

MINUTES
OCTOBER 14, 2024
COMMITTEE OF THE WHOLE
7:00 P.M.

Council Members in Attendance:

Beth Clodfelter
Micah McCarey
Jeff Risner
Solveig Spjeldnes
Jessica Thomas
Michael Wood

Administrators and/or
Other Elected Officials:

President Crowl
Mayor Patterson
Auditor Hecht
Treasurer Thomas

Items Discussed:

- 2025 Sewer Increases
 - Administration has recommended sewer rates be increased by 3%
 - Mayor – indicated the increase is needed due to inflationary pressures
 - Risner – asked how this percentage of increase compares to other communities our size
 - Mayor – believes a rate comparison with other municipalities throughout the state, with similar demographics, would be similar – this increase aligns with the schedule put in place at the time of the Sewer Plant renovations – may even be below the mean rates in southeastern Ohio
 - Wood – asked what this 3% increase would mean to household users
 - Mayor – actual numbers will be included in the legislation
- Indivisible Appalachian Ohio (resolution)
 - this group is urging State leaders and local governments to support a citizen-led, transparent commission to draw legislative districts
 - McCarey – recused himself as a State Representative candidate
 - a member of the public believes such a resolution will be helpful to the public's understanding of the language of this ballot issue

-Spjeldnes – agrees there is a lot of disinformation in the ballot language – there has been a long and concerted effort in Ohio to end gerrymandering, making sure we have representative districts – this is not a political act – Ohio needs district lines that are fair – all need a voice

-Clodfelter – the ballot language is confusing – supports the need for competitive and fair districts that keep representatives accountable to their constituents

-Wood – counter-messaging is confusing – need to be accountable to voters – he strongly supports a resolution

-President – read the “draft” resolution into the record (see attached)

- Confirm the Mayor’s Reappointments to the Board of Zoning Appeals
-President – these reappointments were removed from the Table by City Council Members and forwarded for further discussion to the Committee of the Whole

-Mayor – upon close review, the City Code is silent to confirmation by the Council as to reappointments to the Mayor’s Boards and Commissions – moving forward, the Law Director has suggested the Council amend the City Code to include such language if it would like to continue this practice of confirming the Mayor’s reappointments – since the City Code is silent as to his reappointments, and regardless of past practice, the Mayor will no longer be requesting confirmation for reappointments to the Boards & Commissions he is responsible for, and he has reappointed Ben Lachman and Joe Krause to serve an additional 3-year term, noting there are procedures in place to address any egregious acts or transgressions by a member serving on the Board of Zoning Appeals

-Damon Krane, representing the United Athens County Tenants (UACT), believes Joe Krause should not be reappointed to the Board of Zoning Appeals (see attached letter)

-Rusty Rittenhouse, Attorney representing Joe Krause, addressed malicious and false statements made in reference to his client (see attached letter)

-Rob Delach, Morris Avenue, Chair of Board of Zoning Appeals (BZA), doesn’t feel Mr. Krause’s representation on the BZA should have anything to do with his personal business – believes Mr. Krause is a very valuable member of the BZA – as Chair, he looks to Krause’s expertise and his business experience to help guide the Board’s decisions – he finds his tenure helpful, and again, his reappointment should not be reflective of his business practices

-Spjeldnes – believes Council should follow past practice in having the Council confirm the Mayor's reappointments – does not feel the Mayor should have sole responsibility in making reappointments – when viewing the most recent BZA meeting, she found Mr. Krause's comments to be abrasive to the public and a little too harsh, which she found inappropriate – for those two reasons, she does not support Mr. Krause's reappointment – she is uncomfortable with the Mayor's decision to suddenly cut the Council out of this longstanding process

-Wood – agrees, he, too, is uncomfortable with the Council having no confirmation on such a powerful Board as the BZA, and it should be rectified quickly

-McCarey – questioned the Council's role upon receiving documented concerns from citizens about appointments/reappointments

-President – it does appear that our City Code language is inconsistent with regard to reappointments among our Boards and Commissions, and could use some clarity – believes it should be addressed as an upcoming committee item

