

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held JANUARY 2, 2024

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, JANUARY 2, 2024, 7:00 P.M.

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

Also present: President Crowl, Mayor Patterson, and Law Director Eliason.

Risner moved to appoint Debra Walker to serve as Clerk of Council; Swank seconded. Appointment was approved unanimously.

McCarey moved the selection of Jeff Risner to serve as President Pro Tem; Spjeldnes seconded. Motion was approved unanimously.

Risner moved the selection of Micah McCarey to serve as Acting President Pro Tem; Swank seconded. Motion was approved unanimously.

McCarey moved to designate Lisa Eliason to serve as Parliamentarian; Clodfelter seconded. Motion was approved unanimously.

DISPOSITION OF MINUTES:

Risner moved approval of the minutes of the Regular Sessions of City Council held December 4 and December 18, and the Special Session held December 11, 2023; McCarey seconded. Minutes were unanimously approved as presented.

COMMUNICATIONS:

President Crowl announced the 2024-2025 Committee Assignments and Representation on Boards and Commissions, see attached.

Council Member McCarey thanked City Council for its ongoing support of the City's diversity and inclusion work noting his recent email to the Council containing relevant information capturing this multi-year journey that will culminate in the creation of a racial equity plan complementing some of the goals of our 2040 Comprehensive Plan.

He also shared a note of appreciation from a citizen whose parent recently received outstanding care from Athens Police Officers in their time of need.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson shared that the City of Athens has been recognized by SolSmart, a nationally distinguished program that helps cities, towns, counties,

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and regional organizations to become solar energy leaders. The City has earned a gold designation. This achievement shows that the City has met national best practices specified by the SolSmart criteria to reduce local barriers for solar energy growth. The actions taken by the City have helped make solar energy more affordable and accessible to both residential and business.

The Mayor reminded the Council that the City had a greenhouse gas inventory completed by Power Clean Futures America, which recognized the City of Athens as having the lowest per capita carbon emissions in the State of Ohio, and was in the top 10% nationally in reducing carbon emissions.

He would like the City to make a concerted effort in converting our vehicle fleet to EV's, and providing EV charging stations for our residents and visitors.

Law Director Eliason presented her 2023 Annual Report (see attached).

Swank asked, of the 7,751 cases, what percentage were not City of Athens cases, but in the unincorporated areas of the County.

Law Director Eliason responded that the number of cases actually prosecuted was 1,639. She does not have that percentage this evening, but will be sure it is included in next year's report. She would guess that at least 40% of the cases would be outside the City.

Swank asked if the \$665,809 is only the City's budget, or the total budget including the \$79,000 from the County.

Eliason said that total includes the \$79,000.

Swank asked if the \$79,000 covers the services delivered by the City Law Director's Office.

Eliason responded that she has asked for a 2% increase from the County Commissioners for next year. She noted that only two of the three full time prosecutors handle criminal prosecutions, and the County's \$79,000 would not cover the cost of even one of these positions, with benefits.

Spjeldnes expressed the same concern, and asked whether her office staff is adequate to cover the increased caseload of 500 cases.

Eliason clarified that the Ohio Revised Code (ORC) does not provide any formula whereby the County Commissioners reimburse the City for the cost of prosecutions in these unincorporated areas of the County.

Eliason pointed out that the caseload has gone down (it was approximately 10,000 cases in 2015), noting that her prosecutors are very capable in handling the cases. If that number should increase again she has a ¾ time Assistant Law Director that she could reassign to handle criminal prosecution cases.

Clodfelter asked if her office keeps track of the percentage of cases involving Ohio University students, faculty or staff.

Eliason responded that she could add this percentage to her next year's report if it is something the Council would want. There are a lot of underage

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drinking cases that are handled through diversion, and her office has no involvement.

Clodfelter thought it might be another source of funding.

Again, Eliason pointed out that this is governed by the ORC.

Risner questioned whether the County Commissioners Office is mandated to pay the City for these prosecutions.

Eliason responded that ORC 1901.34(C) states that the City shall receive additional compensation for such services as the Board of County Commissioners prescribes.

ANNOUNCEMENTS & OTHER BUSINESS:

McCarey moved to designate Mayor Patterson to serve on the 2024-2025 Buckeye Hills Regional Council Executive Committee; Swank seconded. The designation was approved unanimously.

