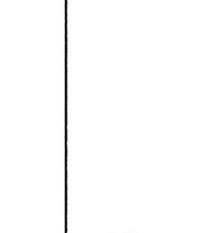
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| SCALE       |            |
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| PROJECT NO. | C-19       |



**0-119-23**

Introduced by Sam Crawl, Member  
Planning & Development Committee

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 3, ADMINISTRATIVE PROVISIONS, CHAPTER 3.07, ADMINISTRATIVE DEPARTMENTS; BOARDS AND COMMISSIONS, SECTION 3.07.74, ESTABLISHMENT OF COMMISSION.

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

SECTION I: Athens City Code Title 3, Administrative Provisions, Chapter 3.07, Administrative Departments; Boards and Commissions, Section 3.07.74, Establishment of Commission, is hereby amended to read as follows:

3.07.74. - Establishment of **the environment and sustainability** commission.

(A) There is hereby created and established a commission to be known as the Athens City Environment and Sustainability Commission consisting of 11 members, nine to be appointed by Athens City Council of which at least six members shall be residents of the city and three members may reside outside the corporate limits, and one shall be an Ohio University student; one member shall be a representative of Athens City Council; and one member shall be a representative of the mayor of Athens. The mayor's representative will serve at the pleasure of the mayor.

(B) Appointed members will serve a term of three years with initial appointments of two appointed members serving three years, two serving two years, and one serving one year. After the initial appointments all members shall be appointed for three-year terms. Members may be considered for reappointment and may serve consecutive three-year terms. Vacancies on the commission occurring otherwise than by the expiration of terms shall be filled for the unexpired term of the person being replaced. All members shall serve without compensation.

**If a voting member who misses three (3) unexcused consecutive meetings during the year, the commission may request the resignation of that member and petition City Council to declare a vacancy.** ~~without an excused absence shall automatically cease to be a member and their seat shall become vacant.~~

(C) All meetings are open to the public in accordance with applicable state and federal laws and regulations.

The commission shall elect its own chairperson from among its members, shall maintain a record of its proceedings, and shall adopt such rules and regulations of self-government as may be necessary to carry out the purposes and provisions of this section.



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

**0-120-23**

Introduced by Sam Crawl, Chair  
Finance & Personnel Committee

AN ORDINANCE AUTHORIZING THE AUDITOR TO REDUCE 2023 YEAR-END APPROPRIATIONS.

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

SECTION I: The Auditor is hereby authorized to reduce the 2023 appropriations where anticipated receipts are not adequate and, when combined with the carry forward balance, not sufficient to approve the full appropriation of funds.

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

**0-121-23**

Introduced by Sam Crawl, Chair  
Finance & Personnel Committee

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE 155-22,  
AND AUTHORIZING AN INTERFUND TRANSFER.

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

SECTION I: The 2023 Appropriation Ordinance 155-22 is hereby amended by appropriating from the unappropriated balance the following sums:

Forty Thousand Dollars (\$40,000.00) to General Fund, Police, 101.207, T.C. 100, to cover year-end payroll expenses;

Thirty Thousand Dollars (\$30,000.00) to General Fund, Fire, 101.208, T.C. 100, to cover year-end payroll expenses;

Fifty-One Thousand Dollars (\$51,000.00) to Community Center Fund, 271, T.C. 100, to cover year-end payroll expenses; and

Eighty Thousand Dollars (\$80,000.00) to Sewer Fund, Plant, 750.637, T.C. 300, to cover increased electricity generation rates at the Waste Water Treatment Plant, and increasing the total appropriations by the same amount.

SECTION II: The Auditor is hereby authorized to make the following interfund transfer:

| FROM             | TO                             | AMOUNT       |
|------------------|--------------------------------|--------------|
| Street Fund, 220 | Capital Improvements Fund, 580 | \$100,000.00 |

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

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

**0-123-23**

Introduced by Micah McCarey, Chair  
City & Safety Services Committee

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO EXECUTE AN EASEMENT AND RIGHT-OF-WAY AGREEMENT WITH THE OHIO POWER COMPANY (AEP) FOR INSTALLATION OF ELECTRICAL SERVICE TO THE NEW FIRE STATION ON STIMSON AVENUE.

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

SECTION I: Athens City Council does hereby authorize the Service-Safety Director to execute an easement and right-of-way agreement with the Ohio Power Company an Ohio corporation and a unit of American Electric Power, for installation of electrical service to the new Fire Station on Stimson Avenue, a copy of said easement and accompanying plat are attached hereto and incorporated herein by reference.

