

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held JANUARY 16, 2024

ATHENS CITY COUNCIL: REGULAR SESSION, TUESDAY, JANUARY 16, 2024, 7:00 P.M.

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

Also present: President Pro Tem Risner, Acting Mayor Crawl, Law Director Eliason and Service-Safety Director Stone.

COMMUNICATIONS:

President Pro Tem Risner announced that Council Members have received notice from the Ohio Division of Liquor Control for the following permit transfers:

D5 permit (spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am) **from** Zoe at Eclipse, LLC, dba Zoe, 24 ½ E. State, **to** 64 Chairs, LLC, same address; and

TREX D5 (spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am), and TREX D6 (sale of intoxicating liquor on Sunday between the hours of 10:00am or 11:00am and midnight) permits **from** 4EG Liberty, LLC & Patio, 7500 Bales St A 104, Liberty Twp., Liberty, Ohio **to** 4EG MS Athens, LLC, 14 South Court Street, dba MacShack.

If there are no objections to these transfers the paperwork will be returned to the Ohio Division of Liquor Control indicating that no hearing is requested.

Swank understands that the TREX permit transfers allowing for both carryout and on premises consumption is for a macaroni and cheese shop, and TREX application for economic development purposes. He would like additional information on the shop's proposed business plan.

Risner suggested this be discussed further at an upcoming meeting, indicating that the deadline for responding is February 8th.

Swank would like some clarity from the business owner.

Council Member Spjeldnes, in speaking with the Director of Engineering and Public Works Saleh Eldabaja, shared that the City will be spending \$1 million to repair ADA ramps in multiple areas of the City.

Stone clarified that these funds were received from the Ohio Department of Transportation (ODOT) to make ADA improvements to curbs and ramps Citywide, noting that the City was able to do the design plans in-house.

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REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Treasurer Thomas provided a 2023 year-end summary of the City's interest income and investments. Last year the City accumulated well over \$1 million in interest, see attached report. He noted that with use of the Appalachian Community Grant dollars and bond for construction of the new Fire Station, these investment funds will decrease, but believes 2024 interest will be similar.

Swank asked if at the end of each year the City does a line item projection on possible interest earned as part of the next year's budget income calculations.

Thomas responded that the Auditor does include interest projections as well.

Stone pointed out that interest earned on proprietary revenue must be deposited into those proprietary funds.

ORDINANCES FOR FIRST READING:

0-01-24

AN ORDINANCE AMENDING ORDINANCE 123-23 TO UPDATE THE 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; AND DECLARING AN EMERGENCY. Discussion: McCarey explained the need to update the attached materials to reflect the need to reroute this project.

Stone noted that the previous easement and right-of-way documents have not yet been recorded, and they will be rescinded for future clarity.

Swank moved for Suspension of the Rules in that this work is currently underway; Spjeldnes seconded. Suspension of the Rules was approved unanimously. McCarey moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

0-02-24

AN ORDINANCE AMENDING ORDINANCE 05-22 AUTHORIZING A CITY FIBER NETWORK, PROJECT 347.

0-03-24

AN ORDINANCE AUTHORIZING EXPENDITURES FOR THE RICHLAND AVENUE PLAYGROUND RENOVATION PROJECT #368.

0-04-24

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 9.15, PARKS, OPEN SPACES, AND NATURE PRESERVES, SECTIONS 9.15.02, 9.15.03, AND 9.15.04, AND TITLE 13, GENERAL OFFENSES, CHAPTER 13.07, MISCELLANEOUS OFFENSES, SECTION 13.07.06. Discussion: McCarey reminded Council of the concern

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expressed in last week's committee meeting of the potential challenges of enforcing "edibles" which are not as observable as a product that emits a vape or smoke.

Clodfelter sees "edibles" as being problematic to enforce, and it seems unnecessarily difficult. She is completely fine with banning no smoking of tobacco or recreational marijuana.

Wood questioned whether there would be a carve-out for medical marijuana.

