

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held April 15, 2024

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, APRIL 15, 2024, 7:00 P.M.

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

Also present: President Pro Tem Risner, Mayor Patterson, Law Director Eliason, Treasurer Thomas, and Service-Safety Director Stone.

Clodfelter moved to Amend the Agenda to add an Executive Session to discuss the purchase of property; Swank seconded. The motion was approved unanimously.

COMMUNICATIONS:

Council Member Spjeldnes continues to receive concerns from businesses located in the construction area on West Union Street. She hopes the City can find better solutions to the concerns expressed by business owners whose profits continue to decline, who are questioning whether they can remain open through the end of the project. She has contacted ODOT Jobs and Commerce who is unable to assist with the short timeline. She has also reached out to the Buckeye Regional Council inquiring about emergency assistance. She understands the City Administration is working on strategies, and she looks forward to updates that can help these businesses.

Council Member Swank has placed calls to both State Representative Edwards and Senator Chavez on the same topic.

Council Member McCarey, following up on the City's efforts toward diversity and inclusion, shared that Council Members and City Officials have received an invitation to Ohio University's annual Pride Graduate Recognition and Community Celebration dinner to be held Thursday, April 25, from 5:00 to 7:00 p.m. in Baker University Center, rooms 240/242. The dinner is free and open to the public. This event will not only recognize graduating Ohio University students but is also open to local high school students.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported the following:

- Recognized three APD officers Guthrie, Emerick, and Foster for their prompt response to a recent safety call.
- Temporary closure of the bike path from Stimson to just beyond the construction site for the new fire station headquarters will begin April 18

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held APRIL 15, 2024 (PAGE 2 OF 8)

and run through early July for installation of an emergency watercraft ramp, which will also be accessible to the public for canoe/kayaks.

- Arts, Parks, and Recreation was awarded a \$20,000 grant for improvements at the Richland area Park.
- Annual Spring Cleanup is underway and beautification activities can be found on the City's website.
- The City of Athens was recognized by ODOT as the Local Public Agency of the Year excelling in upholding the requirements of the Federal Program of Diversity, Equity, and Inclusion, demonstrating a track record of partnering and encouraging its utilization in public projects.

Treasurer Thomas has submitted the March reconciliation reports to the Council.

ORDINANCES FOR THIRD READING:

0-28-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23; AND AUTHORIZING AN INTERFUND TRANSFER. Risner moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

0-30-24

AN ORDINANCE AMENDING ORDINANCE 63-23; AUTHORIZING ENGINEERING SERVICES FOR REHABILITATION OF THE STIMSON AVENUE BRIDGE, PROJECT (#358). Spjeldnes moved for Adoption; Clodfelter seconded. Discussion: Swank asked if new streetlights across the bridge will be consistent with those currently on Stimson Avenue.

Service-Safety Director Stone responded, "yes."

ORDINANCES FOR SECOND READING:

0-31-24

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY USE PERMIT AT 74 AND 74 ½ NORTH COURT STREET TO REPLACE AN EXISTING BALCONY LOCATED IN THE CITY RIGHT-OF-WAY.

0-32-24

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY USE PERMIT AT 32 WEST CARPENTER STREET TO CREATE A PATRON DROP OFF AREA LOCATED IN THE CITY RIGHT-OF-WAY.

0-33-24

AN ORDINANCE AMENDING ORDINANCE 02-24; AUTHORIZING A CITY FIBER NETWORK, PROJECT #347.

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held APRIL 15, 2024 (PAGE 3 OF 8)

0-34-25

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO RENEW A FIVE-YEAR CONTRACT WITH AXON ENTERPRISE, INC. TO UPGRADE BODY WORN CAMERAS AND TASERS FOR THE ATHENS POLICE DEPARTMENT.

0-35-24

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2024 ENERGIZED COMMUNITY GRANT(S) FUNDS.

ORDINANCES FOR FIRST READING:

0-36-24

AN ORDINANCE AMENDING ORDINANCES 74-21 AND 116-22; AUTHORIZING ATHENS UPTOWN DESIGNATED OUTDOOR REFRESHMENT AREA (DORA), AND HOURS OF OPERATION; AND DECLARING AN EMERGENCY. Discussion: The Mayor noted this is a tool to promote commerce within the DORA footprint.

