



AGENDA
ATHENS CITY COUNCIL
MONDAY, OCTOBER 21, 2024 AT 7:00 PM

e-mail: dwalker@ci.athens.oh.us

Streaming is available at www.ci.athens.oh.us/video

1. Establish Quorum

2. Disposition of Minutes:

- Regular Session of City Council held on October 7, 2024

3. Communications

4. Reports and Communications from Other Elected Officials

5. Ordinance for Third Reading:

0-94-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23.
Introduced by Council Member Risner

6. Ordinances for Second Reading:

0-95-24

AN ORDINANCE AUTHORIZING DISPOSAL OF EQUIPMENT AND VEHICLES NO LONGER NEEDED FOR A MUNICIPAL PURPOSE.
Introduced by Council Member Spjeldnes

0-96-24

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A BUYOUT AGREEMENT FOR THE CARPORT-MOUNTED SOLAR ARRAY AT THE COMMUNITY CENTER.
Introduced by Council Member McCarey

0-97-24

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 5, PUBLIC UTILITIES, CHAPTER 5.07, STORM WATER REGULATIONS, SECTIONS 5.07.14, APPEAL OF NOTICE OF VIOLATION, AND 5.07.15, ENFORCEMENT MEASURES AFTER APPEAL.
Introduced by Council Member McCarey

0-98-24

AN ORDINANCE APPROVING THE ATHENS-HOCKING SOLID WASTE MANAGEMENT PLAN.

Introduced by All Members of Council

7. Ordinances for First Reading:

0-101-24

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, SECTION 5.04.08, SEWER RATES.

Introduced by All Council Members

0-102-24

AN ORDINANCE AMENDING ORDINANCE 131-23 TO INCREASE NON-UNION COMPENSATION FOR CURRENT WATER, SEWER, STREET, AND RECREATION SUPERVISORS; AND DECLARING AN EMERGENCY.

Introduced by the Finance & Personnel Committee

0-103-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23.

Introduced by Council Member Risner

0-104-24

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO CONTRACT(S) FOR THE NEXT PHASE OF CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE CITY SEWER SYSTEM IMPROVEMENTS, PROJECT #330; AMENDING ORDINANCE 10-24; AND DECLARING AN EMERGENCY.

Introduced by Council Member Risner

0-105-24

AN ORDINANCE AUTHORIZING PARTICIPATION IN FEDERAL GENERAL SERVICES ADMINISTRATION (GSA), A COOPERATIVE PURCHASING PROGRAM.

Introduced by Council Member Risner

0-106-24

AN ORDINANCE AUTHORIZING THE PURCHASE OF A SALT TRUCK FOR THE STREET DEPARTMENT; AND DECLARING AN EMERGENCY.

Introduced by Council Member Spjeldnes

0-107-24

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ACCEPT BIDS AND ENTER INTO CONTRACT FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING FOR CITYWIDE CURB RAMPS, PROJECT #366.

Introduced by Council Member Spjeldnes

0-108-24

AN ORDINANCE AUTHORIZING DESIGN AND CONSTRUCTION OF A PUBLIC SAFETY TRAINING FACILITY, PROJECT #373.

Introduced by Council Member McCarey

0-109-24

AN ORDINANCE AMENDING ORDINANCE 77-24 APPROVING THE PETITION, PLAN, AND ARTICLES OF INCORPORATION OF THE ATHENS REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT, INC. AND DECLARING THE NECESSITY OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF ATHENS, OHIO IN COOPERATION WITH THE ATHENS REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT, INC; AND DECLARING AN EMERGENCY.

Introduced by Council Member Swank

0-110-24

AN ORDINANCE AMENDING ORDINANCE 78-24, DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF ATHENS, OHIO IN COOPERATION WITH THE ATHENS REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT; AND DECLARING AN EMERGENCY.

Introduced by Council Member Swank

0-111-24

AN ORDINANCE AMENDING ORDINANCE 79-24, LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF ATHENS, OHIO IN COOPERATION WITH THE ATHENS ENERGY SPECIAL IMPROVEMENT DISTRICT, APPROVING AN ENERGY PROJECT COOPERATIVE AGREEMENT AND A SPECIAL ASSESSMENT AGREEMENT; AND DECLARING AN EMERGENCY.

Introduced by Council Member Swank

8. One-Reading Resolution:

- **R-08-24**

A RESOLUTION SUPPORTING THE PROPOSED CITIZENS NOT POLITICIANS (ISSUE I) AMENDMENT TO THE OHIO CONSTITUTION CREATING A CITIZEN-LED, TRANSPARENT COMMISSION TO DRAW LEGISLATIVE DISTRICTS.

Introduced by All Council Members

9. Announcements & Other Business:

- Confirm Mayor's Reappointment(s) to the Board of Zoning Appeals

10. Opportunity for Citizens to Speak on Legislative Items and City Services Not Covered on the Agenda

11. Adjournment

Sam Crowl
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.

0-94-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23.

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

SECTION I: The 2024 Appropriation Ordinance 130-23 is hereby amended by appropriating from the unappropriated balance the following sums:

Twenty-Four Thousand Two Hundred Ninety-Four Dollars (\$24,294.00) to Street Fund, 220, T.C. 500, grant award for H2 Ohio Rivers Initiative Chloride Reduction; and

Fifteen Thousand Dollars (\$15,000.00) to Community Center Fund, 271, T.C. 500, for elevator pit repairs, and increasing the total appropriations by said 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

0-95-24

Introduced by Solveig Spjeldnes, Chair
Transportation Committee

AN ORDINANCE AUTHORIZING DISPOSAL OF EQUIPMENT AND VEHICLES NO LONGER NEEDED FOR A MUNICIPAL PURPOSE.

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

SECTION I: Athens City Council hereby declares the following equipment no longer needed for a municipal purpose:

<u>EQUIPMENT</u>	<u>SERIAL/VIN #</u>	<u>FIXED ASSET#</u>
(Fire) Foam Box Trailer	48B500G21W1033840	800233

SECTION II: The above-listed equipment is hereby authorized for donation to the Albany Volunteer Fire Department.

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

0-96-24

Introduced by Micah McCarey, Chair
City & Safety Services Committee

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A BUYOUT AGREEMENT FOR THE CARPORT-MOUNTED SOLAR ARRAY AT THE COMMUNITY CENTER.

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

SECTION I: The Service-Safety Director is hereby authorized to enter into a buyout agreement for the carport-mounted solar array at the Community Center, in substantially the same form as attached hereto and incorporated herein by reference.

SECTION II: The 2024 Appropriation Ordinance 0-130-23, is hereby amended by appropriating from the unappropriated balance the following sums:

Thirty-Five Thousand Dollars (\$35,000.00) to Community Center Fund, 271, T.C. 500; and

Two Hundred Thousand Dollars (\$200,000.00) to Capital Improvements Fund, 580, T.C. 500, and increasing the total appropriations by said amounts.

SECTION III: The Service-Safety Director is hereby authorized to expend up to Two Hundred Thirty-Five Thousand Dollars (\$235,000.00) for said buy-out as follows:

Thirty-Five Thousand Dollars (\$35,000.00) from Community Center Fund, 271, T.C. 500; and

Two Hundred Thousand Dollars (\$200,000.00) from Capital Improvements Fund, 580, T.C. 500.

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

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

BILL OF SALE

SL BUCKEYE SOLAR I LLC, an Ohio limited liability company (“Grantor”), in consideration of the sum of TWO HUNDRED THIRTY-ONE THOUSAND FOUR HUNDRED FIFTY-FIVE and 00/100 Dollars (\$231,455.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby assign, grant, sell, transfer and deliver to **CITY OF ATHENS** (“Grantee”), all right title and interest of the Grantor in the several items of personal property described in Schedule “A” attached hereto and by this reference made a part hereof.