Law Director Eliason responded this ordinance specifically states recreational marijuana; it does not speak to medical marijuana.

Swank suggested simply banning the use of any form of recreational marijuana, and removing all other language.

Law Director responded that would work as well.

Spjeldnes sees this as an issue of smoking in the parks, and she feels completely comfortable with that. She would like to see "edibles" removed.

Clodfelter would like to keep the specifics of recreational marijuana, and simply remove the word "edibles."

Wood agrees that smoking is a public nuisance and believes this legislation is well-intentioned; it is just not written in a way that is conducive to enforcement.

Eliason suggested that perhaps at second reading an amendment could be considered.

0-05-24

AN ORDINANCE AUTHORIZING ENGINEERING DESIGN SERVICES FOR THE COLUMBUS ROAD SHARED USE PATH PROJECT #365. Discussion: Having visited the project site, Swank noted there are a lot of elevation changes, and questioned whether that is a concern.

Stone responded there will be some meandering in order to avoid utility poles, drainage features, etc., citing one of the most challenging sections across from the motorcycle dealership due to a culvert. We'll have a better idea after design.

Wood commented that a community member voiced their support for this shared use path. It will make Columbus Road safer for cyclists.

0-06-24

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

0-07-24

AN ORDINANCE AUTHORIZING UNNEEDED OR OBSOLETE MUNICIPAL PERSONAL PROPERTY TO BE SOLD BY INTERNET AUCTION.

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0-08-24

AN ORDINANCE AMENDING ORDINANCE 50-23 AUTHORIZING WASTEWATER REMOTE SITE TELEMETRY IMPROVEMENTS, PROJECT #339.

0-09-24

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO SUBMIT AN APPLICATION AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT FOR PLANNING, DESIGN, AND/OR CONSTRUCTION; DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN; AND DECLARING AN EMERGENCY. Swank moved for Suspension of the Rules in order to meet the project timeline; McCarey seconded. Suspension of the Rules was approved unanimously. Wood moved for Adoption; Swank seconded. Adoption was approved unanimously.

0-10-24

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO CONTRACT(S) FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE CITY SEWER SYSTEM IMPROVEMENTS, PROJECT #330; AND DECLARING AN EMERGENCY. Discussion: Stone explained that bids opened on this project last Friday and the only bid received came in much higher than anticipated. The Ohio Revised Code limits a municipality's ability to award a contract when the lowest bid is greater than 20% of the engineer's probable cost. Again, the only bid received was approximately \$2.4 million, and this amount was 20% greater. The City will make modifications to the specifications, adjust the engineer's estimate and rebid it.

Swank moved to Table until the project can be rebid; Clodfelter seconded. Tabling was approved unanimously.

ONE-READING RESOLUTION:

R-01-24

A RESOLUTION SUPPORTING THE TENTATIVE AWARD OF CONTRACT(S) FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE CITY SEWER SYSTEM IMPROVEMENTS PROJECT #330. Risner moved to Table, again, until the project is rebid; McCarey seconded. Tabling was approved unanimously.

ANNOUNCEMENTS & OTHER BUSINESS:

Swank responded to an email from a constituent asking about the process in forming a COG. He responded that the process is two steps, first the exploration of a COG which is an administrative duty, and the second is the act

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of joining the COG which is a City Council decision. He asked about any additional information on the formation of the COG.

Stone will be representing the administration and will be meeting with the Athens Hocking Solid Waste District (AHSWD) representatives appointed to explore the matter. Another member of the Administration, yet to be named, will be accompanying him.

Swank asked the Law Director, if after this exploration there are enough parties interested in moving forward to establish a COG, if the final agreement would need to be approved through the legislative process.

Eliason confirmed that City Council would be required to authorize entering into an agreement to join the COG.

