

MINUTES

AUGUST 26, 2024

COMMITTEE OF THE WHOLE

7:00 P.M.

Council Members in Attendance:

Beth Clodfelter
Micah McCarey
Solveig Spjeldnes
Alan Swank
Jessica Thomas
Michael Wood

Administrators and/or
Other Elected Officials:

President Pro Tem Risner
Acting Mayor Crawl
Treasurer Thomas

Items Discussed:

- Ohio Revised Updates to Athens City Code for Title 7, Traffic Code, and Title 13, General Offenses
 - Swank – understands these changes are simply bringing the City Code into compliance with the Ohio Revised Code (see attached)
 - President – many are correcting safety issues
- DORA Public Safety Pilot Program
 - Acting Mayor – this change is being proposed to hopefully relieve some of the pressure on uptown taverns with overcrowding on busy weekends – this is not a street closure – this is a pilot program only – Police and Fire Chiefs are both in support
 - Thomas – questioned whether the normal DORA hours will be recognized
 - Acting Mayor – the legislation includes date changes, not hours
 - Thomas – asked about enforcement and whether additional safety resources will be required – with the number visiting and frequenting the bars on Homecoming and Moms Weekend she fears extending the DORA would simply push people onto sidewalks and possibly into the street
 - Acting Mayor – tavern owners believe this will be helpful for their businesses – tavern owners will be responsible for compliance when furnishing DORA cups
 - Swank – several years ago, due to the behavior of bar patrons, the City/University rerouted the Homecoming Parade on Court Street away from the Carpenter to West Washington blocks, to maintain it as a family-friendly event – the thought of drinking on the sidewalk, even with the new route in place, is of

great concern to him – could be especially contentious this year with the presidential election – Ohio University has worked very hard to successfully tamp down the party school image – it has been successful, and the University questioned this change – shared that Homecoming on college campuses is considered a “red zone” – colleges in America try to control the consumption of alcohol during Homecoming because that weekend campuses experience the highest number of sexual assaults – based on comments from Ohio University comments, this is a non-starter for him

-Spjeldnes – graduation may not be a bad idea, but is not in favor of including Homecoming and Moms Weekend – not a good idea

-Wood – is generally pro-DORA during low-key summer weekends, but is skeptical adding these special weekends

-Clodfelter – partying on the sidewalk may make others visiting the uptown area uncomfortable

-McCarey – questioned whether the tavern owners’ association is trying to find a solution, in partnership with the City, to address the overcrowding safety issues that have been of particular concern at a time when the City is exploring punitive measures toward these establishments

-Acting Mayor – he, too, is skeptical about it being a solution for the overcrowding issue – the Council has brought forth many good questions that need responses from the City Administration – he will talk with them about the Council’s concerns

-Swank – need to be mindful that more than ½ of the undergraduates on-campus are not of drinking age

-Mary Abel, Strathmore Boulevard – understands bar owners wanting to increase their revenue stream – it is important to work with Ohio University – this proposal reinforces and takes us back to that party school image, and she believes it goes against what the University and community want for our City

- Buy Out of the Carport-Mounted Solar Array at the Community Center (2010 Power Purchase Agreement)
 - Acting Mayor – City would like to purchase the carport solar array for \$235,000 -
 - \$200,000 would come from the Capital Improvements Fund, and \$35,000 from the Community Center Fund – Administration believes this will pay for itself with the continued off-setting of the electricity usage at the Community Center – the City would gain control 6 years earlier than the original timetable – will allow the City to make upgrades to the structure and invest in more efficient panels (currently 14 years old, but in working order) that could support the Farmers Market – the Service-Safety Director believes this could be low cost purchase for a large power production increase

-Spjeldnes – asked about specifics on benefits to the Farmers Market
-Acting Mayor – heating units could hang underneath the structure to lengthen the selling season

-McCarey – questioned what kind of cushion customary in the Capital Improvements Fund is

-Swank – noted that in January \$1.28 million was allocated, with \$50,000 appropriated – an additional \$413,000 appropriation was approved, with \$826,000 currently available and \$626,000 after this authorization

