

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

BARRETT BROTHERS - DAYTON, OHIO

Meeting

Form 6101

Held MAY 6, 2024

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, MAY 6, 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 Crawl, Mayor Patterson, Assistant Law Director Jesse Branner Hittle, Auditor Hecht, Treasurer Thomas, and Service-Safety Director Stone.

DISPOSITION OF MINUTES:

Swank moved for approval of the minutes for the Regular Sessions of City Council held on April 1 and April 15, 2024; McCarey seconded. The minutes were approved unanimously.

COMMUNICATIONS:

Council Member Spjeldnes encouraged completion of an online survey for Public Transit. Feedback from the community is crucial to the development of equitable and effective transportation routes. The survey is available at hapcap.org transit survey, or you can reach out to Mobility Coordinator Ben Ziff at ben.ziff@hapcap.org with any questions.

Council Member McCarey acknowledged Asian American Pacific Islander month. Also, he recently engaged with the Strong Cities Network to attend a round table for mayors and elected officials on strategies that combat hate, polarization, and extremism. This was a very productive exchange of ideas that he plans to present at Council's May 20 meeting. The executive director of the Strong Cities Network and his colleagues will attend and answer questions about the City's two-year commitment to this endeavor.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported the following:

- City of Athens was awarded Appalachian Community grant funding in the amount of \$6.5 million for streetscape improvements, along with \$7 million to Mount Zion Baptist Church, and approximately \$2.6 million to the Southeast Ohio History Center. Within Athens County, the Village of Chauncey is receiving approximately \$2 million for their streetscape project.

RECORD OF PROCEEDINGS

Minutes of

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held MAY 6, 2024 (PAGE 2 OF 7)

- Shared communications he has received recognizing the professionalism of our police officers, first, responding to someone experiencing an acute health issue and, a second incident, responding to an uptown business with a serious issue taking place in the establishment. He is pleased with the department's community policing efforts.

ORDINANCES FOR THIRD 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. Swank moved for Adoption; Thomas seconded. Adoption was approved unanimously.

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. Swank moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

0-33-24

AN ORDINANCE AMENDING ORDINANCE 02-24; AUTHORIZING A CITY FIBER NETWORK, PROJECT #347. McCarey moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

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. McCarey moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

0-35-24

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2024 ENERGIZED COMMUNITY GRANT(S) FUNDS. McCarey moved for Adoption; Clodfelter seconded. Discussion: The Mayor is seeking guidance from NOPEC on using this community funding in the form of a rebate for those citizens who can show they properly disposed of their gas-powered yard equipment and proof of purchase in replacing it with electric equipment.

Clodfelter asked if first-time buyers would qualify.

Again, the Mayor will seek guidance as to whether this is a proper and good use for the funding. He believes there is approximately \$11,000 available.

Adoption was approved unanimously.

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held MAY 6, 2024 (PAGE 3 OF 4)

ORDINANCES FOR SECOND 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. Thomas moved for Suspension of the Rules as the DORA season begins tomorrow; Clodfelter seconded. Suspension of the Rules was approved unanimously. Thomas moved for Adoption; Spjeldnes seconded. Discussion: Swank asked if the appropriate signage is ready to be posted for the new area.

The Mayor is working on getting those posted along the Stimson corridor. Adoption was approved unanimously.

0-37-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23; AND AUTHORIZING INTERFUND TRANSFERS.

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.

0-41-24

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.

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. Clodfelter moved for Suspension of the Rules in order to commit to and secure this used vehicle from the seller; Swank seconded. Suspension of the Rules was approved unanimously. Clodfelter moved for Adoption; Thomas seconded. Adoption was approved unanimously.

RECORD OF PROCEEDINGS

Minutes of

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held MAY 6, 2024 (PAGE 4 OF 7)

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: Spjeldnes understands that the wording in Section I may need reviewed in order to provide clarity on when this payment can be made and referred to the Auditor for clarification.

Auditor Hecht questioned the length of the original ORCA agreement (until 2040), suggesting this commitment should be no longer than three years. There is also language in the bylaws that pertains to the City's payments and due dates, as well as other changes that are needed. She noted that funds from the Transient Guest Tax are not sufficient at this time to make the payment; the City will assess the fund balance at the end of the second quarter. She expressed concern that there is a clause in the current agreement that after five years the City may be responsible for contributing more than the \$90,000 commitment, emphasizing this is already an unusually large payment the City is making from lodging taxes toward this COG, citing the City's annual payment of \$60,000 to the Economic Development Council.

She would also like to request an audit of ORCA.

Swank suggested amending Ordinance 110-19 to decouple the City's contribution from the County, and to allow for the changes proposed by the Auditor.

The Auditor indicated that she is fine moving forward with this current language authorizing the Mayor to make the payment as the funds become available. The other changes she is requesting are actually to the current agreement and bylaws and may need to be handled separately.

President Crowl asked if the ORCA Board is working on a new agreement and bylaws.

The Mayor indicated that they are not.

The Auditor asked the Council to remember that this trail is not located in the City of Athens. She understands that trail users bring money into our community, pointing out that only those users using the Chauncey Trailhead would affect revenue in the City. Many users are getting on and off this 50-mile + trail without coming anywhere near Athens. She would like to see a more accurate financial picture of the economic impact the trail has in the City of Athens.

Mayor Patterson agrees with the Auditor that the agreement needs revised, along with the bylaws. As Chair of the ORCA Board, he can request this take place. This is no longer a pay for success program but is now a membership program with a payment of \$90,000 annually. He suggested

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held MAY 6, 2024 (PAGE 5 OF 7)

continuing payment of the membership fee as a one-year renewal. Meanwhile, the ORCA Board could reexamine the length of the agreement. He does not recommend an extension of the current agreement.