Wood agrees, it increases foot traffic throughout the business community.

Catherine Blythe, Morris Avenue, asked about any consideration given to extending the DORA down Stimson Avenue until 11:00 p.m. and any conflict that might have with the City's 10:00 p.m. noise ordinance, and its effect on nearby residential neighborhoods.

Mayor responded that the noise ordinance would still be in place and business owners would need to comply.

0-37-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23; AND AUTHORIZING INTERFUND TRANSFERS. Discussion: Clodfelter reiterated her concern with the cost of the soccer netting.

Service-Safety Director Stone clarified this is an exceptionally large net that will separate the Ohio University golf driving range from the soccer fields, several hundred feet long and 70-80 feet high, as a safety measure for those playing soccer.

Risner expressed concern about wildlife getting trapped in the netting.

Clodfelter asked about the useful life of this netting.

The Service-Safety Director will provide the material and dimensions of the netting, along with its expected useful life prior to final reading of this ordinance.

Catherine Blythe, Morris Avenue, an environmental scientist, wouldn't be concerned about the net trapping wildlife, as it is non-contiguous and allows deer to go around it and birds to fly over it, and it is an open area with no nesting trees

RECORD OF PROCEEDINGS

Minutes of

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held April 15, 2024 (Page 4 of 8)

nearby, however she emphasized the need for this netting to provide safety for soccer participants.

0-38-24

AN ORDINANCE AMENDING ORDINANCE 0-03-21, AUTHORIZING THE CITY AUDITOR TO DEPOSIT 50% OF THE TRANSIENT GUEST TAX REVENUE INTO THE TOURISM FUND; AND DECLARING AN EMERGENCY.

0-39-24

AN ORDINANCE AMENDING ORDINANCE 27-24; AMENDING THE 2024 APPROPRIATION ORDINANCE.

0-40-24

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO EXECUTE A PURCHASE AGREEMENT WITH ATLANTIC EMERGENCY SOLUTIONS, INC., FOR THE PURCHASE OF A FIRE PUMPER TRUCK; AND DECLARING AN EMERGENCY. McCarey moved for Suspension of the Rules to lock-in the price quote; Risner seconded. Suspension of the Rules was approved unanimously. McCarey moved for Adoption; Swank seconded. Adoption was approved unanimously.

0-41-24

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO DEVELOPMENT SERVICES AGENCY FOR ANY ELIGIBLE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FUNDS FOR PROGRAM YEAR 2024. Discussion: The Mayor noted the onerous amount of administrative time it takes the City's grants administrator to work through these two-year \$150,000 program funds, adding the City has been highly effective in the use of these funds. Through citizenry input the City decides which project(s) are best suited for this program.

Service-Safety Director Stone dovetailed that these funds are a little piece of a larger expenditure. Most recently CDBG funding has been used for the Columbus Road Lift Station project, a \$3 million project, with \$150,000 CDBG funding used, and the West Washington Street Sidewalk and Lighting project, using approximately \$150,000 local money along with the \$150,000 CDBG money.

Swank asked about an available map of qualifying census blocks to make it easier to come up with project ideas for these program funds.

The Mayor will provide that to the Council.

Clodfelter suggested notifying the various neighborhood associations to solicit ideas for qualifying census blocks.

Spjeldnes agrees, the West Side Neighborhood Association would appreciate receiving this information.

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held APRIL 15, 2024 (PAGE 5 OF 8)

The Mayor noted that these associations have been notified in the past and certainly played a part in the pedestrian safety lighting and overgrown shrubs encroaching on sidewalks on West Washington Street.

0-42-24

AN ORDINANCE AUTHORIZING A CITY NETWORK UPGRADE PROJECT (#369).

0-43-24

AN ORDINANCE AUTHORIZING THE PURCHASE OF A BUCKET TRUCK FOR THE STREET DEPARTMENT.