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

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor



Eas. \_\_\_\_\_

### Easement & Right of Way

CITY OF ATHENS, a Statutory Municipal Corporation, "Grantor(s)", in consideration of \$1.00, the easement terms, and other good and valuable consideration from Ohio Power Company an Ohio corporation and a unit of American Electric Power, 700 Morrison Road, Gahanna, OH 43230, "Grantee", the receipt and sufficiency of which is acknowledged, grants and conveys with general warranty covenants to Grantee its successors, assigns, lessees, licensees and tenants, a right of way and easement, "Easement" for electric and other current/future energy or communication purposes, overhead and underground, in, on, over, through and across the following described lands situated in ATHENS Township, ATHENS County, Ohio, and being part of Section No(s)9 Township No(s)9, Range No(s)14. Being part of a 10.3685 acre tract of land as described in Official Records Volume 609 Page 66 of the ATHENS County Recorder's Office (Parcel # A027130000200,A027130000201,A027130000100 & A027180001501).

The easement shall be 40 feet wide, lying 20 feet on each side of the overhead facilities and 20 feet wide, lying 10 feet on each side of the underground facilities as constructed. The approximate location of said easement is depicted on Exhibit A, attached hereto and incorporated herein.

This Easement conveys all necessary and convenient rights for the Easement's use, including, without limitation, the rights to: construct, operate, maintain, inspect, protect, repair, replace, enlarge, upgrade, extend and remove utility facilities and relocate within the Easement, all necessary and convenient facilities which include but are not limited to: poles, anchors, guys, supporting structures, conductors, conduits, enclosures, grounding systems, foundations, manholes, transformers, and associated equipment, adding thereto from time to time; perform grading or filling for such facilities; cut, trim, remove and/or otherwise control, with herbicides or by other means, at Grantee's option (without any liability to Grantor), any trees, limbs or branches, brush, shrubs, undergrowth, of whatever size, buildings, structures, or other obstructions that in Grantee's reasonable judgment endanger or interfere with the safety or use of its facilities, both within and adjoining the Easement. Within the Easement, Grantor shall not: place any structures, piles or debris, interfere with lateral support, change the level of the ground by excavation or mounding without Grantee's written consent, allow any construction that would be inconsistent with the National Electric Safety Code or Grantee's design standards, and, for underground lines, permit or cause any excavation, except for other utilities, provided such utilities rights do not conflict with this Easement. This Easement also conveys the right of ingress and egress in and over any reasonable routes at all times. Grantor intends to use a portion of the easement area for future construction of an access road. Grantee agrees to work with



Grantor on future plans and to relocate facilities in conflict at Grantee's cost during the initial construction of the roadway. This does not apply to costs associated with any subsequent roadway improvements.

Grantor may use its property for all purposes not inconsistent with the full enjoyment of the Easement, but Grantor acknowledges high voltage electric lines will be constructed within the Easement and Grantor shall use its property in a manner consistent with all applicable safety rules and regulations for working near electric lines. Safety/required clearance issues may be referred to Grantee's Engineering Group. Grantee shall restore the premises or pay reasonable damages done to fences, drains, seeded lawns (not landscaping), gates, ditches and crops caused by Grantee's use of the Easement. Grantor has authority to grant this Easement. No delay or omission by Grantee in exercising any right hereunder shall operate as a waiver or forfeiture of such right. This Easement grant is effective and binding upon the parties, their successors, assigns, lessees, licensees, heirs and legal representatives, and if any term hereunder is held invalid, the remainder shall not be affected thereby.

WITNESS, Grantor(s) signed this Easement on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**CITY OF ATHENS, a Statutory Municipal Corporation**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF OHIO, }

COUNTY OF \_\_\_\_\_ }

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, [Name], \_\_\_\_\_ [Title of officer], of City of Athens, a Statutory Municipal Corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name

My Commission Expires \_\_\_\_\_

Easement prepared by Ohio Power Company BAA

*CALL BEFORE YOU DIG !!!* Address 120 E Stimson Dwg. No. 85577603 W003496401



MORRIS AVE

S MAY AVE

TOP: 2116358485734

SEVENTH DAY ADVENTIST CHURCH  
PARCEL # A027130000500

128'+/-

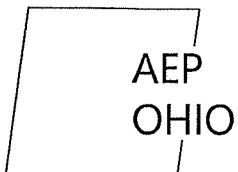
40'+/-

175'+/-

20'+/-

OHIO UNIVERSITY  
PARCEL # A027130000201

OHIO UNIVERSITY  
PARCEL # A027130000200



OHIO POWER COMPANY

DRAWN BY: Blake Lindner

COUNTY: ATHENS

WR#:85577603

CITY/TWP:ATHENS

DATE: 8/7/2023

STATE: Ohio

SCALE: NTS

**0-124-23**

Introduced by Micah McCarey, Chair  
City & Safety Services Committee

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO EXECUTE AN EASEMENT AND RIGHT-OF-WAY AGREEMENT WITH COLUMBIA GAS OF OHIO, INC., FOR SERVICE TO THE NEW FIRE STATION ON STIMSON AVENUE.

