

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, NOVEMBER 6, 2023, 7:00 P.M.

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

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

DISPOSITION OF MINUTES:

Ziff moved for approval of the minutes from the Regular Session held October 16, 2023; McCarey seconded. Minutes were unanimously approved as presented.

COMMUNICATIONS:

Council Member McCarey announced that he, along with Mayor Patterson and DEIA Coordinator Rogers will be attending the National League of Cities (NLC) to participate in their Racial, Equity, and Leadership Institute graduation during the week of November 13 in Atlanta, Georgia. The NLC has shared a resource guide on how cities can acknowledge and address the history of harm to indigenous peoples, rebuild trust and repair relationships.

This is Native American History Month and he offered that the Racial Equity Coalition of Athens County has been discussing helping organizations demonstrate respect for that history, reading the following Ohio University land acknowledgement, "In 1795, after at least a decade of war with the United States, leaders from a dozen sovereign nations were forced to sign the Treaty of Greenville which ceded lands comprising most of eastern, southern and central Ohio to the U.S. government. A confederacy of tribes, united under the great Shawnee Leader Tecumseh, continued to resist U.S. aggression until 1815, when they were eventually forced from Ohio, including lands currently occupied by Athens and Ohio University. Many Shawnee, meanwhile, remained on reservation land in Ohio until 1831, when they were finally compelled to emigrate to Native American Territories west of the Mississippi River. The final Ohio tribe to be removed was the Wyandot in 1843." This information can be found through the Ohio University Ping Institute's, About This Place: Once Home to 40 Tribes and the Traditional Home of the Shawnee Peoples.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson shared the following:

- Notice from the Ohio Department of Transportation (ODOT) that the City has been awarded \$200,000 from the federal government for a

Comprehensive Safety Action Plan grant that will be used for further planning safe passage near State Route 682/56 out to Morrison-Gordon Elementary School. This may also include the State Route 682 corridor with the roundabout project.

- Notice that ODOT is continuing to plan their 3-year project for the expansion of the Route 33 four-lane from Athens to Ravenswood. Construction will begin in 2025 through the fall of 2028.
- Reminded Council that the City's COVID viral load sampling continues to increase, noting that Dr. Gaskell, a long-time local pediatrician and recently retired Health Commissioner, encourages people consider getting the vaccine.

ORDINANCE FOR THIRD READING:

0-96-23

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

McCarey moved for Adoption; Ziff seconded. Discussion: Swank asked if, at this time, the project appears to be on schedule.

Service-Safety Director Stone responded that as of today, it is on schedule.

Adoption was approved unanimously.

0-97-23

AN ORDINANCE AMENDING ATHENS CITY ZONING CODE, TITLE 23, CHAPTER 23.03, GENERAL REGULATIONS AND PERMITTED MODIFICATIONS, SECTION 23.03.13 (L) (1) (a), SIGN REGULATIONS. Grace moved for Adoption; Crawl seconded. Adoption was approved unanimously.

0-98-23

AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY NO LONGER NEEDED FOR A MUNICIPAL PURPOSE. Grace moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-100-23

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, SECTION 5.04.08, SEWER RATES. Ziff moved for Adoption; Crawl seconded.

Discussion: Swank reiterated his request for information on the need for any percentage increase in sewer rates for 2024.

Service-Safety Director Stone would not recommend there be no increase in 2024, but the City could do that.

Swank is not comfortable, and cannot justify raising 2024 sewer rates with projections to the year 2040 that will still not reach a zero balance if sewer rates are not increased next year.

Crowl believes keeping the 3% annual increase is necessary in order to manage any unanticipated repairs to our system, and he is comfortable with this legislation that will keep the City's Sewer Fund solvent.

Treasurer Thomas recently attended a financial conference addressing municipal sewer systems. The advice from the Office of the State Auditor was the need to maintain a healthy fund balance to cover any unexpected maintenance costs.

Mayor Patterson pointed out that the 2040 graph does not show an exponential increase in revenue coming in; it is showing a healthy revenue trajectory. This increase in sewer rates is the City being fiscally responsible.