0-44-24

AN ORDINANCE AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING PROGRAM; AND DECLARING AN EMERGENCY. Spjeldnes moved for Suspension of the Rules to meet ODOT's May 3 deadline for participation; Swank seconded. Suspension of the Rules was approved unanimously. Spjeldnes moved for Adoption; McCarey seconded. Adoption was approved unanimously.

0-45-24

AN ORDINANCE AUTHORIZING THE MAYOR TO PAY THE 2024 MEMBERSHIP FEE FOR THE OUTDOOR RECREATION COUNCIL OF APPALACHIA (ORCA), TO PROVIDE FINANCIAL SUPPORT FROM THE CITY'S TRANSIENT GUEST TAX FOR THE BAILEYS TRAIL SYSTEM ALONG WITH OTHER RECREATIONAL ACTIVITIES. Discussion: Wood is pleased to show support for this project that in turn supports area businesses through tourism, noting that the money has already been encumbered. This year the Administration would like to continue this membership payment and has requested that the following language not be included in this year's legislation: "Said authorization shall be contingent upon the same level of financial support by the County of Athens."

Swank referred to the email received by Council Members dated April 5 from the Auditor asking for a hold on General Fund appropriations, and any budgeted non-operating expenses until the fund balance increases to at least 9%, a 50% increase from where we are now. Our policy, passed in 2011, has set our undesignated fund balance to be 7.5% to 15% of our annual operating expenditures. As of March 31, 2024, the General Fund's balance is at 6%. While we all see the value of the Baileys, it is a non-operating expense. He finds it difficult to disregard the request from our City Auditor. He stressed that our Bond Counsel takes into consideration, when issuing our bond ratings, whether we are following our policy. Being out of compliance with our policy could affect our bond rating. He pointed out that after May 15 last year the City had a total of

RECORD OF PROCEEDINGS

Minutes of

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held April 15, 2024 (Page 6 of 8)

11 unexpected expenses from the General Fund, totaling approximately \$360,000.

In the absence of the Auditor this evening, Swank moved to Table this Ordinance to have a fuller discussion upon the Auditor's return; Spjeldnes seconded. Discussion: McCarey pointed out that this is just first reading, and it could be tabled after discussion at either second or third reading

Wood suggested this expenditure is not unlike the soccer netting or the fire pumper truck and agrees Council can continue the discussion in upcoming readings.

Thomas reminded Wood that those expenditures come from specific funds, and not from the General Fund which Auditor Hecht was speaking to, so this expenditure is quite different.

Spjeldnes believes one of the City's most important responsibilities currently is to do what we can for the West Union businesses, and if we're going to spend extra money, she would prefer it be spent to alleviate their business concerns, and to worry about Baileys Trail at a later date. She, too, cannot ignore Auditor Hecht's request by putting the City's finances at risk.

Mayor Patterson hears both sides of this conversation. He would like to decouple the original language from 2019, under the pay for success model, which states the City's payment is contingent upon the County paying an equal share. While he appreciates the motion to Table, this Ordinance does have a provision that the payment can only be made provided that the proceeds of such tax are sufficient, legally available, and lawfully appropriated for the purpose. As indicated earlier, he cannot legally make the payment at this time, however, it does not mean that Council cannot approve it. He simply cannot pay an expense that is in violation of our own policy when it comes to being solvent as a community.

Spjeldnes questioned, the language "proceeds from such tax are sufficient" and asked at what point the City would be in violation of its policy if the guidelines state 7 ½ to 15% is what we want.

Treasurer Thomas clarified that the "proceeds of such tax are sufficient" means when enough money has been collected in the Transient Guest Tax to pay that money, explaining that Transient Guest Tax money comes in all year long. The "legally available" language goes back to the Auditor's email regarding the fund balance policy. Currently, it would not be legal to pay that money because it goes against our fund balance policy.

Spjeldnes asked about the minimum percentage needed to follow our fund balance policy.

The Treasurer indicated that it would be 7 ½%.

Wood thanked the Treasurer for clarifying this payment could not be made by the Mayor until both these provisions have been met.

McCarey asked if it is feasible that the Transient Guest Tax money could be used for the purpose of supporting businesses on Union Street.