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

SECTION I: Athens City Council does hereby authorize the Service-Safety Director to execute an easement and right-of-way agreement with Columbia Gas of Ohio, Inc., for service to the new Fire Station on Stimson Avenue, a copy of said easement is attached hereto and incorporated herein by reference.

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

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

Easement No. \_\_\_\_\_

### **EASEMENT**

FOR AND IN CONSIDERATION of One Dollar (\$1.00) and other good and valuable consideration to it in hand paid, receipt of which is hereby acknowledged, **CITY OF ATHENS** (hereinafter called the Grantor), does hereby grant to **COLUMBIA GAS OF OHIO, INC.**, with principal offices at 290 West Nationwide Boulevard, Columbus, Ohio 43215, (hereinafter called the Company), its successors and assigns, the right to lay pipelines, including lateral pipeline connections, together with service connections, over and through the premises hereinafter described, and to operate and maintain without restriction or limitation, repair, replace, or change the size of its pipes without interruption to service and remove same, together with valves and other necessary appurtenances on lands situated in City of Athens, Athens County, State of Ohio, and more particularly described as follows:

Recorded In: Instrument No.: 202300004140 OR 609, Pg. 66

Permanent Parcel No.: A027130000201

Property Address: 0 Stimson Avenue E, Athens, Ohio 45701

Containing: Approximately 1.9 acres more or less, being located in N Corp Line PT OL 7 & 8 or as legally description as state in the prior deed.

The pipelines laid pursuant to the terms and conditions of this Easement Agreement shall be located within the limits of a twenty-foot (20') wide easement as shown on Exhibit A attached hereto and made part hereof; the twenty-foot wide area is referred to as the "Easement Area."

In addition to the permanent twenty-foot wide Easement Area defined above, Grantor hereby grants Company, its successors and assigns, an easement to temporarily use an additional ten-feet of space adjoining said permanent Easement Area as also shown on Exhibit A, for the purpose of enabling Company to alter, replace, repair or relocate an existing pipeline (within the permanent Easement Area) and to conduct all activities incident thereto, including restoration or clean-up activities. Each time such temporary construction easement is utilized, Company shall replace the area disturbed to as near as practical to its original condition.

With the right of ingress and egress to and from the same, the Grantor may fully use and enjoy the said premises, except for the purposes hereinbefore granted to the Company and will not in any way impair the ability of the Company to operate, maintain, repair, replace or remove any such pipeline facility.

Grantor shall not construct or permit to be constructed or place any house, structure, trees, shrubbery taller than five (5) feet, leach beds, septic tanks, or other obstructions, with the exception of existing city-owned utilities on or over the Easement Area that will interfere with the construction, maintenance, operation, replacement or repair of the pipelines or appurtenances constructed hereunder.

Grantor acknowledges and agrees that Company has the right from time to time to: (a) clear the Easement Area of all obstructions and (b) clear, cut, trim and remove any and all vegetation, trees, brush, and overhanging branches from the Easement Area by various means, however, the company shall not use any herbicide without express written consent of Grantor.

All pipes shall be buried so as not to interfere with the present use of the land.

The Company shall replace the area disturbed by the laying, construction, operation, and maintenance of said pipelines to as near as practical to its original condition.

The Grantor and the Company have agreed as a part of the consideration hereof that any damages to lawn, driveways, permitted shrubbery, drain tiles, crops, or permitted fences on said premises, the amount of which cannot be mutually agreed upon, shall be determined by a panel of arbitrators composed of three disinterested persons, of whom the Grantor and the Company shall appoint one each and the two arbitrators so appointed shall appoint the third, the award of any two of whom shall be final and a condition precedent to the institution of any legal proceedings

hereunder.

With regard to the lands encompassed by this Easement, Grantor represents that, to the best of its knowledge:

1. No pollutants, contaminants, petroleum or hazardous substances have been disposed or released on or under the Easement Area which would cause or threaten to cause an endangerment to human health or the environment or require clean up;
2. Neither the Easement Area, nor any portion thereof, is legally or contractually restricted as to its use or is subject to special environmental protection that would affect the use of the Easement Area for Company's intended use; and,
3. The Easement Area is not currently and has not previously been used for commercial or industrial purposes.

Grantor further represents that it has informed Company, prior to execution of this Easement Agreement, of any and all pollutants, contaminants, petroleum, hazardous substances and endangerments which the Grantor knows or has reason to know exist or may exist on or under the Easement Area.