-Treasurer Thomas – the Administration works hard to keep this fund viable – recognizes this is a valuable project and a worthwhile expenditure

-Swank – asked about the salvage value

-Acting Mayor – would likely be the recycled value of the steel

-Swank – questioned its projected useful life at this time

-Acting Mayor – believes these are 25-year panels, so ten more years of useful life

-Swank – pointed out that the Community Center budget oftentimes struggles

-Treasurer – agrees that has been the case in the past few years – this year the fund is much healthier – Auditor is comfortable with this expenditure

-Clodfelter – asked about the increase in productivity that might be within our reach financially

-Acting Mayor – is aware that a local solar installer inspected a University array, of the same age, for this very reason – the current panels still have a productive life, and replacing the panels would simply extend the life of the array – no need to change out the panels at this time, however, the inverters may likely need to be replaced

- Indigenous Support (resolution)

-McCarey – this is an extension of the City's racial equity work through the National League of Cities – this affirms the ongoing land acknowledgements by City Council – this resolution supports the City's broader efforts to reflect on and educate each other on the important history associated with commitments in respect for our planetary resources and environment – this is not an unusual or new practice, many cities throughout the nation have adopted land acknowledgements, and do so in many ways to convey respect on an ongoing basis

-Spjeldnes – asked about any commitment or action the City is considering outside of the land acknowledgement

-McCarey – such a commitment would require more than just acknowledging with words – there are ways to “Make Respect Visible” that encourages people to educate themselves, or for the City to provide educational resources to deepen that understanding – City Council was recently engaged in support of a resolution

in renaming the Wayne National Forest – illuminating the history and experiences of current indigenous peoples in the area are supported by efforts like this

-Swank – supports this resolution and offered including, in the second Whereas, the word “violent” seizing of land, language that clearly identifies how horrific this was – passed by Congress in 1990 and signed by President Bush, in Section II he encouraged using National Native American Heritage, celebrated in the month of November – there are 574 recognized sovereign nations in this country that should be included

-Wood – echoed the need for actions, again, not just words

-McCarey – this is intentionally about how the City is going to convey our respect for indigenous history – earlier, in sharing a draft with the Law Director, she asked that he remove action-oriented items that would require the cooperation and work by the City’s Administration – would be helpful to have Administration’s input – will bring up again for committee discussion

-Risner – requested a uniform formal statement of land acknowledgement

-McCarey – the Community Relations Commission has reviewed different versions of the land acknowledgment for a number of purposes, taking into consideration time constraints, and others to accomplish different things, such as one that speaks to folks who have historical ancestral histories other than Indigenous – will share these examples with Council Members

-Spjeldnes – questioned ways to move beyond this resolution of words and on to actionable items

-McCarey – City Council can encourage and work in partnership with the Administration to see programs, initiatives, and educational opportunities associated with this resolution

-Risner – clarified that resolutions by the Council are not binding – an ordinance would be needed if the Council would like to adopt policy

-Acting Mayor – stressed the need to be conscious of workload events that would fall on administrative staff – progress works well with small steps, like words, which can be impactful through land acknowledgments and the Make Respect Visible campaign, and then progress to actions

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. City Code Updates
2. Solar Array Purchase

Civic Plus is the company that codifies the Athens ordinances into the format you see online and in the hardcopy.

In 2021, the Law Director worked with Civic Plus to update the Athens traffic and criminal code to be the same as the Ohio Revised Code traffic and criminal code.

This summer, Civic Plus conducted a review of the Athens traffic and criminal code and provided the Law Director with sections of the Athens traffic and criminal code that need to be updated to be the same as the Ohio Revised Code traffic and criminal code.

At the end of each revision is the Ohio Revised Code Section that the Athens City Code mirrors.

This looks like a lot but there are very few actual changes.

Traffic Code, Title 7:

ACC 7.02.11, Light on slow moving vehicles (pg. 60)

Title changed from “Lights on Slow Moving Vehicles” to “Slow Moving Vehicle.” The light requirements have been removed since they were found elsewhere in ACC 7.02. Two definitions have been added. (pg. 62).