Grantee is acquiring the aforesaid property above in reliance upon its personal inspection and knowledge of the property and in a fully operational condition, and hereby acknowledges receipt and acceptance thereof.

GRANTOR MAKES NO WARRANTIES, EXPRESS OR IMPLIED, OF ANY KIND OR NATURE EXCEPT THAT (1) GRANTEE WILL ACQUIRE, BY THE TERMS OF THIS BILL OF SALE, TITLE TO THE AFORESAID PROPERTY FREE FROM ALL LIENS, ENCUMBRANCES AND RESTRICTIONS; AND (2) GRANTOR HAS THE RIGHT TO SELL AND CONVEY THE PROPERTY. WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, GRANTOR MAKES NO OTHER WARRANTIES WITH RESPECT TO THE PROPERTY INCLUDING THE QUALITY, CONTENT, CONDITION, MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE OF THE AFORESAID PROPERTY. ANY DISPUTES SHALL BE GOVERNED BY THE LAWS OF THE STATE OF OHIO.

IN WITNESS WHEREOF, this Bill of Sale is hereby executed this ____ day of _____, 2024.

GRANTOR:

SL BUCKEYE SOLAR I LLC

By: _____

Name: William C. Zachary

Title: Authorized Signatory

ACKNOWLEDGEMENT AND ACCEPTANCE:

GRANTEE:

CITY OF ATHENS

By: _____

Name:

Title:

ACKNOWLEDGMENT PAGE

TO

BILL OF SALE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

On the ____ day of _____, 2024, before me, the undersigned, a Notary Public in and of the State of New York, personally appeared William C. Zachary, personally known to me to be the individual whose name is subscribed to the within instrument, and he acknowledged to me that he executed the same in his said capacities, and that by his signature on the instrument, the individuals or the persons upon whose behalf of which the individual acted, executed the instrument.

Notary Public, State of New York

STATE OF OHIO)
) ss.:
COUNTY OF ATHENS)

On the ____ day of _____, 2024, before me, the undersigned, a Notary Public in and of the State of Ohio, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and he/she acknowledged to me that he/she executed the same in his/her said capacity, and that by his/her signature on the instrument, the individuals or the persons upon whose behalf of which the individual acted, executed the instrument.

Notary Public, State of Ohio

Schedule “A”

1. Approximately 936 Sharp NU-U240F1 240W modules, two (2) 100kW central inverters manufactured by PVPowered, all steel parking canopy structures, and all associated solar photovoltaic generating system machinery, equipment, fixtures and other tangible personal property owned by Grantor located on the grounds of and within the Athens Community Center, 701 E. State Street, Athens, OH 45701 (the “Facility”).
2. All rights to Environmental Attributes¹ related to the Facility.
3. All rights to the digital generator account for the Facility on the PJM-EIS Generation Attribute Tracking System (“GATS”).
4. All federal, state, or local permissions and certifications related to Environmental Attributes, including but not limited to:
 - a. the Facility’s qualification in the State of Ohio as a Solar Renewable Energy Source with a State Certification Number of 11-SPV-OH-GATS-0159;
 - b. the Facility’s qualification in the Commonwealth of Pennsylvania as a Tier I Renewable Energy Source with a State Certification Number of PA-36182-NSTI-I; and
 - c. the Facility’s qualification in the Commonwealth of Virginia as Renewable with a State Certification Number of VA-009840-SUN.
5. All Environmental Attributes held by Grantor and having arisen from generation occurring on or after January 1, 2024 shall be immediately turned over via certificate transfer to the inbox of a GATS account named by Grantee, with such definitions provided by PJM-EIS.

¹ “Environmental Attributes” means any and all credits, benefits, emissions reductions, offsets, and allowances, howsoever entitled, attributable to the Facility, the production of electrical energy from the Facility and its displacement of conventional energy generation, including (a) any avoided emissions of pollutants to the air, soil or water such as sulfur oxides (SOx), nitrogen oxides (NOx), carbon monoxide (CO) and other pollutants; (b) any avoided emissions of carbon dioxide (CO₂), methane (CH₄), nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride and other greenhouse gases (GHGs) that have been determined by the United Nations Intergovernmental Panel on Climate Change, or otherwise by law, to contribute to the actual or potential threat of altering the Earth’s climate by trapping heat in the atmosphere; and (c) the reporting rights related to these avoided emissions, such as Green Tag Reporting Rights and Renewable Energy Credits. Green Tag Reporting Rights are the right of a party to report the ownership of accumulated Green Tags in compliance with federal or state law, if applicable, and to a federal or state agency or any other party, and include Green Tag Reporting Rights accruing under Section 1605(b) of The Energy Policy Act of 1992 and any present or future federal, state, or local law, regulation or bill, and international or foreign emissions trading program. Without limiting the generality of the foregoing, Environmental Attributes include carbon trading credits, renewable energy credits or certificates, emissions reduction credits, emissions allowances, green tags tradable renewable credits and Green-e® products.

EARLY TERMINATION
OF
SOLAR POWER PURCHASE AGREEMENT

This Early Termination of Solar Power Purchase Agreement (this “**Termination**”) is entered into this date of _____, 2024 (“**Execution Date**”) by and between SL Buckeye Solar I LLC, an Ohio limited liability company (“**Licensee**”) and the City of Athens, a _____ (“**Host**”). Licensee and Host are herein collectively referred to as the “**Parties**”, or individually as a “**Party**”.

WHEREAS, the Parties are parties to that certain Solar Power Purchase Agreement dated as of February 26, 2010, to which that certain Site License Agreement dated the same is exhibited (together with the Site License Agreement and all other exhibits, the “**SPPA**”).

WHEREAS, Licensee is a party to the SPPA by virtue of assignment;

WHEREAS, capitalized terms not defined herein shall have the meaning ascribed to them in the SPPA;

WHEREAS, there currently exists no Event of Default under the SPPA on the part of either Licensee or Host;

WHEREAS, Commercial Operation Date under the SPPA is November 10, 2010;

WHEREAS, the twenty-year Term of the SPPA ends at 11:59pm on November 9, 2030;

WHEREAS, Host has elected to terminate the SPPA early and for convenience pursuant to SPPA Section 3.1.2; and

WHEREAS, Licensee has agreed to such early termination for convenience pursuant to the terms of that certain Bill of Sale with Host as “Grantor” dated _____, 2024;

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, the Parties agree to the following provisions of this Termination:

1. **TERMINATION.** Upon consummation of the transaction described in the Bill of Sale and the receipt by Licensee of the related consideration paid by Host under such Bill of Sale, the SPPA shall be terminated in its entirety. For the avoidance of doubt, this Termination is only effective if payment by Host to Licensee is paid and received in full.
2. **DATE OF END OF HOST’S OBLIGATION TO PURCHASE ELECTRICITY.** Strictly with regard to Host’s obligation under the SPPA to purchase electricity from Host, this Termination shall be effective as of January 1, 2024. For the avoidance of

doubt, Host shall not receive an invoice from Licensee for settlement of the purchase and sale of electric power for any period in the calendar year 2024.

3. **NO LIABILITY OR CONTINUING OBLIGATIONS.** Upon consummation of the transaction described in the Bill of Sale, Licensee shall hereby forever be released from all liability, indemnification, or any right or obligation under the SPPA with no exception.
4. **BINDING AGREEMENT.** This Termination shall be binding upon and shall inure to the benefit of the Parties and their respective heirs, executors, administrators, successors, and assigns. Each Party represents, warrants, and certifies to the other Party that the person signing this Termination on behalf of such Party below has authority to bind the Party to this Termination and that this Termination will legally bind the Parties. To the extent that the practices, policies, or procedures of any Party, now or in the future, are inconsistent with the terms of this Termination, the provisions of this Termination shall control.
5. **NO DEFAULT.** This Termination does not constitute a default under the SPPA, which, if not terminated through the consummation of the transaction contemplated in the Bill of Sale described in Item 1 above, is otherwise in full force and effect.
6. **THIS TERMINATION** shall be construed in accordance with, and be governed by the laws of the State of Ohio.