Grantor and Company agree that, except to the extent caused by the acts or omissions of the Company or its representatives and contractors, the Company shall not be liable for, and is hereby released from, any and all claims, damages, losses, judgments, suits, actions and liabilities, whether arising during, prior to or subsequent to the term of this Easement Agreement, related to the presence of pollutants, contaminants, petroleum, hazardous substances, or endangerments in, beneath or along the Easement Area. Company acknowledges that said pipeline already exists in the Easement location and shall be responsible for any pollutants, contaminants, petroleum, hazardous substances, or endangerments directly caused by the existing pipeline

The rights, privileges and terms hereby shall extend to and be binding upon the Grantor and the Company and their respective representatives, heirs, successors, and assigns.



IN WITNESS WHEREOF, the Grantor hereto has hereunto set its hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**CITY OF ATHENS**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

STATE OF OHIO

COUNTY OF \_\_\_\_\_

)

) SS:

)

This is an acknowledgment. No oath or affirmation was administered for this notarial act.

Before me, a Notary Public in and for said County and State personally appeared \_\_\_\_\_  
Name(s) of the aforementioned,

\_\_\_\_\_, who represented that \_\_\_\_\_  
Company he/she/they is/are  
duly authorized in the premises, and who acknowledged that \_\_\_\_\_ did  
sign the foregoing instrument, and that the same is \_\_\_\_\_  
his/her/their free act and deed as such

\_\_\_\_\_  
Title(s) and the free act and deed of said  
\_\_\_\_\_  
Company

IN TESTIMONY WHEREOF, I hereunto set my hand and official seal this \_\_\_\_\_ day  
of \_\_\_\_\_ 20\_\_\_\_.

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

Print Name \_\_\_\_\_

THIS INSTRUMENT PREPARED BY:  
COLUMBIA GAS OF OHIO, INC.  
JO#: 23-01681502-00

**0-125-23**

Introduced by Sam Crawl, Chair  
Finance & Personnel Committee

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE 155-22,  
AND AUTHORIZING AN INTERFUND TRANSFER.

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

SECTION I: The 2023 Appropriation Ordinance 155-22 is hereby amended by appropriating from the unappropriated balance the sum of Five Hundred Thousand Dollars (\$500,000.00) to Safety Services Fund, 206.208, T.C. 600, for transfer, and increasing the total appropriations by the same amount.

SECTION II: The Auditor is hereby authorized to make the following interfund transfer:

| FROM                          | TO                        | AMOUNT       |
|-------------------------------|---------------------------|--------------|
| Safety Services Fund, 206.208 | Special Revenue Fund, 288 | \$500,000.00 |

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

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

An ORDINANCE to make appropriations for current expenses and other expenditures of the City of Athens, Ohio, during the fiscal year ending December 31, 2024.

SECTION I. BE IT ORDAINED by the Council of the City of Athens, State of Ohio, that to provide for the current expenditures of the said City of Athens during the fiscal year ending December 31, 2024, the following sums be and they are hereby set aside and appropriated as follows:

SECTION II. That there be appropriated from the following funds:

**GENERAL FUND****101**

| DEPARTMENT          | Transaction Classes >> | PERSONNEL  | SUPPLIES         | DEBT        | CAPITAL    | TRANSFERS     | BUDGET     | % of Total |
|---------------------|------------------------|------------|------------------|-------------|------------|---------------|------------|------------|
|                     |                        | 100        | SERVICES 200-300 | SERVICE 400 | OUTLAY 500 | & REFUNDS 600 | TOTAL      |            |
| MAYOR               | 101.101                | 982,600    | 78,814.00        | 0           | 11,000     | 0             | 1,072,414  | 5.81       |
| AUDITOR             | 101.102                | 564,000    | 206,822          | 0           | 7,000      | 400,000       | 1,177,822  | 6.38       |
| TREASURER           | 101.103                | 20,600     | 3,775            | 0           | 0          | 0             | 24,375     | 0.13       |
| LAW DIRECTOR        | 101.104                | 611,000    | 88,809           | 0           | 10,500     | 0             | 710,309    | 3.85       |
| COUNCIL             | 101.105                | 452,200    | 118,399          | 0           | 3,000      | 0             | 573,599    | 3.11       |
| COURT               | 101.106                | 973,000    | 371,083          | 0           | 2,000      | 0             | 1,346,083  | 7.29       |
| POLICE              | 101.207                | 4,833,000  | 596,545          | 0           | 79,500     | 0             | 5,509,045  | 29.84      |
| FIRE                | 101.208                | 3,682,000  | 514,740          | 0           | 77,000     | 0             | 4,273,740  | 23.15      |
| CODE                | 101.351                | 659,000    | 179,453          | 0           | 34,500     | 500           | 873,453    | 4.73       |
| PARKING ENFORCEMENT | 101.718                | 483,600    | 359,130          | 0           | 37,500     | 500           | 880,730    | 4.77       |
| LANDS & BLDGS       | 101.112                | 673,000    | 349,793          | 0           | 49,550     | 0             | 1,072,343  | 5.81       |
| OTHER ADMIN         | 101.120                | 0          | 824,779          | 0           | 16,000     | 106,500       | 947,279    | 5.13       |
| <b>TOTAL</b>        |                        | 13,934,000 | 3,692,142        | 0           | 327,550    | 507,500       | 18,461,192 | 100.00     |
| % of Total          |                        | 75.48      | 20.00            | 0.00        | 1.77       | 2.75          | 100.00     |            |