OPPORTUNITY FOR CITIZENS TO SPEAK ON LEGISLATIVE ITEMS AND CITY SERVICES NOT COVERED ON THE AGENDA:

Casey Sutton, Whitland Lane, shared that his house has been extensively damaged by the County sewer project. The excavation work was done by Phil's excavating. He noted that this company has a bad track record with a court case filed where five houses were damaged during a past project. The Occupational Safety and Health Administration (OSHA) fined the company for unsafe excavation practices. He questioned why Phil's Excavating is being used for this County sewer project, commenting that this company violated Section 8 of the public contract that states that all construction must be done within the easement areas. He has photo and video evidence of them operating a 5-ton excavator less than 50 feet from his front door and has filed a claim with their insurance company. He is speaking this evening in hopes that others, including the City, will not hire Phil's excavating for future projects.

Swank asked if this company is doing any work for the City of Athens.

Stone is not aware of any project they are working on, but will certainly check, noting that Whitland Lane is outside the City limits.

Brandon Buckley, A-Town Pies and Fries, Rise and Grind vending food trucks, is interested in reforming the Athens Mobile Vendors Association to assist these growing businesses. There are approximately 35-50 food trucks in the Athens area. He requested a Council committee to review mobile vending. He noted that it is almost impossible for vendors to operate consistently in our uptown area. It is not the monthly cost, but more so the restrictions that are in place, as well as the vending locations.

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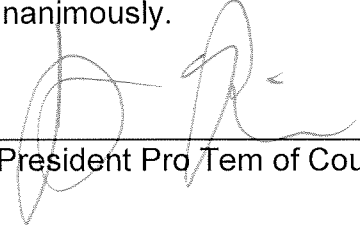
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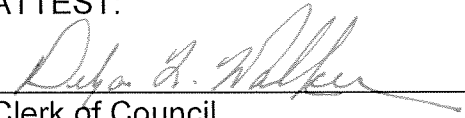
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At approximately 8:15 p.m., McCarey moved for Adjournment; Spjeldnes seconded. Adjournment was approved unanimously.



President Pro Tem of Council

ATTEST:



Clerk of Council

2023 City Of Athens Interest Income and Investment Report

Prepared by

Josh Thomas

Athens City Treasurer

City of Athens

2023 Interest Income

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD Totals
Chase:													
Working													\$ -
Payroll													\$ -
High Bal	15186.09	\$ 15,872.71	\$ 18,100.25	\$ 17,311.40	\$ 19,559.50	\$ 17,402.83	\$ 21,542.45	\$ 20,964.92	\$ 20,802.55	\$ 21,122.54	\$ 19,308.16	\$ 18,282.98	\$ 224,466.38
ACG Grant Acct											\$ 307.57	\$ 50.80	\$ 358.37
CDs											\$ 35,088.42	\$ 11,787.10	\$ 46,875.52
HVB:													\$ -
CDs											\$ 243,561.45		\$ 243,561.45
Utilities	\$ 49.91	\$ 35.16	\$ 49.89	\$ 43.32	\$ 59.26	\$ 38.60	\$ 50.33	\$ 43.73	\$ 55.86	\$ 63.46	\$ 46.46	\$ 64.40	\$ 600.38
Spr Savr	\$ 2,244.97	\$ 2,166.99	\$ 2,540.89	\$ 2,577.22	\$ 2,825.64	\$ 2,864.23	\$ 3,074.11	\$ 3,135.75	\$ 3,200.06	\$ 3,483.43	\$ 3,458.13	\$ 1,030.87	\$ 32,602.39
Arts, Parks, Rec	\$ 4.43	\$ 5.88	\$ 6.58	\$ 9.03	\$ 5.90	\$ 12.30	\$ 21.08	\$ 15.68	\$ 10.77	\$ 5.99	\$ 4.99	\$ 5.09	
Star Ohio	\$ 5,776.43	\$ 5,483.75	\$ 6,211.44	\$ 6,258.77	\$ 6,691.66	\$ 6,583.52	\$ 6,889.74	\$ 7,145.85	\$ 7,005.52	\$ 7,312.94	\$ 7,130.86	\$ 7,407.49	\$ 79,897.97
Peoples	\$ 80.48	\$ 72.70	\$ 80.49	\$ 77.89	\$ 80.50	\$ 77.90	\$ 80.53	\$ 80.52	\$ 77.91	\$ 80.51	\$ 77.92	\$ 80.52	\$ 947.87
Red Tree	\$ 722.52	\$ 14,556.07	\$ 7,888.73	\$ 17,169.30	\$ 84,850.06	\$ 46,380.06	\$ 47,164.42	\$ 34,367.17	\$ 15,283.59	\$ 34,531.54	\$ 54,763.25	\$ 26,919.02	\$ 364,595.83
Park National	\$ 3,932.48	\$ 1,689.84	\$ 4,328.92	\$ 1,710.53	\$ 488.55	\$ 1,557.17	\$ 2,025.20	\$ 6,054.08	\$ 4,301.12	\$ 2,188.01	\$ 6,093.32	\$ 4,468.52	\$ 38,837.74
Other Interest													\$ -
Month Totals	\$ 27,997.31	\$ 39,863.10	\$ 39,207.19	\$ 45,157.46	\$ 93,571.07	\$ 74,916.61	\$ 80,847.86	\$ 71,807.70	\$ 50,737.38	\$ 68,788.52	\$ 369,840.53	\$ 70,096.89	\$ 1,032,851.62
Quarter totals			\$ 107,087.60			\$ 213,645.14			\$ 203,392.94			\$ 508,725.94	\$ 1,032,851.62