[the remainder of this page is left intentionally blank; signature page to follow]

IN WITNESS THEREOF, the Parties have caused this Early Termination of Solar Power Purchase Agreement to be executed by their duly authorized representatives on the Execution Date:

SL BUCKEYE SOLAR I LLC

CITY OF ATHENS

By: _____

By: _____

Name: William C. Zachary
Title: Authorized Signatory

Name:
Title:

ACKNOWLEDGMENT PAGE

TO

EARLY TERMINATION OF SOLAR POWER PURCHASE AGREEMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

On the ____ day of _____, 2024, before me, the undersigned, a Notary Public in and of the State of New York, personally appeared William C. Zachary, personally known to me to be the individual whose name is subscribed to the within instrument, and he acknowledged to me that he executed the same in his said capacities, and that by his signature on the instrument, the individuals or the persons upon whose behalf of which the individual acted, executed the instrument.

Notary Public, State of New York

STATE OF OHIO)
) ss.:
COUNTY OF ATHENS)

On the ____ day of _____, 2024, before me, the undersigned, a Notary Public in and of the State of Ohio, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and he/she acknowledged to me that he/she executed the same in his/her said capacity, and that by his/her signature on the instrument, the individuals or the persons upon whose behalf of which the individual acted, executed the instrument.

Notary Public, State of Ohio

AFFIDAVIT

This Affidavit is furnished in connection with that certain BILL OF SALE dated as of _____, 2024 and that certain EARLY TERMINATION OF SOLAR POWER PURCHASE AGREEMENT, dated as of the same (collectively, the “**Agreements**”), by and between the City of Athens (“Athens”) and SL Buckeye Solar I LLC (“Buckeye I”). Unless otherwise defined herein, terms defined in the Agreements and used herein shall have the meanings given to them in the Agreements.

The undersigned, William C. Zachary, hereby certifies that he is the duly appointed, acting and qualified Authorized Signatory of Buckeye I.

The undersigned does hereby further certify, solely in his capacity as Authorized Signatory of Buckeye I and not in his personal capacity and without personal liability therefore, on behalf of Buckeye I, as of the date first written above, that:

- (a) Attached hereto as Attachment A is a true, accurate and complete copy of the resolutions adopted by the Buckeye I’s Manager duly authorizing the execution, delivery and performance by Buckeye I of all executable main or ancillary documents related to the Purchase Agreement transaction. Such resolutions have not been modified, rescinded or amended and remain in full force and effect on the date hereof, and no other resolutions have been adopted by Buckeye I’s Manager in contradiction thereof.
- (b) Attached hereto as Attachment B is an incumbency certificate of Buckeye I dated as of the date hereof. Each person named on Attachment B is duly appointed and acting as an officer of Buckeye I, holding the respective title set opposite such officer’s name, the signature set opposite such officer’s name is such officer’s genuine signature, and each of the officers listed on Attachment B is authorized to execute the Agreements and all agreements to which Buckeye I is a party.

[the remainder of this page is intentionally left blank; signature page to follow]

IN WITNESS WHEREOF, the undersigned has executed this Affidavit as of the date first set forth above.

**SL BUCKEYE SOLAR I LLC, an Ohio
limited liability company**

By: _____
Name: William C. Zachary
Title: Authorized Signatory

ACKNOWLEDGMENT PAGE

TO

AFFIDAVIT

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

On the ____ day of _____, 2024, before me, the undersigned, a Notary Public in and of the State of New York, personally appeared William C. Zachary, personally known to me to be the individual whose name is subscribed to the within instrument, and he acknowledged to me that he executed the same in his said capacities, and that by his signature on the instrument, the individuals or the persons upon whose behalf of which the individual acted, executed the instrument.

Notary Public, State of New York

ATTACHMENT A
BUCKEYE I RESOLUTION

WRITTEN CONSENT TO ACTION
AND RESOLUTION OF THE SOLE MANAGER OF
SL BUCKEYE SOLAR I LLC

Regarding the transaction as described in that certain

BILL OF SALE dated _____, 2024

and that certain

EARLY TERMINATION OF SOLAR POWER PURCHASE AGREEMENT dated _____, 2024

(collectively, the “Agreements”)

The undersigned, are the authorized signatory for the sole manager (the “**Sole Manager**”) of SL BUCKEYE SOLAR I LLC, an Ohio limited liability company (“**Buckeye I**”), hereby consent to the following, with all capitalized terms defined herein having the definitions ascribed to them in the Agreements:

WHEREAS, Buckeye I desires to sell the Facility and terminate that certain related Solar Power Purchase Agreement dated February 26, 2010 (the “**SPPA**”), and the City of Athens desires to receive the Facility and terminate the SPPA, as contemplated in the Agreements between Buckeye I and the City of Athens; and

WHEREAS, the undersigned constituting the Sole Manager’s consent to, and take, this action, in accordance with, and as authorized by, that certain Limited Liability Company Operating Agreement of Buckeye I.

NOW, THEREFORE, BE IT RESOLVED, that Buckeye I be, and hereby is authorized to sell the Facility and terminate the SPPA, and further undertake all other transfers and obligations contemplated in the Agreements and execute any other documents as may be necessary or required to effectuate the Agreements;

FURTHER RESOLVED, that William C. Zachary, as Authorized Signatory of Buckeye I, is authorized to make such additions, deletions, or changes to the Agreements, including their respective exhibits and schedules as the

either executing the same shall approve (such execution and delivery to be conclusive evidence of his approval of any such additions, deletions, or changes);

FURTHER RESOLVED, that William C. Zachary is authorized to sign and execute and deliver the Agreements and any other Transaction Documents as may be necessary, desired or required to effectuate the foregoing transactions;

FURTHER RESOLVED, that William C. Zachary is authorized to take or cause to be taken all further actions necessary or appropriate to effectuate the foregoing resolutions, and any actions taken by him, or hereafter taken by him, within the intent of the foregoing resolutions are ratified, adopted, and approved as the acts of Buckeye I.

Effective as of the last date of signing.

SOLAR INVESTMENT MANAGEMENT COMPANY, LLC, a Delaware limited liability company, as Sole Manager of SL BUCKEYE SOLAR I LLC, an Ohio limited liability company

By: _____
Name: Stacey L. Hughes
Title: Authorized Signatory
Date:

ACKNOWLEDGMENT PAGE

TO

BUCKEYE I RESOLUTION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

On the ____ day of _____, 2024, before me, the undersigned, a Notary Public in and of the State of New York, personally appeared Stacey L. Hughes, personally known to me to be the individual whose name is subscribed to the within instrument, and she acknowledged to me that she executed the same in her said capacities, and that by her signature on the instrument, the individuals or the persons upon whose behalf of which the individual acted, executed the instrument.

Notary Public, State of New York

ATTACHMENT B
BUCKEYE I INCUMBENCY

<u>Name</u>	<u>Title</u>	<u>Signature</u>
1. William C. Zachary	Authorized Signatory	
2. Edouard Klehe	Authorized Signatory	
3. Stacey L. Hughes	Authorized Signatory	

ACKNOWLEDGMENT PAGE

TO

BUCKEYE I INCUMBENCY

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

On the ____ day of _____, 2024, before me, the undersigned, a Notary Public in and of the State of New York, personally appeared William C. Zachary, Stacey L. Hughes, and Edouard Klehe personally known to me to be the individuals whose names are subscribed to the within instrument, and they acknowledged to me that they executed the same in their said capacities, and that by their signature on the instrument, the individuals or the persons upon whose behalf of which the individuals acted, executed the instrument.