RECORD OF PROCEEDINGS

Minutes of ADAMS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held April 15, 2024 (Page 7 of 8)

Service-Safety Director Stone responded that the Union Street project is currently being funded by ODOT, both grant and loan money, State Issue I money, local Street Fund money, and local Water Fund money. No General Fund money is going into that project. General revenue money is unrestricted and could be used for supporting the businesses, but he would advise against it. It's best to use proprietary fund money as opposed to accessing the General Fund because you can't use proprietary funds to subsidize General Fund activities, and he believes it would be bad practice. To answer the question, it is legal but not appropriate, in his opinion.

Tabling was denied by a 2/5 vote, with Spjeldnes, Wood, McCarey, Clodfelter, and Wood voting in opposition.

Paul Hillard, Morris Avenue, questioned that the Auditor's request addressed future appropriations, and he understands this money has already been appropriated in the budget.

Swank clarified that the Auditor is referring to already budgeted non-operating expenses. He continues to be concerned about unexpected expenses, and \$90,000 is a lot of money, and he questioned ORCA's need for the City's funding.

Rob Delach, Morris Avenue, pointed out that the Council can approve this expenditure, but the Mayor cannot expend it until the money is legally available. He concurs more discussion is needed so that the necessary language is adopted.

ANNOUNCEMENTS & OTHER BUSINESS:

McCarey moved to Accept the March 2024 Financial Reports; Clodfelter seconded. The motion was approved unanimously.

Clodfelter moved to Accept the March 2024 Credit Card Transactions; Thomas seconded. The motion was approved unanimously.

McCarey moved to appoint Juli Goodman to serve on the Community Relations Commission; Wood seconded. The appointment was approved unanimously.

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

Mary Abel, Strathmore Blvd., has been interested in the discussion over the last several weeks regarding the financial status of the City. This is a serious concern to her. If expenditures in the General Fund are depleted, services would have to be cut to City residents. She listed the following financial

RECORD OF PROCEEDINGS

Minutes of _____

Meeting _____

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held APRIL 15, 2024 (PAGE 8 OF 8)

concerns that she has: the plastic bag lawsuit, cost unknown; damage at the Quidel facility, cost unknown; a freeze on staffing positions, and a transfer of \$300,000 from the General Fund to the Medical Fund.

The Council has been lobbied heavily to move forward with establishing a Council of Governments (COG) that will have associated costs such as membership fees, support staff, local share for grants, and there is no guarantee with a COG that there will be lower prices. She quoted from the AHRC Director, "The COG revenue would depend upon the number of clients and the cost would be raised or reduced." The major number of stockholders in this COG discussion so far are the City residents. Mayor Patterson has suggested the City of Athens have a weighted representation on the COG Board, and she urged the Mayor to continue to push for that because it is a number of Athens City residents who are the stockholders, and the City should not acquiesce to anything less than that.

There has been discussion about what the Baileys Trail System has done for recreation and travel and tourism in the City, and the City has been paying into this for some time. She would like some data provided to the taxpayers showing what they are getting for the money that has been put into the trail. She understands it takes time to develop projects, but data is important to show if this has really been a benefit to the economic development and to the City treasury.

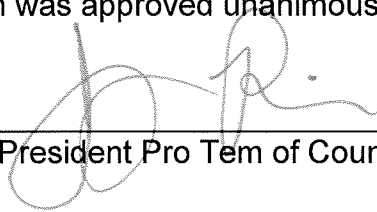
Finally, in some of these cases the City may need to hire outside legal counsel to assist, and once again, the cost of that is unknown.

She would like this all to be transparent so that Athens' residents know the issues. She encouraged the Council to think about the financial concerns expressed by the Auditor, and as the Council continues to deliberate, to make good decisions on monies being spent from the City's General Fund.

At approximately 9:00 p.m., Risner moved to go into Executive Session for the purpose of considering the Purchase of Property, and invited the Mayor, Law Director, Service-Safety Director, and Treasurer to attend;

Swank seconded. A roll call vote was taken as follows: Spjeldnes, aye; Risner, aye; Wood, aye; Swank, aye; McCarey, aye; Clodfelter, aye; and Thomas, aye.