**OTHER FUNDS**

| DEPT                        | FUND | PERSONNEL | SUPPLIES           | DEBT        | CAPITAL    | TRANSFERS     | BUDGET    |
|-----------------------------|------|-----------|--------------------|-------------|------------|---------------|-----------|
|                             |      | 100       | SERVICES 200 & 300 | SERVICE 400 | OUTLAY 500 | & REFUNDS 600 | TOTAL     |
| Safety Services             | 206  | 0         | 0                  | 0           | 0          | 0             | 0         |
| Cemetery                    | 210  | 78,850    | 16,220             | 0           | 15,000     | 200           | 110,270   |
| Tourism                     | 212  | 0         | 350,000            | 0           | 0          | 0             | 350,000   |
| Transportation Assistance   | 214  | 0         | 175,468            | 0           | 74,465     | 0             | 249,933   |
| Cable Access                | 215  | 0         | 2,000              | 0           | 16,000     | 0             | 18,000    |
| Streets                     | 220  | 1,302,000 | 860,272            | 0           | 774,169    | 0             | 2,936,441 |
| Judges Court computer       | 230  | 0         | 48,182             | 0           | 2,000      | 23,000        | 73,182    |
| Clerk of Court Computer     | 231  | 0         | 56,538             | 0           | 1,000      | 0             | 57,538    |
| Diversion                   | 232  | 130,700   | 32,898             | 0           | 1,600      | 0             | 165,198   |
| Court Comm Corrections      | 235  | 151,000   | 6,331              | 0           | 1,500      | 0             | 158,831   |
| DUI Court                   | 237  | 0         | 4,000              | 0           | 0          | 0             | 4,000     |
| CDBG Formula Grant          | 248  | 0         | 40,750             | 0           | 123,000    | 0             | 163,750   |
| Athens Enhancement Fund     | 250  | 0         | 35,750             | 0           | 0          | 0             | 35,750    |
| Recreation                  | 270  | 1,033,300 | 495,365            | 0           | 130,500    | 1,500         | 1,660,665 |
| Community Center Operations | 271  | 696,500   | 352,099            | 0           | 93,000     | 2,500         | 1,144,099 |
| APR Income Tax              | 273  | 0         | 30,000             | 0           | 310,000    | 0             | 340,000   |

|                        |     |   |   |           |         |   |           |
|------------------------|-----|---|---|-----------|---------|---|-----------|
| Law Enforcement Trust  | 293 | 0 | 0 | 0         | 14,000  | 0 | 14,000    |
| ARPA Funds             | 286 | 0 | 0 | 0         | 250,000 | 0 | 250,000   |
| Drug Law Enforcement   | 294 | 0 | 0 | 0         | 5,000   | 0 | 5,000     |
| Fire Station Debt Fund | 430 | 0 | 0 | 1,180,000 | 0       | 0 | 1,180,000 |
| APR Debt               | 450 | 0 | 0 | 540,000   | 0       | 0 | 540,000   |