Notary Public, State of New York

0-97-24

Introduced by Council Member McCarey
City & Safety Services Committee

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 5, PUBLIC UTILITIES, CHAPTER 5.07, STORM WATER REGULATIONS, SECTIONS 5.07.14, APPEAL OF NOTICE OF VIOLATION, AND 5.07.15, ENFORCEMENT MEASURES AFTER APPEAL.

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

SECTION I: Athens City Code, Title 5, Public Utilities, Chapter, 5.07., Storm Water Regulations, Sections 5.07.14, Appeal of Notice of Violation, and 5.07.15, Enforcement Measures After Appeal, are hereby amended to read as follows:

5.07.14. - Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the service-safety director. The notice of appeal must be received within **thirty (30)** days from the date of the notice of violation. Hearing on the appeal before the appropriate authority or their designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

5.07.15. - Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within **thirty (30)** days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, the representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

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

0-98-24

Introduced by All Members of Council

AN ORDINANCE APPROVING THE ATHENS-HOCKING SOLID WASTE MANAGEMENT PLAN.

WHEREAS, the City of Athens in Athens County is located within the Athens-Hocking Solid Waste District; and

WHEREAS, the Athens-Hocking Solid Waste District Policy Committee prepared and adopted a final draft of the Solid Waste Management Plan in accordance with ORC Sections 3734.53, 3734.54, and 3734.55; and

WHEREAS, the Athens-Hocking Solid Waste District has provided a copy of the Adopted Solid Waste Management Plan for ratification to each of the legislative authorities of the District; and

WHEREAS, the City of Athens must decide whether it approves of said Solid Waste Management Plan within ninety (90) days of receipt of the Final Plan;

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

SECTION I: Athens City Council does hereby approve the Athens-Hocking Solid Waste Management Plan adopted by the Athens-Hocking Solid Waste District Board of Directors on September 4, 2024.

SECTION II: The Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the Athens-Hocking Solid Waste District.

SECTION III: This Council finds and determines that all formal actions of Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Ohio Revised Code Section 121.22.

SECTION IV: 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

0-101-24

Introduced by All Members of Council

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, SECTION 5.04.08, SEWER RATES.

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

SECTION I: Effective January 1, 2025, Athens City Code Title 1, General Provisions, Chapter 1.03, Code Fees Established, Section 5.04.08, Sewer Rates, are hereby amended to read as follows:

Section 5.04.08, Sewer Rates

Residential	\$6.00	\$6.18
Commercial	\$6.79	\$6.99
Industrial	\$7.49	\$7.71

The monthly base rate charge is as follows:

Base Rate per 1000 gallons (metered amounts as noted above)		Monthly Base Rate Charge	
0	- 15	\$ 31.34	\$ 32.28
16	- 50	\$ 54.18	\$ 55.81
51	- 100	\$ 139.22	\$ 143.40
101	- 200	\$ 224.42	\$ 231.15
201	- 500	\$ 431.44	\$ 444.38
501	- 1000	\$ 887.74	\$ 914.37
1001	- 2500	\$1,567.05	\$1,614.06
2501	- 5000	\$1,933.92	\$1,991.94
5000+		\$2,480.60	\$2,555.01

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

0-102-24

Introduced by Finance & Personnel Committee

AN ORDINANCE AMENDING ORDINANCE 131-23 TO INCREASE NON-UNION COMPENSATION FOR CURRENT WATER, SEWER, STREET, AND RECREATION SUPERVISORS; AND DECLARING AN EMERGENCY.

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

SECTION I: In accordance with Section II of Ordinance 131-23, City Council does hereby authorize a general hourly pay increase, effective the first pay period upon adoption of this Ordinance, for the following positions in Pay Band 7:

Water Labor Supervisor from \$29.57 to \$31.50, a 6.5% increase, and \$32.50, upon completion of Class II EPA Distribution License;

Sewer Labor Supervisor from \$30.50 to \$31.50, a 3.3% increase, upon completion of Class II EPA Collection License;

Street Labor Supervisor from \$29.57 to \$31.50, a 6.5% increase; and

Recreation Labor Supervisor from \$29.34 to \$31.26, a 6.5% increase.

SECTION II: The above scheduled hourly increases shall serve as the 2025 cost of living adjustment for these positions.

SECTION III: 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

0-103-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23.

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

SECTION I: The 2024 Appropriation Ordinance 130-23 is hereby amended by appropriating from the unappropriated balance the following sums:

Twenty-Five Thousand Dollars (\$25,000.00) to Cable Access Fund, 215, T.C. 500, to replace The Government's Channel's video switcher system;

One Thousand Five Hundred Dollars (\$1,500.00) to CDBG Formula Grant Fund, 248, T.C. 300, for payments covering general administration, fair housing, and CHIP program expenses; and

Forty-Five Thousand Dollars (\$45,000.00) to Sewer Fund, 750.637, T.C. 300, to cover electric costs for AEP and Oak Tree Equity (solar), and increasing the total appropriations by said amounts.

SECTION II: The 2024 Appropriation Ordinance 130-23 is hereby amended by decreasing Transportation Assistance Fund, 214, T.C. 500, capital outlay, by Forty-Four Thousand Four Hundred Sixty-Five Dollars (\$44,465.00), and increasing Transportation Assistance Fund, 214, T.C. 300, professional services, by the same amount, to allow all future transit payments to be made from an operating fund line, and increasing and decreasing the total appropriations by said amount.

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

0-104-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO CONTRACT(S) FOR THE NEXT PHASE OF CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE CITY SEWER SYSTEM IMPROVEMENTS, PROJECT #330; AMENDING ORDINANCE 10-24; AND DECLARING AN EMERGENCY.

WHEREAS, the City is preparing for the next phase of this project, the bikeway force main;

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

SECTION I: The 2024 Appropriation Ordinance, 0-130-23 is hereby amended by appropriating from the unappropriated balance the sum of One Million Seven Hundred Eighty-Seven Thousand Two Hundred Fifteen Dollars (\$1,787,215.00) to Sewer Fund, Plant, 750.637, T.C. 500, for the bikeway force main, and increasing the appropriations by said amount.

SECTION II: Section II of Ordinance 10-24 is hereby amended to read as follows:

Section II: The Service-Safety Director is hereby authorized to expend up to ~~Two Million One Hundred Seven Thousand Three Hundred Fifty Dollars (2,107,350.00)~~ **Three Million Eight Hundred Ninety-Four Thousand Five Hundred Sixty-Five Dollars** from Sewer Fund, Plant, 750, T.C. 500, for said Project #330.

SECTION III: This Ordinance shall be an emergency measure necessary for the preservation of the health, welfare and safety of the residents of the City of Athens, Ohio, in order that bids can be accepted as soon as the City receives OEPA approval to do so, and 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

0-105-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AUTHORIZING PARTICIPATION IN FEDERAL GENERAL SERVICES ADMINISTRATION (GSA), A COOPERATIVE PURCHASING PROGRAM.

WHEREAS, Ohio Revised Code Section 9.48 provides the opportunity for political subdivisions to participate in a joint purchasing program operated by or through a national or state association for the acquisition of equipment, materials, supplies or services; and

WHEREAS, through participation in said association the City of Athens is exempt from any competitive selection procedures, otherwise required by law, if the contract in which it is participating was awarded pursuant to a publicly solicited request for a proposal or a competitive selection procedure of another political subdivision within the State of Ohio or in another state;

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

SECTION I: The Service-Safety Director is hereby authorized to register with the federal General Services Administration (GSA), a cooperative purchasing Program for the purpose of participating in a joint purchasing program in which the City of Athens is eligible for membership, for the acquisition of equipment, materials, supplies or services.