-Mayor – responding to Spjeldnes' comment – noted that Mr. Krause did apologize to the individual, and the apology was accepted – he asked about the Council's questioning of Mr. Krause's ability to serve an additional term on the BZA

-Spjeldnes – the Council is now aware of Mr. Krause's record as a landlord – the information that was received influenced her decision

-President – noted that Swank received recent information from the City's Code Enforcement Office that there are no current issues with rental property owned by Mr. Krause

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. 2025 Sewer Increases
2. Indivisible Appalachian Ohio (resolution)

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

Debbie Walker

From: Solveig Spjeldnes
Sent: Monday, October 14, 2024 9:10 AM
To: Debbie Walker
Cc: Steve Patterson
Subject: FW: Regarding BZA Reappointments

Debbie,

Please send this to city council members for their information.

Thank you.

Solveig

From: United Athens County Tenants <athenscountytentants@gmail.com>
Sent: Monday, October 14, 2024 1:04 AM
To: Solveig Spjeldnes <:sspjeldnes@ci.athens.oh.us>
Subject: Regarding BZA Reappointments

Dear Council Member Spjeldnes,

We at United Athens County Tenants are writing to urge you to vote to block Mayor Patterson's re-appointment of Joe Krause to the Athens Board of Zoning Appeals.

After an August 2022 ceiling collapse endangered a family with young children renting 79 ½ North Shafer Street from Krause, UACT undertook an investigation of the landlord that included examining 14 years of city code enforcement records pertaining to 17 of Krause's Athens properties; reviewing code enforcement records from Columbus, where Krause also owns rental property; interviewing some of Krause's past tenants; and reviewing photos and emails provided by past tenants.

UACT published our investigation's findings in a November 15, 2022 report posted to our website and shared with local media. Alongside our report we included all of the original city records and additional materials upon which the report was based. We encourage you to review all of these materials now at <https://www.athenstenants.com/november-2022-code-enforcement>

Key findings of our report include, but are not limited to, the following.

-
1. Krause's Athens properties failed 110 out of 113 regularly scheduled inspections between December 2008 and mid-September 2022, a failure rate of 97.3%.
 2. Krause repeatedly escaped code compliance by failing to show up for inspections. He was a no-show for scheduled inspections 17 different times, and on 10 of those occasions his no-shows prevented a property from being inspected that year.
 3. Partly by preventing inspections through no-shows, Krause was able to operate rental properties that went as long as 8 consecutive years without ever demonstrating code compliance.

4. In the year leading up to the August 2022 ceiling collapse at 79 and 79 1/2 Shafer Street, Krause Rental Properties refused tenant requests to make repairs required by city code, as evidenced by emails provided by tenants.

5. Krause only escaped criminal prosecution for unsafe housing conditions because city officials within Code Enforcement and the City Law Department repeatedly failed to do their jobs as mandated by city code.

Consider the following.

On April 15, 2010, Code Enforcement cited Krause for 13 code violations at 84 and 84 1/2 Court St. Most violations had to do with fire safety and were marked with asterisks denoting they were to be corrected "immediately." Re-inspection was scheduled for May 27, but Krause prevented it from occurring by failing to show up. Re-inspection finally occurred on June 14, two months after the city issued its notice of violation, and all 13 violations were still present. Code Enforcement then issued an Order to Comply, giving Krause 15 days to correct the violations or face criminal prosecution by the City Law Department.

The city provided no records to UACT showing that Krause ever complied with this order, yet the city also did not prosecute him. Instead, Code Enforcement next inspected the property 8 months later on February 21, 2011, at which time the list of violations had grown from 13 to 25.

Re-inspection was scheduled for April 25, 2011, but there is no record of it ever occurring. Instead, the property was next inspected another year later on March 22, 2012. By then the list of violations had grown to 37.

Upon re-inspection on May 3, 2012, Code Enforcement determined these violations still had not been corrected, so they issued another Order to Comply and once more threatened Krause with criminal prosecution. Yet once again no prosecution occurred, and Code Enforcement did not check back to see whether Krause had complied with the 15-day order until 141 days later on September 12, 2012. At that point Code Enforcement determined Krause had finally brought the property into compliance, some 2 1/2 years after Code Enforcement documented the property had gone out of compliance.