#### OTHER FUNDS

| DEPT                         | FUND    | PERSONNEL  |            | SUPPLIES  | DEBT       | CAPITAL   | TRANSFERS  | BUDGET    |
|------------------------------|---------|------------|------------|-----------|------------|-----------|------------|-----------|
|                              |         | 100        | 200 & 300  | SERVICES  | SERVICE    | OUTLAY    | & REFUNDS  |           |
|                              |         | 100        | 200 & 300  | 400       | 500        | 600       | TOTAL      |           |
| Street Rehab                 | 572     | 0          | 0          | 320,000   | 0          | 0         | 320,000    |           |
| Capital Improvements         | 580     | 0          | 0          | 0         | 50,000     | 0         | 50,000     |           |
| Small Cities ODOT            | 589     | 0          | 0          | 0         | 9,280,936  | 0         | 9,280,936  |           |
| Court Capital                | 592     | 0          | 0          | 0         | 50,000     | 0         | 50,000     |           |
| TIF Muni Imp Tax Increm      | 593     | 0          | 420,000    | 0         | 0          | 0         | 420,000    |           |
| DRD                          | 596     | 0          | 0          | 0         | 0          | 0         | 0          |           |
| Parking Garage               | 730     | 0          | 157,757    | 0         | 25,000     | 166,100   | 348,857    |           |
| Parking Garage Debt          | 733     | 0          | 0          | 161,000   | 0          | 0         | 161,000    |           |
| Water Fund - Maintenance     | 740.635 | 583,100    | 344,490    | 0         | 1,637,606  | 0         | 2,565,196  |           |
| Water Fund - Administration  | 740.636 | 374,900    | 274,248    | 0         | 9,000      | 397,000   | 1,055,148  |           |
| Water Fund - Plant           | 740.637 | 1,079,800  | 817,267    | 0         | 358,900    | 0         | 2,255,967  | 5,876,311 |
| WTP Improvement Debt         | 744     | 0          | 0          | 409,000   | 0          | 0         | 409,000    |           |
| Sewer Fund - Maintenance     | 750.635 | 615,400    | 180,979    | 0         | 3,876,849  | 0         | 4,673,228  |           |
| Sewer Fund - Administration  | 750.636 | 337,450    | 247,462    | 0         | 8,700      | 1,000     | 594,612    |           |
| Sewer Fund - Plant           | 750.637 | 1,108,000  | 971,024    | 0         | 1,616,654  | 0         | 3,695,678  | 8,963,518 |
| Storm Sewer                  | 755.635 | 0          | 70,000     | 0         | 150,000    | 0         | 220,000    |           |
| Storm Water Env. Coord.      | 755.637 | 48,350     | 14,346     | 0         | 2,050      | 0         | 64,746     |           |
| Sewer Debt                   | 758     | 0          | 0          | 1,490,000 | 0          | 0         | 1,490,000  |           |
| Sanitation                   | 760     | 262,000    | 2,800,949  | 0         | 7,000      | 200       | 3,070,149  |           |
| Internal Service - Mechanics | 865.645 | 204,000    | 83,249     | 0         | 12,300     | 0         | 299,549    |           |
| Internal Service - IT        | 865.647 | 167,000    | 326,918    | 0         | 30,000     | 0         | 523,918    |           |
| Medical Insurance Fund       | 866     | 0          | 5,541,000  | 0         | 0          | 0         | 5,541,000  |           |
| Unclaimed Funds              | 903     | 0          | 0          | 0         | 0          | 15,000    | 15,000     |           |
| OTHER FUNDS TOTAL            |         | 8,172,350  | 14,755,562 | 4,100,000 | 18,926,229 | 606,500   | 46,560,641 |           |
| GENERAL FUND TOTAL           |         | 13,934,000 | 3,692,142  | 0         | 327,550    | 507,500   | 18,461,192 |           |
| GRAND TOTAL                  |         | 22,106,350 | 18,447,703 | 4,100,000 | 19,253,779 | 1,114,000 | 65,021,832 |           |

34.00 28.37 6.31 29.61 1.71 100.00

SECTION III. And the City Auditor is hereby authorized to draw his warrants on the City Treasurer for payments from any of the foregoing appropriations upon

SECTION IV. This ordinance shall take effect at the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

Approved by: \_\_\_\_\_  
Finance Committee

Attest: \_\_\_\_\_  
Clerk

\_\_\_\_\_  
Finance Committee

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Finance Committee

\_\_\_\_\_  
Finance Committee

\_\_\_\_\_  
Mayor

Introduced by the Finance & Personnel Committee

AN ORDINANCE AMENDING ORDINANCE 04-23; REALLOCATING REVENUES FROM THE CITY INCOME TAX; AND DECLARING AN EMERGENCY.

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

SECTION I: **Effective January 1, 2024**, Section I of Ordinance 04-23 is hereby amended to read as follows:

Section I: That revenues from the city income tax, after deduction of 5.13% for the Street Rehabilitation Fund, 572, and 5.13% for the Arts, Parks & Recreation Debt Fund, 450, and 2.56% for payment of expenses associated with the Recreation/Community Facility Fund, 271, and 5.13% for the fire Station Debt Fund, 430, as required under tax levies, shall be allocated directly to funds as follows:

- (A) (72.5%) to General Fund, 101
- (B) (~~17.5%~~) (**16.5%**) to Street Fund, 220
- (C) (~~6%~~) (**8%**) to Recreation Fund, 270
- (D) (~~3%~~) (**2%**) to Capital Improvements Fund, 580
- (E) (1%) to Transportation Assistance Fund, 214

SECTION II: This Ordinance shall be an emergency measure necessary for the preservation of the health, safety and welfare of the residents of the City of Athens in order to maintain fiscal integrity, and that it shall be in full force and effect upon its passage and approval by the Mayor.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor



**Lobbying and Advocacy Contract:  
Sunday Creek Horizons and Client**

This Consulting Agreement (“**Agreement**”) is entered into on \_\_\_\_\_, \_\_\_\_\_ (“**Month Day, Year**”), by Sunday Creek Horizons and between the City of Athens, its successors and assigners, located at 8 E Washington St, Athens, OH 54701 and **Sunday Creek Horizons, LLC** (the “**Consultant**”), whose primary address is 5 Depot Street, Athens OH 45701. Client and Consultant are hereinafter referred to each as a “**Party**” and collectively as the “**Parties**”.