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

0-106-24

Introduced by Solveig Spjeldnes, Member
Transportation Committee

**AN ORDINANCE AUTHORIZING THE PURCHASE OF A SALT TRUCK FOR THE
STREET DEPARTMENT; AND DECLARING AN EMERGENCY.**

WHEREAS, Ohio Revised Code Section 735.053 allows that a city may purchase used equipment without advertising and bidding under certain conditions; and

WHEREAS, the Engineering and Public Works Department has located a salt truck that meets the City's needs;

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

SECTION I: The 2023 Appropriation Ordinance, 130-23, is hereby amended by appropriating from the unappropriated balance the sum of One Hundred Ten Thousand Dollars (\$110,000.00) to Street Fund, 220, T.C. 500, for a used salt truck.

SECTION II: The Service-Safety Director is hereby authorized to expend up to One Hundred Ten Thousand Dollars (\$110,000.00) from Street Fund, 220, T.C. 500, for said purchase from the City of Belpre.

SECTION III: This Ordinance shall be an emergency measure necessary for the preservation of the health, welfare and safety of the residents of the City of Athens, Ohio, in order to continue to provide efficient delivery of services, and 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

0-107-24

Introduced by Solveig Spjeldnes, Chair
Transportation Committee

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ACCEPT BIDS AND ENTER INTO CONTRACT FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING FOR CITYWIDE CURB RAMPS, PROJECT #366.

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

SECTION I: The Service-Safety Director is hereby authorized to accept bids and enter into contract(s) with the lowest and best bidder, for construction and construction engineering for Citywide Curb Ramps, Project #366.

SECTION II: The 2024 Appropriation Ordinance, 130-23, is hereby amended by appropriating from the unappropriated balance the sum of One Million Eight Hundred Eighty-Two Thousand Eight Hundred Fifty-Eight Dollars (\$1,882,858.00) to Small Cities ODOT Fund, 589, T.C. 500, and increasing the total appropriations by said amount.

SECTION III: The Service-Safety Director is hereby authorized to expend up to One Million Eight Hundred Eighty-Two Thousand Eight Hundred Fifty-Eight Dollars (\$1,882,858.00) from Small Cities ODOT Fund, 589, T.C. 500, for said Project #366.

SECTION IV: 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

0-108-24

Introduced by Micah McCarey, Chair
City & Safety Services Committee

**AN ORDINANCE AUTHORIZING DESIGN AND CONSTRUCTION OF A PUBLIC
SAFETY TRAINING FACILITY, PROJECT #373.**

WHEREAS, there will be future water and street appropriations requested for this project in order to connect the water line and road from the end of Kenny Drive to Elliottsville Road in order to increase access and redundancy in the water system; and

WHEREAS, the City has received 2024 State Capital Bill funding in the amount of \$2.5 million; and

WHEREAS, the City will be utilizing the federal General Services Administration (GSA) cooperative purchasing program, and competitive bidding is not required;

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

SECTION I: The 2024 Appropriation Ordinance, 130-23, is hereby amended by appropriating from the unappropriated balance the following sums:

Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to Safety Services Fund, 206, T.C. 500;

Two Hundred Thousand Dollars (\$200,000.00) to Street Fund, 220, T.C. 500; and

Two Hundred Thousand Dollars (\$200,000.00) to Water Fund, 740, T.C. 500; for said Public Safety Training Facility, and increasing the total appropriations by said amounts.

SECTION II: The Service Safety Director is hereby authorized to expend up to Two Million Nine Hundred Thousand Dollars (\$2,900,000.00) as follows:

Two Million Five Hundred Thousand Dollars (\$2,500,000.00) from Safety Services Fund, 206, T.C. 500;

Two Hundred Thousand Dollars (\$200,000.00) from Street Fund, 220, T.C. 500; and

Two Hundred Thousand Dollars (\$200,000.00) from Water Fund, 740, T.C. 500 for Project #373.

SECTION III: 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

RECORD OF ORDINANCES

Government Forms and Supplies (844) 224-3338 FORM NO. SHTROR11

Ordinance No. 0-109-24

Passed _____, 20____

Introduced by Council Member Swank
Planning & Development Committee

AN ORDINANCE AMENDING ORDINANCE 77-24 APPROVING THE PETITION, PLAN, AND ARTICLES OF INCORPORATION OF THE ATHENS REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT, INC. AND DECLARING THE NECESSITY OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF ATHENS, OHIO IN COOPERATION WITH THE ATHENS REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT, INC; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the Petition for Creation of Energy Special Improvement District ("ESIDs") and for Special Assessments for Special Energy Improvement Projects (the "Petition"), including an initial plan entitled Athens Regional Energy Special Improvement District Program Plan (the "Program Plan"), Lostro Ventures, LLC (the "Owner"), as the owner of 100% of the real property located 63 S. Court Street, Athens, Ohio, and having Athens County Auditor Permanent Parcel Identification Number A027050001400 (the "Property"), has requested the formation of the Athens Regional Energy Special Improvement District, Inc., an energy special improvement district and nonprofit corporation organized under the laws of the State of Ohio, (the "District"), and its Board of Directors (the "Board") in accordance with Ohio Revised Code Chapters 1702 and 1710; and

WHEREAS, the Owner, has identified certain real property located at the commonly used mailing address 63 S. Court Street, Athens, Ohio, and having Athens County Auditor Permanent Parcel Identification Number A027050001400 (the "Property"), as an appropriate property for a Special Energy Improvement Project pursuant to Ohio Revised Code Chapter 1710; and

WHEREAS, on or before August 14, 2024, pursuant to Ohio Revised Code Chapter 1710, the Owner submitted the Petition to this City Council (the "Council"), and the Petition is on file with the Council and the Clerk of Council; and

WHEREAS, this Council duly adopted Ordinance No. 77-24 on September 16, 2024 (the "Ordinance Approving Petition and Declaring Necessity") and declared the necessity of acquiring, constructing, improving and installing energy efficiency improvements on its real property, including, without limitation, HVAC improvements, water heater improvements designed to reduce heating and cooling, interior and exterior lighting improvements, an elevator retrofit, and related improvements associated with the adaptive reuse of a 20-suite extended stay hotel and retail building (the "Project"), with costs of the Project to be financed through the levying of maximum special assessments

RECORD OF ORDINANCES

Government Forms and Supplies (844) 224-3338 FORM NO. SHTOR11

Ordinance No. **0-109-24 Page 2 of 3** Passed _____, 20____

in an amount equal to \$2,351,485.92, as described in the Ordinance Approving Petition and Declaring Necessity and as set forth in the Petition requesting those improvements; and

WHEREAS, thereafter, a calculation error was discovered, and the Owner has determined to request that the maximum amount of special assessments in the Petition and Ordinance Approving Petition and Declaring Necessity be increased; and

WHEREAS, on or before October 7, 2024, the Owner submitted an amended Petition (the "Amended Petition") to this Council requesting an increase in the amount of maximum special assessments to be levied, and the Amended Petition is on file with the Council and the Clerk of Council; and

WHEREAS, the Project costs to be financed with the maximum Special Assessments are now estimated to be \$3,251,360.28, including other related costs of financing the Project, which may include, without limitation, the payment of principal of and interest on obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and District administrative fees and expenses, and requests that the Project be undertaken cooperatively by the City, the District, and such other parties as the City may deem necessary or appropriate to pay the costs of the Project;

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Athens, Ohio, as follows:

SECTION I: This Council hereby approves the Amended Petition, in substantially the form now on file with the Council and the Clerk of Council.

SECTION II: The references to the maximum aggregate special assessment amounts contained within the sixth whereas clause and section IX of the Ordinance Approving Petition and Declaring Necessity and listed as \$2,351,485.92 are hereby deleted and replaced with the new maximum aggregate special assessment amounts requested in the Amended Petition of \$3,251,360.28. All other text contained within the Ordinance Approving Petition and Declaring Necessity shall remain as-is and in full force, as approved.