Throughout the years the city had deemed the property to be non-compliant, Code Enforcement continued to issue Krause annual rental permits to house tenants at the unsafe property.

Here it is also worth noting that for the entire 14-year period studied, at 17 Athens Krause properties, Code Enforcement failed to conduct the required re-inspection after noting violations nearly 25% of the time. That is, out of 110 failed inspections resulting in notices of violation, Code Enforcement only checked to see whether violations were corrected 84 times. (Note: This does not include inspections and re-inspections that Krause blocked by failing to show up for them. Rather, it is in addition to the inspections prevented by Krause's no-shows.)

6. On April 11, 2022, The City of Columbus cited Krause LLC Leroy and Maggie for violating its city's zoning code, stating "173 E Lane Ave is within the Indianola Forest Historic District. Any alterations to the exterior, including changes to the yard areas, require a Certificate of Appropriateness. In the rear yard an area off the alley has been graveled and is currently being used for parking. These changes have been made without first obtaining a Certificate of Appropriateness from the Historic Resource Commission. To begin the process provide all relevant information regarding changes to the property to the Historic Resource Commission : HRC@columbus.gov

One year later on April 21, 2023, the City of Columbus issued Krause a Non-Compliance Warning Letter, threatening him with "civil or criminal prosecution or both" for still not beginning the process called for one year in its April 2022 Notice of Violation. (See: Columbus City Record 22444-00029 available at <https://portal.columbus.gov/Permits/Default.aspx>)

Given Krause's extensively documented record of consistently refusing to comply with city housing safety standards and putting tenants' lives at risk, we at UACT were extremely dismayed to learn in 2022 that Mayor Steve Patterson had twice appointed Krause to serve on the Athens Board of Zoning Appeals, where Krause has been helping to make housing decisions for our city since 2019 – and that City Council both times unanimously approved those appointments.

Now, even after our 2022 report publicly revealed Krause's abysmal record as a landlord (garnering news coverage from [WOUB](#) and the [Athens County Independent](#)), Patterson is attempting to appoint Krause to a third term.

The irony of Mayor Patterson appointing Krause to the Athens city zoning board despite Krause's flagrant disregard for Columbus zoning regulations is one thing. But what really makes the Mayor's appointments of Krause so outrageous is that Krause's terrible track record in the City of Athens has been established by none other than Athens City Code Enforcement, which is literally part of the mayor's administration.

We at UACT disagree with Mayor Patterson's decision to empower a dangerously negligent slumlord to help make housing decisions for our city. We urge you to firmly reject Joe Krause's appointment to the Board of Zoning Appeals and to always exercise due diligence by scrutinizing the mayor's preferred appointments.

We are happy to answer any questions regarding this matter from members of Council, and we hope a representative of UACT will be permitted to speak to this matter at the Committee of the Whole meeting scheduled for Monday, October 14.

Thank you for your time and consideration.

Sincerely,

United Athens County Tenants

Debbie Walker

From: Debbie Walker
Sent: Tuesday, October 15, 2024 7:25 AM
To: City Council
Subject: Fwd: Joe Krause / BZA Reappointment
Attachments: Fire and security records.pdf; 2022_photo of dog on roof.pdf

Sent from my iPhone

Begin forwarded message:

From: Robert Rusty Rittenhouse <rusty@johnplavelle.com>
Date: October 14, 2024 at 6:50:24 PM EDT
To: Debbie Walker <dwalker@ci.athens.oh.us>
Cc: Joe Krause <athensmanagement@gmail.com>
Subject: Joe Krause / BZA Reappointment

Greetings Debbie,

Please pass on this email to the members of City Council.

I represent Joseph Krause. For the last several years, Mr. Krause has faithfully served on the Board of Zoning Appeals for the City of Athens. This is an unpaid position. For all these years, Mr. Krause has volunteered hours of his time to give back to our community. Mayor Patterson has now nominated him for reappointment for a second term.

Mr. Krause is one of the few Jewish public servants in Athens. Unfortunately, in his life, he has been subjected to antisemitism. It is repulsive that such racist targeting appears to continue to occur.