**WHEREAS** Client desires to enter into the within agreement with Consultant to draw on the Consultant’s expertise to advance the interests and mission of the Client.

**WHEREAS** Client and Consultant desire to establish a contractual relationship whereby Consultant will partner with Client to advance the needs and interests of Client, subject to the terms and conditions contained herein (“**Consulting Services**”).

**NOW, THEREFORE**, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

**1. Services; Performance Standards.**

- a. **Statement of Services.** Consultant will undertake the Services as set forth in the Statement of Services, labeled Exhibit 1, and incorporated herein by reference.
- b. **Standard of Services.** Consultant will furnish professional services in accordance with commercial standards necessary for the satisfactory performance of the Services under this Agreement. Client shall engage Consultant as an independent contractor to provide the Consulting Services under the terms set-forth herein. The parties may extend the scope and extent of work called for herein, by mutual written agreement. Contractor shall provide the Consulting Services in accordance with generally established professional standards and practices and in accordance with all applicable laws, regulations, codes, and ordinances.

**2. Term; Termination.** This Agreement shall commence on the Effective Date and continue for twelve months. Each Party shall maintain the unilateral right to terminate this Agreement for any reason upon furnishing the other with thirty (30) days written notice.

**3. Performance and Compensation.**

- a. **Monthly Retainer.** Consultant will earn compensation (the “**Monthly Retainer**”) from Client in the amount of **\$10,000** per month, for Consulting Services, to be paid on a monthly basis.
- b. **Payment Terms.** The Monthly Retainer shall be due and payable to Consultant by Client within 30 business days following the receipt of invoice from Consultant.

**4. Expenses.** Unless otherwise agreed to in advance, and in writing, the Consultant shall be responsible for all reasonable expenses incurred in providing the Consulting Services hereunder including, but not limited to, travel, transportation, parking, tolls, supplies, photocopying, printing, courier service, telephone service, postage and meals. Client shall not be responsible for reimbursement of costs undertaken by the Consultant in connection with the performance of the scope of work herein.



5. **Insurance.** Throughout the duration of this Agreement, Consultant shall maintain: (i) comprehensive general liability insurance (or equivalent professional liability insurance) covering bodily injury and property damage that may arise from or in connection with the Services, in amounts not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate; (ii) workers' compensation coverage as required by Ohio law; and (iii) commercial automobile liability coverage in an amount not less than \$1,000,000. Upon request, Consultant shall provide Client with a certificate of insurance or equivalent evidence of such coverages.
6. **Confidentiality.** Consultant shall keep all printed, digital, and verbal communications with Client confidential, and Consultant will not disclose any information identified by Client as proprietary, unless expressly authorized to do so by Client.
7. **Compliance with Applicable Law.** Consultant and Client shall comply with all applicable federal and state laws and regulations. Furthermore, Contractor and Client shall timely file all applicable disclosures and reports required.
8. **Non-Legal Services.** The Consultant and Client expressly agree that the Consulting Services provided by Consultant pursuant to the within agreement, or in connection with any other matter between the Parties, do not under any circumstances constitute the provision of legal services. Client acknowledges that it has been advised by Consultant that the Consulting Services rendered to Client pursuant to the Parties' agreement(s) do not constitute the practice of law, or the provision of legal services.
9. **Avoidance of a Conflict of Interest.** The parties acknowledge that the Consultant has been, and will continue to be engaged by other Ohio local government political subdivisions; and that these engagements entail the provision of Services of a similar nature to those set forth in Exhibit 1. Client acknowledges that Consultant does not make final determinations on the award of state or federal grant monies, and that these decisions are made independently by state and/or federal government officials. As such, efforts by Consultant on behalf of Client to secure federal or state funding shall not, on their face, be considered conflicting with similar efforts made on behalf of other local governments. Consultant shall, however, take reasonable and necessary steps to insure that its actions on behalf of such other local governments shall not directly conflict with or compromise the interests of Client. During the term of the within engagement, Consultant shall disclose any discovered direct conflicts that may arise between Consultant's work on behalf of Client and that performed on behalf of any other similarly situated local governments.
10. **Legal Construction.** If one or more provisions hereof are held invalid, illegal or unenforceable, the invalid, illegal or unenforceable provision shall not affect any other provisions of this Agreement, and this Agreement shall be construed as if the invalid, illegal or unenforceable provision had never been contained herein.
11. **Governing Law and Mediation.** This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio, without regard to the choice of law provisions thereof. Any controversy or claim arising out of or relating to this Agreement or a breach there shall be settled by mediation and a resolution of the dispute shall be sought in good faith by both parties.
12. **Amendment and Waiver.** This Agreement may be amended only with the written consent of the Parties. The failure of either Party at any time to require performance by the other hereunder shall not affect the right of such Party to thereafter enforce such provision, and such failure shall not be deemed to be a waiver thereof.
13. **Notices.** Any notices to be given hereunder by a Party to the other may be affected either by personal delivery in writing, by guaranteed overnight delivery or by electronic mail. Mailed notices shall be addressed to the Parties at the addresses appearing at the end of this Agreement, but each Party may change