SECTION III: The Council and the Clerk of Council, or their designee, are authorized and directed to prepare and file in the office of the Council and the Clerk of Council the estimated Special Assessments for the costs of the Project in accordance with the method of assessment set forth in the Petition and this Ordinance, showing the amount of the assessment against each lot or parcel of land to be assessed.

RECORD OF ORDINANCES

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Ordinance No. 0-109-24 Page 3 of 3

Passed _____, 20____

SECTION IV: The Council and the Clerk of Council, or their designee, is authorized, pursuant to Ohio Revised Code Section 727.12, to cause the Special Assessments to be levied and collected at the earliest possible time including, if applicable, prior to the completion of the acquisition and construction of the Project.

SECTION V: This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this legislative Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

SECTION VI: This Ordinance shall be an emergency measure necessary for the preservation of the health, welfare and safety of the residents of the City of Athens, Ohio, in order to keep the construction project on schedule, thereby minimizing disruptions to Union Street during the pendency of the project, and 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

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. 109-24 duly adopted by the City Council of the City of Athens, Ohio on October 21, 2024.

Clerk of Council
City of Athens, Ohio

**AMENDED PETITION FOR CREATION OF ENERGY SPECIAL IMPROVEMENT
DISTRICT AND FOR SPECIAL ASSESSMENTS FOR
SPECIAL ENERGY IMPROVEMENT PROJECTS AND AFFIDAVIT**

**AN AMENDED PETITION TO THE CITY OF ATHENS, OHIO REQUESTING THE
CREATION OF THE ATHENS REGIONAL ENERGY SPECIAL IMPROVEMENT
DISTRICT AND SEEKING THE IMPOSITION OF SPECIAL ASSESSMENTS AGAINST
REAL PROPERTY OWNED BY THE PETITIONER TO PAY CERTAIN COSTS OF
VARIOUS SPECIAL ENERGY IMPROVEMENT PROJECTS, THE FINANCING OF
WHICH WILL SPECIALLY BENEFIT SUCH REAL PROPERTY, INCLUDING A
WAIVER OF ALL RIGHTS TO NOTICES, HEARINGS, AND APPEALS RESPECTING
THE REQUESTED SPECIAL ASSESSMENTS**

To: The Mayor and the Council (the “**Council**”) of the City of Athens, Ohio (the “**City**”)

Lostro Ventures, LLC, an Ohio limited liability company (the “**Petitioner**”), as the owner of all of the real property within the Athens Energy Special Improvement District (the “**District**”), submitted a petition to the Mayor and the City on August 13, 2024 (the “**Petition**”) pursuant to Ohio Revised Code Section 1710.06. Attached to the Petition, as EXHIBIT C, is the program plan (the “**Plan**”). All capitalized terms used in this Amendment when the rules of grammar would not so require and not defined in this Amendment shall have the meanings assigned to them in the Petition.

EXHIBIT 2 to the Plan included a list of maximum Special Assessments to be levied against the Property in order to pay and finance costs of the Authorized Improvements. The Plan further provided, in part, for the amount of each semi-annual installment of the Special Assessments to be reduced by the City to an amount necessary to finance the costs of the Authorized Improvements, all as more specifically described in the Plan.

The Petitioner now desires to amend the Petition to request that the City approve an increased list of maximum the Special Assessments to be levied against the Property.

Specifically, the Petitioner desires to cause EXHIBIT 2 to the Plan to be fully amended and replaced with the attached EXHIBIT 2 as incorporated here by reference.

The Petitioner hereby respectfully requests that the City approve this Amendment and cause EXHIBIT 2 to the Plan to be amended and restated as described above and to cause EXHIBIT 2 (attached to this Amendment) to be added and incorporated into the Petition.

The Petitioner hereby re-states, as if set forth fully in this Amendment, each of the waivers contained in the Petition, including, without limitation, the waivers set forth in Ohio Revised Code Chapter 727 and 1710 as included in the Petition.

The Petitioner acknowledges and understands that the City and the Board of Directors of the Athens Energy Special Improvement District, Inc. relied on the Petition and will rely on this

Amendment in taking actions and expending resources. Therefore, this Amendment shall be irrevocable and shall be binding upon the Petitioner, any successors or assigns of the Petitioner, the property as identified in EXHIBIT 1 to the Plan, as amended by this Amendment, and any grantees, mortgagees, lessees, or transferees of such property.

[Balance of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Petitioner has caused this amended Petition to be executed by its undersigned duly authorized signatory.

PETITIONER:

LOSTRO VENTURES, LLC

By: [Signature]

Name: David Korn

Title: Authorized representative

Address for notices to Property Owner:

Lostro Ventures, LLC

STATE OF Ohio)
COUNTY OF Franklin)

SS:

Sworn to or affirmed and subscribed before me by David Korn this date of 10/04/24, 2024.

[SEAL]

[Signature]
Notary Public



CRAIG DOLAN
Notary Public
State of Ohio
My Comm. Expires
June 26, 2027

BY EXECUTING THIS AMENDED PROGRAM PLAN, THE PROPERTY OWNER IDENTIFIED BELOW HEREBY AUTHORIZES AND CONSENTS TO THIS AMENDED PROGRAM PLAN, AND ALL DISTRICT DOCUMENTS (AS DEFINED IN THE PROGRAM PLAN) AND AGREES TO PERFORM THE OBLIGATIONS OF THE PROPERTY OWNER CONTAINED IN THIS AMENDED PROGRAM PLAN.

Date: [10 / 14], 2024.

Property Owner:

LOSTRO VENTURES, LLC

By: [Signature]

Name: DAVID KAZAN

Title: authorized representative

Address for notices to Property Owner:

Lostro Ventures, LLC

[Property Owner Consent to Program Plan]

EXHIBIT 2

SCHEDULE OF SPECIAL ASSESSMENTS

The Property will be subject to special assessments for the Authorized Improvements in accordance with Ohio Revised Code Chapter 1710.

Total assessment costs:	\$3,251,360.28
Estimated semi-annual special assessments for 21 years:	\$77,413.34
Number of semi-annual assessments:	42
First semiannual installment due (approximately):	January 31, 2026

The schedule of Special Assessments for the Authorized Improvements is as follows:

Special Assessment Date *	Semi-Annual Special Assessment Installment Amount**
1/31/2026	\$77,413.34
7/31/2026	77,413.34
1/31/2027	77,413.34
7/31/2027	77,413.34
1/31/2028	77,413.34
7/31/2028	77,413.34
1/31/2029	77,413.34
7/31/2029	77,413.34
1/31/2030	77,413.34
7/31/2030	77,413.34
1/31/2031	77,413.34
7/31/2031	77,413.34
1/31/2032	77,413.34
7/31/2032	77,413.34
1/31/2033	77,413.34
7/31/2033	77,413.34
1/31/2034	77,413.34
7/31/2034	77,413.34
1/31/2035	77,413.34
7/31/2035	77,413.34
1/31/2036	77,413.34
7/31/2036	77,413.34
1/31/2037	77,413.34
7/31/2037	77,413.34
1/31/2038	77,413.34
7/31/2038	77,413.34
1/31/2039	77,413.34
7/31/2039	77,413.34
1/31/2040	77,413.34

Special Assessment Date *	Semi-Annual Special Assessment Installment Amount**
7/31/2040	77,413.34
1/31/2041	77,413.34
7/31/2041	77,413.34
1/31/2042	77,413.34
7/31/2042	77,413.34
1/31/2043	77,413.34
7/31/2043	77,413.34
1/31/2044	77,413.34
7/31/2044	77,413.34
1/31/2045	77,413.34
7/31/2045	77,413.34
1/31/2046	77,413.34
7/31/2046	77,413.34

* Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified in this Exhibit 2 are subject to adjustment by the Athens County Auditor under certain conditions.