Earlier today, a City Council member disseminated defamatory statements about Mr. Krause that appear to have been originally provided by the "United Athens County Tenants". One of the most vocal members of "organization", is a staunch pro-Palestinian supporter. The other nominees for the Board of Zoning Appeals are not Jewish. Interestingly enough, they have not been subjected to these personal attacks.

It is quite telling that the smear campaign makes no mention of anything Mr. Krause has done during his time on the Board of Zoning. Instead, these malicious and false statements focus on Mr. Krause's profession. They are designed not just to hurt him as a public servant, but also in his ability to make a living in our community.

It is an absolute joke for the "United Athens County Tenants" to represent that they have investigated minorities, in our community, that own small businesses. First, regarding 79 ½ N. Shafer Street. This property is owned by Jem Managements, LLC. It is not personally owned by Joseph Krause. Rather Mr. Krause is a member of this company, and through Krause Properties, he further manages this residence. In the late Spring of 2022, the former tenants of this property were released from their lease after one of them represented that they were battling

cancer and were facing financial difficulties. Mr. Krause later learned that these individuals were members of "United Athens County Tenants" and may not have been forthright.

Shortly thereafter, two new tenants took possession of the property. Around August of 2022, a small section of the roof of this property was compromised by the negligence of a neighboring tenant. This tenant had been permitting their dog to play on the roof of 79 ½ N. Shafer St. See the attached photograph. In the process this tenant's dog dug into the membrane of the roof. This resulted in a very small section breaking open.

This was reported to Mr. Krause, after business hours. He immediately went to the property and did everything he could to remedy the problem.

To further satisfy the concerns of the tenants of 79 ½ N. Shafer St., Mr. Krause agreed to release these tenants from their lease. In doing so, he also provided them with a full return of their security deposit and all future rental payments they had made. He also provided them with a full return of the past rent they had paid for the months prior, including for the time period during which they had lived at the property without complaint.

The United Tenants allegations about code inspections are also intentionally misleading. The code inspections they are referring to are initial inspections. These are designed to find damages that have occurred while the properties are in the exclusive possession of tenants. At these inspections, it is very common for landlords to first learn of damages that have occurred as result of tenant neglect or ordinary wear and tear. The landlords are then given notice of such issues and are then given a reasonable period of time to remedy them.

What the United Tenants fail to disclose is that Krause Rentals successfully passed all of the City of Athens follow up reinspection. In other words, all identified problems from the initial inspection of the properties were timely remedied by Krause Rentals.

The United Tenants next allege that Mr. Krause missed inspections. They fail to mention though that the inspection notices had been sent to the wrong location. Mr. Krause had not received these notices. There are multiple individuals that have ownership interests in the companies that own these properties, and this resulted in some confusion as to where the notices were being sent. As soon as Mr. Krause learned about this issue, he updated the property records. Since 2022, these notices have been sent to the correct location, and no further inspections have been missed.

Next the United Tenants claim that Mr. Krause has somehow evaded criminal prosecution. This is patently false. Mr. Krause has never been criminally charged by the City of Athens for any code violation. Apparently Jewish business owners are not entitled to constitutionally protected due process rights.

Additionally, the United Tenants point to an alleged code violation from over a decade ago, to falsely paint Mr. Krause as failing to provide proper fire safety for the properties he manages. Again, this is untrue. As evidenced by the attached records, Mr. Krause has secured professional fire protection services for this property through Allstate Fire and Safety. Interestingly enough, early this month, the City cited Krause Rentals for "false alarm", when one of the alarms was being reset and tested. See attached *False Alarm Statement*.

Finally, the United Tenants point to a code violation by Leroy and Maggie, LLC, out of Columbus. This is another company, that Mr. Krause owns with other parties. This particular issue related to the property owner putting gravel down for parking, which was the same thing other neighboring properties owners had done. The City informed the property owner that this was not

permitted. The company that owns the property issues an apology, the required change to outdoor area was remedied, and the matter was dropped by the City.

These personal attacks on Mr. Krause are unfounded and completely inappropriate. Additionally, they have nothing to do with Mr. Krause's abilities as a member of the Board of Zoning Appeals.