Clodfelter moved to appoint Mayor Patterson to serve on the 2024-2025 Buckeye Hills General Policy Council; McCarey seconded. The appointment was approved unanimously.

EXECUTIVE SESSION:

At approximately 7:30 p.m., McCarey moved to go into Executive Session for the purpose of considering Pending Litigation, and invited the President of Council, Mayor and Law Director to attend; Clodfelter seconded. A roll call vote was taken as follows: Spjeldnes, aye; Risner, aye; Wood, aye; Swank, aye; McCarey, aye; and Clodfelter.

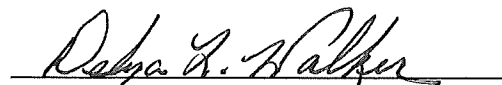
At approximately 8:05 p.m., McCarey moved to come out of Executive Session; Clodfelter seconded. Motion was approved unanimously.

The Regular Session was reconvened, McCarey immediately moved to adjourn the meeting; Clodfelter seconded. Motion was approved unanimously.



President of Council

ATTEST:



Clerk of Council

2024 Athens City Council Committees

Finance & Personnel

Jeff Risner, Chair

Michael Wood

Beth Clodfelter

Micah McCarey

Planning & Development

Alan Swank, Chair

Jessica Thomas

Solveig Spjeldnes

Michael Wood

Transportation

Solveig Spjeldnes, Chair

Beth Clodfelter

Micah McCarey

Jeff Risner

City & Safety Services

Micah McCarey, Chair

Jeff Risner

Alan Swank

Jessica Thomas

2024 Board and Commission Council Representation

Environment & Sustainability Commission

Beth Clodfelter (past representative: Sam Crawl)

Athens Community Improvement Corporation

Jessica Thomas (past representative: Sarah Grace)

Affordable Housing Commission

Solveig Spjeldnes (past representative: Sarah Grace)

Community Relations Commission

Micah McCarey (past representative: Micah McCarey)

JANUARY 2, 2024
LAW DIRECTOR'S REPORT OF BUSINESS FROM
JANUARY 1, 2023 TO DECEMBER 31, 2023

I. Introduction

The Law Director is the chief legal officer of the City of Athens. The responsibilities of the Law Director are outlined in Revised Code (R.C. 733.49) et seq. and Athens City Code (ACC) 3.03.23 through 3.03.35. Athens City Council has classified the Law Director as a three-quarter time position requiring a minimum of 30 hours a week to be devoted to the position.

The Law Director is responsible for overseeing the Department of Law, two full-time legal secretaries, two full-time city prosecutors, and the assistant law director/part-time prosecutor. The prosecutors are Chief City Prosecutor Tracy Meek and Prosecutor Justin Townley. The assistant law director/part-time prosecutor is Jesse Branner Hittle. The legal secretaries are Joyce Apperson and Sonya Hunter.

The office prosecutes misdemeanor offenses that occur in the City of Athens and on Ohio University property. By way of a mandate in R.C. 1901.34(A), and an agreement with the Athens County Commissioners, the office also prosecutes the misdemeanor offenses which occur in the unincorporated areas of the county. R.C. 1901.34(C) states the City shall receive additional compensation for such services as the Board of County Commissioners prescribes. The cases are prosecuted in the Athens County Municipal Court.

As of December 27, 2023, there were 1,610 criminal, 5,896 traffic, and 245 OVI cases filed in Athens County Municipal Court for a total number of 7,751. In 2022, there were a total number of 7,262 cases filed. In 2023, 484 defendants entered diversion for driving under suspension, substance abuse, and offenses involving alcohol. See Exhibit A. Approximately seventy-nine percent (6,112) of the 7,751 cases waived court appearance (paid the ticket), pled at arraignment,

entered diversion, or were prosecuted by another jurisdiction (such as Nelsonville). The Athens City Prosecutors had direct involvement with the remaining twenty-one percent of the cases (1,639) from pre-trial conference to jury trial and appeal.

The office prosecutes misdemeanors on behalf of the Athens City Police, Athens City Code Office, Athens City Auditor, Athens County Sheriff's Office, Ohio State Highway Patrol, Ohio University Police Department, Ohio Department of Public Safety (Liquor Control), Athens County Dog Warden, Ohio Department of Natural Resources, and the Department of Taxation.

The Law Director provides legal advice to city officials, represents the City in legal proceedings, and approves contracts and bonds involving the City. The Law Director keeps Council apprised of the progress regarding litigation to which the City is a party. The Law Director is also required by R.C. 733.62 to present this annual report on the Law Director's Office at the first council meeting in January.