ACC 7.02.17, Number of lights permitted; red flashing lights. (pg. 63)

Amends Section (C) “flashing lights” to conform to the format of the Ohio Revised Code. No substantive change. (pg. 63)

Adds section (e) to include vehicle used for emergency preparedness. (pg. 64).

ACC 7.02.23, Signs on windshield; wipers required. (pg. 65)

Adds vehicle safety technology that does not conceal the vehicle identification number and how it is mounted.

ACC 7.03.07, Prohibition against driving while under the influence of alcohol or drugs with certain concentration of alcohol in bodily substances; chemical analysis. (pg. 66)

7.03.07 (A)(2), removes the letter (B) which is the 20-year lookback period for a person under 21 years of age. (pg. 68).

7.03.07(G)(1)(c) and (d), remove the letter (B), same explanation as above, and adds in (d) “or an offender who previously has been convicted of or pleaded guilty to a specification of the type described in R.C. §2941.1413.” (pg. 73).

7.03.07(H)(3) removes a provision on additional jail time. (pg. 75)

7.03.07(N)(1) removes the letter (B), same explanation as above. (pg. 76)

7.03.07(N)(6)(8)(9) and (2) and (3) removes the letter (B), same explanation as above. (pg. 77).

ACC 7.03.07.1, Implied consent. (pg. 78).

7.03.07.1 (B) fixes a clerical error. (pg. 80).

ACC 7.03.25, Display of license plates. (pg. 84).

Adds the word “registration” and a prohibition in “(4) No person shall cover a temporary motor vehicle license registration by any material that obstructs its visibility.” (pg. 84).

7.04.68, Operating school buses. (pg. 85).

Adds “department of education and workforce.” (pg. 85)

7.05.31, Private tow-away zones. (pg. 86).

(E)(1) changes police department to law enforcement agency and adds conservancy district. (pg. 88).

Criminal Code, Title 13:

ACC 13.02.04, Menacing. (pg. 92).

Changes (A) to (A)(1) and adds (A)(2) menacing of an emergency service responder, co-worker, or their family or household member. (pg. 92)

Changes the penalties in (B) to add emergency service responder. (pg. 92).

Adds section (C) penalties. (pg. 93).

Adds section (D) definition of emergency service responder, family or household members, co-worker, and organization. (pg. 93).

ACC 13.03.01, Petty Theft (pg. 93).

(C) removes the word petty and inserts “misdemeanor.” (pg. 93).

ACC 13.05.01, Definitions, (pg. 94). (Sex offenses).

13.05.01(I) removes the reference to R.C. 2097.231 (engaging in prostitution) and R.C. 2907.01 (sex offenses general definition). This section is a definition section. (pg. 95).

13.05.01(N) adds definition to “Place where a person has a reasonable expectation of privacy” and in (O) adds a definition of “Private area.”

ACC 13.05.08, Prostitution (pg. 96).

Adds person with developmental disability and an additional penalty. (pg. 96).

ACC 13.05.13, Corruption of a minor. (pg. 97)

Removes “not the spouse of the offender.” (pg. 97).

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Beth Clodfelter, Member
Micah McCarey, Member
Michael Wood, Member

Administrators and/or
Other Elected Officials:

Acting Mayor Crawl
Treasurer Thomas

ITEMS DISCUSSED:

- Authorizing Necessary Tax Review (a Resolution Accepting Amounts and Rates Determined by the Budget Commission)
 - Risner – this is annual legislation – explained the City does not have a property tax – most of Athens Township and a small portion of Canaan Township is occupied by the City, and the City is required to maintain the infrastructure – the City receives millage generated revenue for those expenses – the following 2025 amounts have been approved by the Athens County Budget Commission: Athens Township, 2.60 mills, at \$1,159,868, and Canaan Township, 2.40 mills, at \$54,830, totaling \$1,214,698 for 5 mills
- Appropriation
 - o (\$4000) transfer from T.C. 500, capital line, to T.C. 300, professional service line, for mayoral travel, which will be reimbursed by NLC
 - McCarey – City has a partnership with NLC to promote racial equity which sometimes requires the Mayor's presence, with the NLC reimbursing travel expenses

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. Budget Commission Resolution
2. Appropriation

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