NOTE: This report reflects Gross Interest from all investment accounts and DOES NOT include Management Fees from Red Tree Investment Firm or Park National Bank

2023 Interest Income Fund Dispersement

Account	Description	YTD Rec
Fund: 101	GENERAL FUND	142,783.64
Fund: 210	CEMETERY FUND	2,167.96
Fund: 212	TOURISM FUND	555.53
Fund: 215	CABLE ACCESS FUND	7,670.23
Fund: 220	STREET FUND	106,720.89
Fund: 225	STATE HIGHWAY FUND	5,999.81
Fund: 226	PERMISSIVE WHEEL TAX FUND	5,445.44
Fund: 230	JUDGES COURT COMPUTER	2,589.56
Fund: 231	CLERK COURT COMPUTER	883.46
Fund: 232	DIVERSION PROGRAM FUND	2,722.09
Fund: 249	CDBG REVOLVING LOAN	2,928.38
Fund: 250	ATHENS CITY ENHANCEMENT FUND	1,921.71
Fund: 260	INDIGENT DRIV ALC TREAT FUND	10,753.05
Fund: 261	ENFORCEMENT/EDUCATION FUND	886.34
Fund: 262	IDIAM FUND	8,983.72
Fund: 270	RECREATION FUND	5,428.43

2023 Interest Income Fund Dispersement

Fund: 271	COMMUNITY CENTER	11,543.34
Fund: 272	COMMUNITY CENTER PHASE II	0.00
Fund: 273	APR INCOME TAX FUND	44,183.70
Fund: 294	DRUG LAW ENFORCEMENT	206.25
Fund: 430	FIRE STATION DEBT FUND	102,696.72
Fund: 450	APR DEBT FUND	43,453.75
Fund: 572	STREET REHABILITATION	51,134.08
Fund: 580	CAPITAL IMPROVEMENTS FUND	27,379.91
Fund: 582	ARMORY/HUDSON ST BLDGS	16.40
Fund: 585	LAW ADMIN BLDG IMPROV FUND	107.38
Fund: 592	COURT CAPITAL FUND	19,060.20
Fund: 593	TIF MUNIIMP TAX INCREMENT	50,355.58
Fund: 594	UNIV EST-TAX INCREMENT FUND	0.00
Fund: 596	DRD FUND	556.18
Fund: 650	EVELYN C LUCHS EXPEND TRUST	39.78
Fund: 730	PARKING GARAGE FUND	7,529.30
Fund: 733	PARKING GARAGE DEBT FUND	2,425.83