** Pursuant to Ohio Revised Code Section 727.36, the Athens County Auditor may charge and collect a fee in addition to the amounts listed in the above schedule.

EXHIBIT 2

Government Forms and Supplies (844) 224-3338 FORM NO. SHTROR11

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RECORD OF ORDINANCES

Government Forms and Supplies (844) 224-3338 FORM NO. SHTROR11

Ordinance No. **0-110-24 Page 2** Passed _____, 20____

SECTION I: Each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Petition.

SECTION II: The references to the maximum aggregate special assessment amounts contained within the first whereas clause and section III of the Ordinance to Proceed and listed as \$2,351,485.92 are hereby deleted and replaced with the new maximum aggregate special assessment amounts requested in the Amended Petition of \$3,251,360.28. All other text contained within the Ordinance to Proceed shall remain as-is and in full force, as approved.

SECTION III: In compliance with Ohio Revised Code Section 319.61, the Council and the Clerk of Council are directed to deliver a certified copy of this Ordinance to the County Auditor of Athens County, Ohio within fifteen (15) days after the date of its passage.

SECTION IV: This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Ohio Revised Code Section 121.22.

SECTION V: This Ordinance shall be an emergency measure necessary for the preservation of the health, welfare and safety of the residents of the City of Athens, Ohio, in order to keep the construction project on schedule, thereby minimizing disruptions to Union Street during the pendency of the project, and 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

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. 0-110-24 duly adopted by the City Council of the City of Athens, Ohio on October 21, 2024 and that a true copy thereof was certified to the County Auditor of Athens County, Ohio within fifteen (15) days of its passage.

Clerk of Council
City of Athens, Ohio

RECEIPT OF ATHENS COUNTY AUDITOR FOR
AMENDED LEGISLATION DETERMINING TO
PROCEED WITH ACQUISITION, CONSTRUCTION,
AND IMPROVEMENT OF CERTAIN PUBLIC
IMPROVEMENTS IN THE CITY OF ATHENS, OHIO
IN COOPERATION WITH THE ATHENS REGIONAL ENERGY SPECIAL
IMPROVEMENT DISTRICT

I, Jill A. Davidson, the duly elected, qualified, and acting County Auditor in and for Athens County, Ohio hereby certify that a certified copy of Ordinance No. [] duly adopted by the City Council of the City of Athens, Ohio on October 21, 2024, determining to proceed with the acquisition, construction, and improvement of certain public improvements in the City of Athens, Ohio in cooperation with the Athens Regional Energy Special Improvement District, was filed in this office on [], 2024.

WITNESS my hand and official seal at Athens, Ohio on [], 2024.

[SEAL]

County Auditor
Athens County, Ohio

RECORD OF ORDINANCES

Government Forms and Supplies (844) 224-3338 FORM NO. SHTROR11

Ordinance No. 0-111-24

Passed _____, 20____

Introduced by Council Member Swank, Chair
Planning & Development Committee

AN ORDINANCE AMENDING ORDINANCE 79-24, LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF ATHENS, OHIO IN COOPERATION WITH THE ATHENS ENERGY SPECIAL IMPROVEMENT DISTRICT, APPROVING AN ENERGY PROJECT COOPERATIVE AGREEMENT AND A SPECIAL ASSESSMENT AGREEMENT; AND DECLARING AN EMERGENCY.

WHEREAS, Lostro Ventures, LLC (the "Owner") previously submitted its *Petition for Creation of Energy Special Improvement District and for Special Assessments for Special Energy Improvement Projects* (the "Petition") in order to provide for the completion of a special energy improvement project on real property owned by the Owner in the City of Athens, Ohio (the "City"); and

WHEREAS, this Council ("Council") of the City duly adopted Ordinance No. 77-24 on September 16, 2024 (the "Ordinance Approving Petition and Declaring Necessity") and declared the necessity of acquiring, constructing, improving and installing energy efficiency improvements on its real property, including, without limitation, HVAC improvements, water heater improvements designed to reduce heating and cooling, interior and exterior lighting improvements, an elevator retrofit, and related improvements associated with the adaptive reuse of a 20-suite extended stay hotel and retail building (the "Project"), with Project costs, as described in the Ordinance Approving Petition and Declaring Necessity, and as set forth in the Petition requesting those improvements; and

WHEREAS, this Council duly passed Ordinance No. 78-24 on September 16, 2024 (the "Original Ordinance to Proceed") and determined to proceed with the Project and adopted the maximum estimated Special Assessments (as defined in the Ordinance Approving Petition and Declaring Necessity) filed with the Council and the Clerk of Council pursuant to the Ordinance Approving Petition and Declaring Necessity; and

WHEREAS, this Council duly passed Ordinance No. 79-24 on September 16, 2024, levying special assessments for the purposes of acquiring, constructing, and improving certain public improvements in the City of Athens, Ohio in cooperation with the Athens Energy Special Improvements District (the "District"), and approving an Energy Project Cooperative Agreement, and a Special Assessment Agreement (the "Ordinance Levying Assessments"); and

WHEREAS, thereafter, a calculation error was discovered, and the Owner has determined to request that the maximum amount of special assessments in the Petition and Ordinance Levying Assessments to be increased; and

RECORD OF ORDINANCES

Government Forms and Supplies (844) 224-3338 FORM NO. SHTROR11

Ordinance No. **0-111-24 Page 2 of 4** Passed _____, 20____

WHEREAS, on or before October 7, 2024, the Owner submitted the amended Petition (the "Amended Petition") to this Council requesting an increase in the amount of maximum special assessments to be levied, and the Amended Petition is on file with the Council and the Clerk of Council; and

WHEREAS, the Project costs to be financed with the maximum Special Assessments are now estimated to be \$3,251,360.28, including other related costs of financing the Project, which may include, without limitation, the payment of principal of and interest on obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and District administrative fees and expenses, and requests that the Project be undertaken cooperatively by the City, the District, and such other parties as the City may deem necessary or appropriate to pay the costs of the Project; and

WHEREAS, the actual costs of the Project have been ascertained and have been certified to the City in the amended Petition and the Plan for the Project; and

WHEREAS, the Original Ordinance Approving Petition and Declaring Necessity has been amended by Ordinance No. 0-109-24 adopted by the Council of the City on October 21, 2024, and the Original Ordinance to Proceed has been amended by Ordinance No. 110-24 adopted by the Council of the City on October 21, 2024;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Athens, Ohio, as follows:

SECTION I: Each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Ordinance Approving Petition and Declaring Necessity, as amended.

SECTION II: Section II of the ordinance Levying Assessments is hereby deleted and replaced in its entirety with the following:

SECTION II: The list of maximum Special Assessments to be levied and assessed on the Property in an amount sufficient to pay the costs of the Project, which is \$3,251,360.28, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the Project in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any

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credit enhancement fees, trustee fees, and District administrative fees and expenses, which costs were set forth in the Petition and previously reported to this Council and are now on file with the Council and the Clerk of Council, is adopted and confirmed, and that the Special Assessments are levied and assessed on the Property. The interest portion of the Special Assessments, together with amounts used to pay administrative expenses, are determined to be substantially equivalent to the fair market rate or rates of interest that would have been borne by securities issued in anticipation of the collection of the Special Assessments if such securities had been issued by the Council.

As requested in the amended Petition, the final aggregate amount of the Special Assessments may be in an amount less than the aggregate maximum amount of \$3,251,360.28 if the final rate of interest for the financing for the Project is less than the assumed maximum rate of interest such that the aggregate amount of Special Assessments necessary to repay the financing for the Project is less than the aggregate amount of \$3,251,360.28, the Owner and the provider of the financing shall certify a final schedule of Special Assessments to the City, which final schedule shall be certified to the County Auditor for collection.