Auditor Hecht does not agree with a zero increase in 2024. Our sewer system is a big operation, and when things go really wrong repairs can be very costly. She appreciates maintaining an annual gradual increase. We need to do what is right for the City.

Adoption was approved by a 6/1 vote; with Swank voting in opposition.

0-101-23

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 7, TRAFFIC CODE, CHAPTER 7.05, PARKING REGULATIONS, SECTIONS 7.05.22 AND 7.05.26. Risner moved for Adoption; Ziff seconded. Adoption was approved unanimously.

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. Risner moved to amend Section I: 7.05.22, Pay Parking, Regulations and Penalties, (A)(1) to read as follows: High intensity zones shall cost \$1.25 per hour (\$0.25 per 45 12 minutes); Crowl seconded. Amendment was approved by a 6/1 vote; with Spjeldnes voting in opposition.

0-103-23

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

0-104-23

AN ORDINANCE FINALIZING COSTS FOR THE ARMORY, PROJECT #313, AND AUTHORIZING EXPENDITURES FROM THE CITY OF ATHENS TO THE ATHENS COMMUNITY IMPROVEMENT CORPORATION (ACIC) FUND. Crowl moved for Adoption; Risner seconded. Adoption was approved unanimously.

0-105-23

AN ORDINANCE AUTHORIZING FUNDS TO THE ATHENS COMMUNITY IMPROVEMENT CORPORATION FOR PAYMENT OF 2023 ARMORY ELECTRIC BILLS; AUTHORIZING AN INTERFUND TRANSFER; AND REQUESTING REIMBURSEMENT FOR PAYMENTS MADE BY THE CITY OF ATHENS. Crawl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-108-23

AN ORDINANCE ESTABLISHING A "SPECIAL REVENUE FUND" POLICY FOR THE CITY OF ATHENS. Crawl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

0-99-23

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED. Swank moved to amend (see attached changes highlighted in yellow); Ziff seconded. Amendment was approved unanimously.

0-109-23

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

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0-110-23

AN ORDINANCE AUTHORIZING DISPOSAL OF EQUIPMENT AND VEHICLES NO LONGER NEEDED FOR A MUNICIPAL PURPOSE. Risner moved for Suspension of the Rules to allow HAPCAP to remove the bus to free up needed space; Ziff seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Grace seconded. Adoption was approved unanimously.

0-111-23 AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 17, MUNICIPAL INCOME TAX, CHAPTER 17.01, IN GENERAL.

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.

0-113-23

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE 155-22.

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.

ORDINANCES FOR FIRST READING:

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. Discussion: Joe Recchie, The Ridges New Community Development Managing Member, commented that on June 15, 2023 the City approved the creation of the New Community Authority (NCA), and is now requesting approval to create a Community Reinvestment Area (CRA), along with Tax Increment Financing (TIF). He explained that the 15-year tax abatement covers all of the property (allowing for the retirement for indebtedness associated with infrastructure), and for years 16 through 30 only the TIF non-school portion is reduced. After 30 years, all of the tax base will return.

Swank asked if the TIF for years 1-15 is 70% or 100%.

Recchie clarified that it is 100%.

Spjeldnes questioned the use of the word “discouraged” in Section I; it seems awkward.

Law Director Eliason questioned that as well, but was informed by the attorney preparing the document that its usage is correct. She will seek clarification and will notify the Council at second reading.

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.

0-117-23 AN ORDINANCE AUTHORIZING DISPOSAL OF THE CITY'S LEAF COLLECTOR TRUCK AND APPURTENANCE, NO LONGER NEEDED FOR A MUNICIPAL PURPOSE, AS TRADE-IN ON THE PURCHASE OF A NEW LEAF COLLECTOR TRUCK FOR THE STREET DEPARTMENT; AND DECLARING AN EMERGENCY. Risner moved for Suspension of the Rules in order to secure truck delivery this week; Grace seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-118-23 AN ORDINANCE APPROVING THE FINAL PLAT OF THE HOMESTEAD COURT AND BROADMOOR, UNIVERSITY ESTATES, PLANNED UNIT DEVELOPMENT. Discussion: Spjeldnes asked if there have been any further conversations with the developers about moving forward any time soon due to their concern about the increased cost.