2023 Interest Income Fund Dispersement

Fund: 740	WATER FUND	94,604.31
Fund: 744	WATER FUND-DEBT	207.81
Fund: 750	SEWER FUND-SANITARY	115,036.44
Fund: 755	SEWER FUND-STORMWATER	14,118.71
Fund: 758	SEWER FUND-DEBT	36,174.65
Fund: 760	GARBAGE FUND	11,453.08
Fund: 865	INTERNAL SERVICE FUND	13,580.32
Fund: 866	INTERNAL SERVICE FUND-MEDICAL	16,728.49
41 Accts		972,318.95

NOTE: This report reflects Net Interest after Management Fees have been removed and DOES NOT include interest earned from our custodial Appalachian Community Grant investments.

City of Athens Investment Accounts

Total Investments: \$ 35,051,618.35

Star Ohio - Bank 20

Current Yield: 5.58%

Account Notes: Long Term - State of Ohio Investment Program

<u>Statement Balance</u>	<u>Unbooked Interest</u>	<u>Subtotal Balance</u>	<u>Book Balance</u>	<u>Difference</u>
\$ 1,572,036.36	\$ -	\$ 1,572,036.36	\$ 1,572,036.36	-

Chase Investments - Bank 22

Current Yield: 4.69%

Account Notes: Short Term - Month to Month CD - Funds are from the Appilation Grant

This investment will diminish as funds are drawn down to pay ACG requests

<u>Statement Balance</u>	<u>Unbooked Interest</u>	<u>Subtotal Balance</u>	<u>Book Balance</u>	<u>Difference</u>
\$ 3,046,875.52	\$ -	\$ 3,046,875.52	\$ 3,046,875.52	-

US Bank - RedTree - Bank 35 (City of Athens Regular Acct)

Current Yield: 3.66%

Account Notes: Long Term - Investments consists of Money Markets, US Gov Notes and Bills, Commercial Paper

<u>Statement Balance</u>	<u>Unbooked Interest</u>	<u>Subtotal Balance</u>	<u>Book Balance</u>	<u>Difference</u>
\$ 6,007,015.94	\$ -	\$ 6,007,015.94	\$ 6,007,015.94	\$ -

US Bank - RedTree - Bank 35 (Fire Station Bond Proceeds)

Current Yield: 5.63%

Account Notes: Long Term - Investments consists of Money Markets, US Gov Notes and Bills, Commercial Paper
This investment will diminish as funds are drawn down to pay for the fire station

<u>Statement Balance</u>	<u>Unbooked Interest</u>	<u>Subtotal Balance</u>	<u>Book Balance</u>	<u>Difference</u>
\$ 6,248,889.53	\$ -	\$ 6,248,889.53	\$ 6,248,889.53	\$ -

Hocking Valley Bank Investments - Bank 37

Current Yield: 5.25%

Account Notes: 1 CD

Due Date = 05/30/2024

<u>Statement Balance</u>	<u>Unbooked Interest</u>	<u>Subtotal Balance</u>	<u>Book Balance</u>	<u>Difference</u>
\$ 15,243,561.45	\$ -	\$ 15,243,561.45	\$ 15,243,561.45	-

Century National Bank Investments - Bank 38

Current Yield: 3.31%

Account Notes: Long Term - Investments consists of Money Markets, US Gov Notes and Bills, Commercial Paper

<u>Statement Balance</u>	<u>Unbooked Interest</u>	<u>Subtotal Balance</u>	<u>Book Balance</u>	<u>Difference</u>
\$ 1,037,146.40	\$ -	\$ 1,037,146.40	\$ 1,037,146.40	-

Peoples Bank Investments - Bank 39

Current Yield: 0.05%

Account Notes: Money Market Account (looking to transition to a CD)

<u>Statement Balance</u>	<u>Unbooked Interest</u>	<u>Subtotal Balance</u>	<u>Book Balance</u>	<u>Difference</u>
\$ 1,896,093.15 \$	- \$	1,896,093.15 \$	1,896,093.15 \$	-