The Special Assessments are assessed against the Property commencing in tax year 2025 for collection in 2026 and shall continue through tax year 2045 for collection in 2046. The semi-annual installments of the Special Assessments shall be collected in each calendar year equal to a total maximum annual amount of Special Assessments as shown in Exhibit A, attached to and incorporated into this Ordinance.

All Special Assessments shall be certified by the Council or the Clerk of Council to the County Auditor of Athens County, Ohio pursuant to the Petition and Ohio Revised Code Chapter 727.33 to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

The Special Assessments shall be allocated among the parcels constituting the Property as set forth in the Petition and the List of Special Assessments attached to and incorporated into this Ordinance as Exhibit A.

SECTION III: Exhibit A of the Ordinance Levying Assessments is hereby deleted and replaced in its entirety with Exhibit A attached to and incorporated into this Ordinance by reference.

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SECTION IV: The Council and the Clerk of Council shall keep the Special Assessments on file in their respective offices.

SECTION V: Except as expressly modified by this Ordinance, the Ordinance Levying Assessments shall remain unmodified and in full force and effect.

SECTION VI: In compliance with Ohio Revised Code Section 319.61, the Council and the Clerk of Council are directed to deliver a certified copy of this Ordinance to the County Auditor of Athens County, Ohio within twenty (20) days after its passage.

SECTION VII: This Council finds and determines that all formal actions of Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Ohio Revised Code Section 121.22.

SECTION VIII: This Ordinance shall be an emergency measure necessary for the preservation of the health, welfare and safety of the residents of the City of Athens, Ohio, in order to keep the construction project on schedule, thereby minimizing disruptions to Union Street during the pendency of the project, and 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

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. 111-24 duly adopted by the City Council of the City of Athens, Ohio on October 21, 2024, and that a true copy thereof was certified to the County Auditor of Athens County, Ohio within fifteen (15) days of its passage.

Clerk of Council
City of Athens, Ohio

EXHIBIT A

**LIST OF SPECIAL ASSESSMENTS AND
SCHEDULE OF SPECIAL ASSESSMENTS**

LIST OF SPECIAL ASSESSMENTS

Name	Assessed Properties Description	Portion of Benefit and Special Assessment	Maximum Amount of Special Assessments
Lostro Ventures, LLC	A027050001400	100%	\$3,251,360.28

*As identified in the records of the Auditor of Athens County, Ohio as of June 24, 2024.

SCHEDULE OF SPECIAL ASSESSMENTS

The following schedule of Special Assessment charges shall be levied in forty-two (42) semi-annual installments with respect to first half and second-half real property taxes in calendar years 2026 through 2046:

Special Assessment Payment Date*	Total Special Assessment Payment Amount**
1/31/2026	\$77,413.34
7/31/2026	77,413.34
1/31/2027	77,413.34
7/31/2027	77,413.34
1/31/2028	77,413.34
7/31/2028	77,413.34
1/31/2029	77,413.34
7/31/2029	77,413.34
1/31/2030	77,413.34
7/31/2030	77,413.34
1/31/2031	77,413.34
7/31/2031	77,413.34
1/31/2032	77,413.34
7/31/2032	77,413.34
1/31/2033	77,413.34
7/31/2033	77,413.34
1/31/2034	77,413.34
7/31/2034	77,413.34
1/31/2035	77,413.34
7/31/2035	77,413.34
1/31/2036	77,413.34
7/31/2036	77,413.34
1/31/2037	77,413.34
7/31/2037	77,413.34
1/31/2038	77,413.34
7/31/2038	77,413.34
1/31/2039	77,413.34
7/31/2039	77,413.34
1/31/2040	77,413.34
7/31/2040	77,413.34
1/31/2041	77,413.34
7/31/2041	77,413.34
1/31/2042	77,413.34
7/31/2042	77,413.34
1/31/2043	77,413.34
7/31/2043	77,413.34
1/31/2044	77,413.34
7/31/2044	77,413.34
1/31/2045	77,413.34
7/31/2045	77,413.34
1/31/2046	77,413.34
7/31/2046	77,413.34

** Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified in this Schedule of Special Assessments are subject to adjustment by the Athens County Auditor under certain conditions.

*** The Auditor of Athens County, Ohio may impose a special assessment collection fee with respect to each semi-annual Special Assessment payment. If imposed, this special assessment collection fee will be added by the Auditor of Athens County, Ohio to each semi-annual Special Assessment payment.

RECEIPT OF ATHENS COUNTY AUDITOR FOR
AMENDED LEGISLATION LEVYING SPECIAL ASSESSMENTS
FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING,
AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS
IN THE CITY OF ATHENS IN COOPERATION WITH
THE ATHENS REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT

I, Jill A. Davidson, the duly elected, qualified, and acting Auditor in and for Athens County, Ohio hereby certify that a certified copy of Ordinance No. [____], duly adopted by the Council of the City of Athens, Ohio on October 21, 2024, amending Ordinance 0-79-24, levying special assessments for the purpose of acquiring, constructing, and improving certain public improvements in the City of Athens, Ohio in cooperation with the Athens Regional Energy Special Improvement District, including the List of Special Assessments and Schedule of Special Assessments, which Special Assessment charges are levied in forty-two (42) semi-annual installments with respect to real property taxes due in calendar years 2026 through 2046, was filed in this office on [____], 2024.

WITNESS my hand and official seal at Athens, Ohio on [____], 2024.

[SEAL]

Auditor
Athens County, Ohio

R-08-24

Introduced by All Members of Council

A RESOLUTION SUPPORTING THE PROPOSED CITIZENS NOT POLITICIANS (ISSUE I) AMENDMENT TO THE OHIO CONSTITUTION CREATING A CITIZEN-LED, TRANSPARENT COMMISSION TO DRAW LEGISLATIVE DISTRICTS.

WHEREAS, in a democracy, every vote must count the same, making sure all voters, no matter who they are or what their political views may be, have equal representation; and

WHEREAS, the Athens City Council opposes creating legislative district maps in Ohio that put political parties' interests ahead of those of voters; and

WHEREAS, Ohio's current redistricting process has repeatedly created district maps without direct citizen input, and these maps have been ruled unconstitutional several times because of extreme party bias; and

WHEREAS, weakening the votes of working-class people, whether in small towns or big cities, reduces the political power of working-class communities across Ohio; and

WHEREAS, concerns have been raised by citizens that current maps unfairly reduce the voting power of working-class voters of color by splitting up their communities in cities, making it harder for them to elect representatives who truly represent their interests; and

WHEREAS, citizens have expressed concerns that the current maps reduce competition for state legislative seats, and reducing competition makes it harder for voters in small towns like Athens to replace politicians they believe prioritize developers, corporations, and campaign donors over working-class voters; and

WHEREAS, several bipartisan bills that address critical issues, such as funding public schools, preventing utility shut offs, expanding internet access, and supporting renters and low-income homeowners, have stalled in state legislatures created by the current redistricting process, directly impacting blue-collar residents of Athens;

WHEREAS, the City of Athens has a duty to stand up for fair representation and set an example by condemning the unfair process for drawing legislative districts that take away power from voters across Ohio;

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

SECTION I: Athens City Council hereby states its support for the proposed Citizens Not Politicians (Issue 1) amendment to the Ohio Constitution, that specifically states it will end gerrymandering by creating a citizen-led, transparent commission to draw legislative districts. This fifteen (15) member commission will be comprised of five (5) Republicans, five (5) Democrats, and five (5) Independents, and will not include current or former politicians, their families, or lobbyists. Such a nonpartisan transparent system promises to ensure that commission members will make fair decisions that will end gerrymandering in Ohio.

SECTION II: This resolution 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