the address upon written notice in accordance with this Section. Notices delivered personally, by mail, by electronic mail or by overnight delivery will be deemed communicated as of the date of actual receipt.

14. **Entire Agreement.** This Agreement constitutes the entire understanding between Contractor and Client with regard to the subject matter of this Agreement and supersedes and terminates all prior oral or written proposals, communications or other agreements related to the subject matter of this Agreement and any consultant agreement, referral, or consulting relationship, including any prior consultant agreements entered into by and between Contractor and Client.

**IN WITNESS WHEREOF**, the undersigned Parties have entered into this Agreement as of the effective date.

\_\_\_\_\_ Date: \_\_\_\_\_

By:  
Title:  
Address:

\_\_\_\_\_ Date: \_\_\_\_\_

By: Zack Space  
Title: President, Sunday Creek Horizons  
Address: 5 Depot St. Athens, OH 45701



**EXHIBIT 1**  
**Scope of Services**

Sunday Creek Horizons (SCH) and the Client have agreed to the following scope of services:

**1. Grant Funding Identification & Project Management**

SCH will identify funding opportunities for projects deemed important by the City administration. SCH will use its knowledge of the grantmaking process and its network within state and federal agencies to identify grant opportunities to the City of Athens for their projects. Once identified, SCH will collaborate with the City of Athens to craft the grant applications. Sunday Creek Horizons has already assisted in the securing of approximately \$2,400,000 from the Appalachian Community Grant Program, \$600,000 from the Ohio Capital Bill, and \$975,000 from the JobsOhio Vibrant Communities grant program. These project management and coordination efforts will continue under the scope of this proposal.

**2. Economic Development and Planning Activities**

Develop and coordinate economic and planning strategies for the City of Athens on an as needed basis for the City's administration. SCH will work closely with the City leadership to provide additional planning or economic development services to administration and offer assistance to the City's Planning and Service Directors, when needed. Our primary scope under this item will be to support the City in managing the redevelopment of the Stimson Avenue corridor. SCH will engage with stakeholders and developers that are interested in pursuing development within this corridor and will also identify infrastructure needs and subsequent funding to complete the necessary pre-development work, including and primarily with regards to the Ice Rink facility sought by the City of Athens and Ohio University.

**3. Single Family Tax Credit**

SCH will focus on the goal of promoting affordable homeownership in the City of Athens. This scope of services will include the development and coordination of economic planning strategies in collaboration with the City of Athens. This will include the Single Family Tax Credit Program through the Ohio Housing Finance Agency. Through this program, SCH will work with housing developers and current housing projects like the Woods Edge Apartment Development to identify the locations and scope of construction of single-family homes in the city. SCH will also work alongside the development team to submit an application for tax credits to help finance the construction of the homes.

**4. Water and Sewer Infrastructure**

SCH will work with the City of Athens to identify priority water infrastructure projects and timelines for completion. Then action will be taken to put a plan together to gain state and federal investment to subsidize the cost of construction for the City of Athens. This will include outreach to agencies such as the Ohio EPA, the Ohio Water Development Authority, and the Ohio Department of Development, as well as federal outreach to the US EPA, and USDA Rural Development, and the City of Athens's state and federal elected representatives.

**5. Legislative Advocacy**



SCH will continue to advocate for the City of Athens and the aforementioned projects or other future projects through the State of Ohio and federal agency outreach. SCH will directly engage and facilitate conversations with state and federal elected officials and their staff to discuss the City's priorities and ensure the City and its interests are represented to its elected officials. Through already established relationships, SCH will engage with state and federal agency leaders in discussions focused on bringing grant dollars and project support into the City, for projects identified by the City's administration.