At approximately 9:50 p.m., Wood moved to come out of Executive Session; Spjeldnes seconded. The motion was approved unanimously. The Regular Session was reconvened, and Swank immediately moved to adjourn the meeting; McCarey seconded. The motion was approved unanimously.



President Pro Tem of Council

ATTEST:



Deputy Clerk
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (Pub. Hrg.)

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held April 15, 2024

**ATHENS CITY COUNCIL: PUBLIC HEARING, MONDAY, APRIL 15, 2024,
7:00 P.M. – COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM
FUNDS (1st hearing).**

Council Members in Attendance: Clodfelter, McCarey, Spjeldnes, Swank, Thomas, and Wood.

Also Present: President Pro Tem Risner, Mayor Patterson, Service-Safety Director Stone, Law Director Eliason, and Treasurer Thomas.

Attendance by the Public: (see attached list)

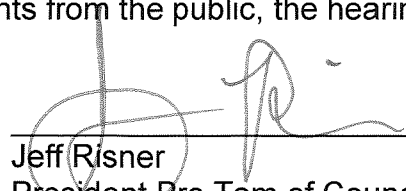
President Pro Tem Risner opened the first of two Public Hearings to discuss the Community Development Block Grant (CDBG) Programs.

Mayor Patterson explained this is a 2-year program, indicating the City can have two open projects within a two-year funding cycle. The City has successfully received CDBG funding for many years, and it has been used for a variety of infrastructure projects. These grants are based on low-moderate income areas per census blocks. The City has been extremely effective in utilizing these grant funds over the years. Athens Hocking Perry Community Action Programs (HAPCAP) administers these program funds for the City.

Swank asked if this grant requires matching funds.

The Mayor responded it does not, however City funds can be used to pay the balance for more costly projects.

Hearing no questions or comments from the public, the hearing was adjourned at approximately 7:05 p.m.



Jeff Risner
President Pro Tem of Council

ATTEST:



Clerk of Council

ATTENDANCE SHEET

PUBLIC HEARING

Community Development Block Grant

Monday, April 15, 2023

7:00 p.m.

NAME:

- | | |
|----------------------------|-----------|
| 1. <u>Neil Pappert Jr</u> | 16. _____ |
| 2. <u>Shaun Orail</u> | 17. _____ |
| 3. <u>Drew Longberger</u> | 18. _____ |
| 4. <u>Mary J. Ke</u> | 19. _____ |
| 5. <u>Michael Antonio</u> | 20. _____ |
| 6. <u>BA II</u> | 21. _____ |
| 7. <u>Emily Sims</u> | 22. _____ |
| 8. <u>Elizabeth Taraga</u> | 23. _____ |
| 9. <u>Robert S.</u> | 24. _____ |
| 10. <u>Anna Miller</u> | 25. _____ |
| 11. <u>Jack Greer</u> | 26. _____ |
| 12. _____ | 27. _____ |
| 13. _____ | 28. _____ |
| 14. _____ | 29. _____ |
| 15. _____ | 30. _____ |

MINUTES TRANSPORTATION COMMITTEE APRIL 15, 2024

Members in Attendance: Solveig Spjeldnes, Chair
Beth Clodfelter, Member
Micah McCarey, Member

Administrators and/or
Other Elected Officials: President Pro Tem Risner
Mayor Patterson
Service-Safety Director Stone
Treasurer Thomas

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

- ODOT Cooperative Purchasing Program
 - Spjeldnes – this is an annual purchasing agreement with ODOT for 2024-25 road salt – legislation needs to be approved by the May 3 deadline for participation – funds have been authorized in this year's budget
 - Swank – asked about the potential supply carryover due to last season's mild weather, and what that savings might look like in the upcoming year
 - Mayor – there will be some savings currently due to our current stockpile – pointed out this program drives down our cost because of this collective purchasing power
 - Risner – asked if there is a minimum tonnage that is required to participate
 - Mayor – is not aware of a minimum – he will check on that as well as any savings that may be realized this year due to our stockpile