Rusty Robert Russell Rittenhouse
Attorney at Law
Lavelle and Rittenhouse, LLC
449 E. State Street
Athens, Ohio 45701
Phone: (740) 593-3348
Facsimile: (740) 594-3343
e-mail: rusty@johnplavelle.com

MINUTES

OCTOBER 14, 2024

FINANCE & PERSONNEL COMMITTEE

Members in Attendance:

Jeff Risner, Chair
Beth Clodfelter, Member
Micah McCarey, Member
Michael Wood, Member

Administrators and/or
Other Elected Officials:

President Crowl
Mayor Patterson
Auditor Hecht
Treasurer Thomas

ITEMS DISCUSSED:

- Non-Union Compensation (Labor Supervisors)
 - Mayor – City is struggling to rehire into the position of Water Labor Supervisor – Administration is proposing the current Sewer Labor Supervisor move into the position of Water Labor Supervisor – would like to increase the salary from \$29,577 to \$31,500 – would also like to increase the salary for an incoming Water Labor Supervisor, and currently staffed Street Labor Supervisor, and Recreation Labor Supervisor to bring parity among the labor supervisors in the pay grade
 - McCarey – asked if this compensation is competitive
 - Mayor – it is hard to compete with the private sector, and it is extremely difficult, not only for the City but in Appalachian Ohio, to find qualified licensed individuals or those that might be eligible for Class II licensure – the City is looking at promoting internal candidates
 - McCarey – asked if our compensation is competitive with other cities in Appalachian Ohio
 - Mayor – we are comparable with cities our size
 - Auditor – noted that these increases will serve as the 2025 COLA for the mentioned positions – since these are supervisory positions it would be helpful to have these vacancies filled at the earliest possible time
 - Risner – will request an emergency clause and suspension of the rules next Monday
- General Services Administration (GSA) Cooperative Purchasing Program (participation)
 - Mayor – is requesting authorization to enter into a participation agreement with this federal government agency to allow for purchases to be made without bidding – this program can be used for the public safety training facility

Appropriations:

- (\$1500) to CDBG Formula Grant Fund (to cover general administration, fair housing, and CHIP expenses)
- (\$45,000) to Sewer Fund (to cover electric costs)
 - Mayor – this additional amount is needed due to an increase in the City's annual electric charges
- (\$25,000) to Cable Access Fund (to replace the video production system used for multimedia broadcasting)
 - Scott Thompson, The Government Channel Director – the system used for productions at the Community Center is failing – would like to purchase a newer system for TGC and then transfer the current 2020 TGC system to the Community Center
 - Auditor – explained funding for this equipment will come from State Cable Franchise fees
 - McCarey – asked if the system being transferred to the Community Center will be used for various City meetings, understanding that there have been technical issues during some of the streamed Commission on Disabilities meetings
 - Thompson – the equipment being transferred is just for live broadcasts – the PA system McCarey is referring to was recently replaced by the Community Center; they are two separate systems
 - Clodfelter – clarified that the new system will be housed in the TGC Control room in the City Building

Transfers:

- (\$44,465) from Transportation Assistance Fund (decrease capital line and increase the professional services line)
 - Mayor – City no longer owns the buses (capital expenses), but continues to have a need for HAPCAP professional services
- City Sewer Improvements, Project #330 (amend 0-10-24)
 - Mayor – adding to current project – cost of Phase II is \$1,787,215
 - Auditor – this is a WPCLF Loan with 0% interest
 - President – this project is the force main under the bikeway

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. Appropriations/Transfers
2. Project #330

MINUTES

PLANNING & DEVELOPMENT COMMITTEE

OCTOBER 14, 2024

Members in Attendance:

Solveig Spjeldnes, Member
Jessica Thomas, Member
Michael Wood, Member

Administrators and/or Other Elected Officials:

President Crowl
Mayor Patterson
Treasurer Thomas

Items Discussed:

- Amend Lostro Ordinances 77-24, 78-24 & 79-24 (to remedy a calculation error)
 - Spjeldnes – explained there was an error in the Lostro PACE payment calculations, and the ordinances need to be amended to reflect the change
 - Mayor – believes there was a transcription error in the amount that needs to be corrected to read \$3.2 million and not \$2.3 – explained this is not a cost to the City or the taxpayers, simply to Lostro

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. Lostro Ordinances (amend)