The Law Director serves by appointment of the Mayor on the contract negotiations team for the negotiation of labor contracts with the City's organized bargaining units. Pursuant to R.C. 3313.25, the Law Director also serves as attorney, without additional compensation, for the Athens City School District.

In 2023, the budget for the Office of the Law Director and City Prosecutors was \$665,809.00.

In 2023, the City received \$79,000.00 from the Athens County Commissioners for the prosecution of misdemeanor offenses in the unincorporated areas of the County.

From March to May of 2023, the Office trained in the use of Matrix (electronic discovery) and went live in May of 2023. All criminal files since May of 2023 are now virtual and discovery is provided to defense attorneys via Matrix.

II. Services provided by the Prosecutors in 2023. See Appendix A for details of criminal prosecutions May to December by category.

A. Prosecution of defendants without attorney representation:	429
B. Prosecution of defendants with attorney representation:	1,130
C. Miscellaneous carryover from 2022:	80
D. Total prosecution of defendants in 2023:	1,639
Criminal cases	1,007
OVI cases	218
Traffic	414
E. Jury Trials in 2023	6
F. Appeals in 2023	3
G. Additional Services by Prosecutors in 2023:	
Victim letters, calls, emails, and virtual and in person meetings with victims	
Wrote bad check letters	
Reviewed and signed driving privileges	
Reviewed and signed sealing of records and expungements	
Wrote letters regarding criminal matters	
Motion hearings	
Bench trials	
Wrote letters on behalf of Code Enforcement	
Collected \$32,038.67 in restitution for cases competed prior to May of 2023 when the Clerk of Athens County Municipal Court began collecting restitution	
Filed small claims actions to collect debts owed to the City of Athens	
Wrote letter on behalf of Utilities Billing	

Wrote letters on behalf of APD for Alarm Fees

Wrote letters on behalf of City Auditor for taxes

Prosecuted animal forfeiture cases

H. Legal Services provided to Law Enforcement by Prosecutors in 2023:

Provided legal advice to law enforcement at all times of day and night

III. Services provided by the Law Director in 2023:

A. General duties:

Administered office and supervised prosecutors

Met with prosecutors and staff to discuss resolution of cases

Provided legal advice to elected officials, department heads, and boards/commissions

Worked with Council President to update boards/commission by-laws

Attended council meetings, special sessions, and served as parliamentarian

Attended executive sessions of council

Reviewed ordinances and resolutions prior to council meetings

Administered oaths of office

Reviewed agreements, contracts, and bonds

Attended meetings elected officials and departments heads

Compiled public records requests

Met with outside counsel on civil matters involving the city

Met with various boards and commissions to provide training

Provided legal advice to the Athens Civil Service Commission

Served on the collective bargaining team and provided legal advice

Provided two formal written opinions as requested

Reviewed and drafted easements and land use agreements

Worked with attorneys and reviewed documents concerning the New Community Authority

Worked with Clerk of Council to draft ordinances

Provided legal advice to the Athens Civil Service Commission

B. Civil Litigation:

No cases were pending at the end of 2022

Four cases were filed against the City of Athens in 2023

Two cases closed: Appeal from Board of Zoning Appeals

Replevin Action

Two are pending: Tax Forfeiture (City interest by way of a special assessment for weed cutting)

Complaint for Declaratory Judgment and Permanent Injunction

Respectfully submitted,



Lisa A. Eliason
Athens City Law Director

Exhibit A

Lisa Eliason

From: Joyce Apperson
Sent: Wednesday, December 27, 2023 3:50 PM
To: Lisa Eliason
Subject: FW: End of year report
Attachments: Cases filed by Jurisdiction.pdf

From: Tonya Dye <tdye@ci.athens.oh.us>
Sent: Wednesday, December 27, 2023 1:22 PM
To: Joyce Apperson <japperson@ci.athens.oh.us>
Subject: RE: End of year report

Hello Joyce,

Criminal Cases Filed (just CRB): 1610
Traffic Cases Filed (TRD): 5896
OVI Cases Filed (TRC): 245

Waived Cases:
CRB: 198
TRD: 4435

Pled at arraignment:
CRB: 134
TRD: 337

Transferred:
CRB: 1252
TRD: 845
OVI: 243

Diversion:
CRB: 282
TRD: 202