Service-Safety Director Stone recently met with the Sunday Creek Horizons team who is helping the City and developer with this endeavor. The initiative being pursued is the Single-Family Home Tax Credit Program through the Ohio Housing Finance Agency (OHFA). The rules are just now being written, with an application to be made next spring. This will be an additional incentive on top of the TIF that is already in place to offset some of the cost. The developers are on board assuming this program can work for them. One of their biggest concerns is the servicing of construction debt and the fact that a tax credit program comes at the end instead of the beginning. There is a cash flow issue with infrastructure costs being significantly higher than was envisioned five years ago. A different source of financing is being explored.

Swank asked if the Council is being asked to vote on the layout of the proposed properties as opposed to the structures that will be placed on them.

Grace responded that there are already criteria within the TIF agreement that specifies the types of structures.

Swank asked about needed approvals from the Affordable Housing Commission and the Commission on Disabilities. City Council should have those approvals prior to adoption of this legislation.

Mayor will check on approvals by these two Commissions.

0-119-23 ORDINANCE AMENDING ATHENS CITY CODE TITLE 3, ADMINISTRATIVE PROVISIONS, CHAPTER 3.07, ADMINISTRATIVE DEPARTMENTS; BOARDS AND COMMISSIONS, SECTION 3.07.74, ESTABLISHMENT OF COMMISSION. Discussion: Swank questioned a member's commitment if they miss three consecutive meetings. He suggested having uniform attendance rules across all boards and commissions.

President noted that the Boards and Commissions were given latitude in making decisions within their bylaws, and while this may seem generous, it does not seem unreasonable or out of line.

Law Director reminded City Council of their right to vote yes or no on this recommended amendment.

Spjeldnes questioned the need to have attendance language in the City Code, suggesting that it could simply be part of their bylaws.

Crowl clarified that the newly created bylaws are now in conflict with current City Code language. This is normal Council business and any member of Council can propose an amendment to the proposed language.

Spjeldnes also believes that the proposed language is overly generous, again, suggesting attendance be part of the bylaws and not part of our City Code.

Law Director responded that City Council could amend the City Code to remove any reference to attendance language.

0-120-23

AN ORDINANCE AUTHORIZING THE AUDITOR TO REDUCE 2023 YEAR-END APPROPRIATIONS. Discussion: Auditor Hecht explained that this is required by our State Auditors.

0-121-23

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

0-122-23

AN ORDINANCE AMENDING THE 2023 STAFFING LEVELS AUTHORIZED BY ORDINANCE 147-22; AND DECLARING AN EMERGENCY. Crowl moved for Suspension of the Rules in order to allow the Administration to hire into positions that would be helpful at this time; Grace seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

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. Discussion: Swank asked if these utilities would be placed underground.

Service-Safety Director responded that this particular utility currently goes overhead to the transformer; it is a primary line. It will however, be underground coming into the Station. He added this line will service the facility as well as the fast-charging stations in the parking lot for public use.

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.

ANNOUNCEMENTS & OTHER BUSINESS:

Swank announced that the organic fertilizer collected from the Sells Park pond will be available soon to the public. Later this week the Arts, Parks, and Recreation Director will be announcing a collection procedure to those who are interested.

President announced the need for a Special Session next Monday, November 13 at 7:00 p.m.

EXECUTIVE SESSION:

At approximately 8:45 p.m., Grace moved to go into Executive Session for the purpose of considering Threatened Litigation and Collective Bargaining, and invited the Mayor, Law Director, Auditor, Service-Safety Director and Deputy Service-Safety Director to attend; Ziff seconded. A roll call vote was taken as follows: Spjeldnes, aye; Risner, aye; Crowl, aye; Swank, aye; Grace, aye; Ziff, aye; and McCarey, aye.

At approximately 9:15 p.m., Ziff moved for Adjournment; Swank seconded. Adjournment was approved unanimously.

President of Council

ATTEST:

Clerk of Council