Spjeldnes asked about the Auditor's earlier question about an ORCA audit.

The President responded that because ORCA is a Council of Governments it is subject to audits.

Swank agrees with the Mayor that a new agreement is needed. Ordinance 110-19 could be amended, or the current agreement could be terminated, and a new agreement could be adopted that incorporates the points made earlier by our Auditor. He would prefer the Council table this ordinance which seems piecemeal and present a different ordinance that addresses both the agreement and payment method after further research and discussion, with the ultimate goal being that of long-term success for both ORCA and the City of Athens.

McCarey recommended continuing this discussion on third reading.

Spjeldnes agrees.

Swank believes this ordinance is problematic because the overriding document, 0-110-19, clearly states that the financial support is contingent upon the County.

ORDINANCES FOR FIRST READING:

0-46-24

AN ORDINANCE AUTHORIZING THE ATHENS, OHIO WHITE'S MILL CAP SECTION 1135 PROJECT MODIFICATION FOR IMPROVEMENT OF ENVIRONMENT DESIGN AND CONSTRUCTION PROJECT ATHENS COUNTY, OHIO.

0-47-24

AN ORDINANCE AUTHORIZING THE LOCAL SHARE OF THE UNITED STATES ARMY CORPS OF ENGINEERS HOCKING RIVER STUDY.

0-48-24

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 25, FLOOD DAMAGE PREVENTION, CHAPTER 25.01, GENERAL PROVISIONS, SECTION 25.01.07, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. Discussion: McCarey questioned whether the new maps are now available to the public.

RECORD OF PROCEEDINGS

Minutes of

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held MAY 6, 2024 (PAGE 6 OF 7)

Mayor Patterson is working with ODNR to share the updated maps.

0-49-24

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A 2024-2027 PARTNERSHIP AGREEMENT WITH THE ATHENS COUNTY COMMISSIONERS AS APPLICANT AND GRANTEE, IF FUNDED, FOR SUBMISSION OF AN APPLICATION TO THE OFFICE OF COMMUNITY DEVELOPMENT, OHIO DEPARTMENT OF DEVELOPMENT (ODOD) FOR THE COMMUNITY HOUSING IMPACT AND PRESERVATION PROGRAM (CHIP); AND DECLARING AN EMERGENCY.

0-50-24

AN ORDINANCE AUTHORIZING A CONTRACT WITH THE WASHINGTON COUNTY COMMISSIONERS; AND DECLARING AN EMERGENCY. McCarey moved for Suspension of the Rules in that the agreement indicates a May 1, 2024, effective date; Wood seconded. Suspension of the Rules was approved unanimously. McCarey moved for Adoption; Thomas seconded. Adoption was approved unanimously.

0-51-24

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 3, ADMINISTRATIVE PROVISIONS, CHAPTER 3.03, EXECUTIVE; OTHER OFFICIALS, SECTION 3.03.21, INVESTMENT OF TREASURY FUNDS.

Discussion: President Crawl asked about the May 1 effective date.

Treasurer Thomas is requesting Suspension of the Rules and Adoption on May 20 so that it can be in place in May. The City has a number of sizable investments that are going to come due at the end of May, and the Auditor's Office would like to see those investments go into the General Fund.

Swank asked about the language that refers to bond funds that have been received and invested for a specific purpose project, and how that relates to investment money received for the new fire station.

The Treasurer responded that these funds are in a separate account that is tracked separately.

0-52-24

AN ORDINANCE AUTHORIZING THE 2024 STREET PAVING AND REPAIRS PROJECT (#370).

ANNOUNCEMENTS & OTHER BUSINESS:

Clodfelter moved to confirm the Mayor's appointment of Alicia Sweeney to the Board of Zoning Appeals; McCarey seconded. The appointment was approved unanimously.

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held MAY 6, 2024 (PAGE 7 OF 7)

Thomas moved to reappoint Megan Westervelt to the Environment & Sustainability Commission; Swank seconded. The appointment was approved unanimously.

McCarey moved that the City join the Statewide Tobacco Pre-emption litigation, Columbus et al., v State et al.; Clodfelter seconded. Discussion: McCarey noted there is no monetary obligation to the City.

Assistant Law Director Branner Hittle explained that the City of Columbus is the lead plaintiff, and this lawsuit is related to their flavored tobacco ban. Our tobacco retail license, while not yet adopted, is also related so the City of Athens is affected by it. Our joining the lawsuit shows a strength in numbers and offers an opportunity for the City to work with other municipalities on litigation that is important to us.

Swank asked if joining this lawsuit could have a negative impact on our current legal situation with the State of Ohio regarding the plastic bag ban.

Branner Hittle does not believe so.

Spjeldnes asked if this has to do with Home Rule.

Mayor responded it has everything to do with Home Rule, and the consistent erosion thereof.

The motion was approved unanimously.

At approximately 9:30 p.m. McCarey moved for Adjournment; Thomas seconded. The motion was approved unanimously.



President of Council

ATTEST:



Clerk of Council

MINUTES
CITY & SAFETY SERVICES COMMITTEE
MAY 6, 2024
7:00 p.m.

Members in Attendance:

Micah McCarey, Chair
Alan Swank, Member
Jessica Thomas, Member

Administrators and
Other Elected Officials:

President Crowl
Mayor Patterson
Assistant Law Director Branner Hittle
Auditor Hecht
Treasurer Thomas

ITEMS DISCUSSED:

- Community Housing Impact & Preservation Program (CHIP grant)
 - McCarey – legislation is needed to authorize the Athens County Program Year 2024 CHIP Partnership Agreement with the Ohio Department of Development – the application due date is June 20, 2024
 - Glen Crippen, Director of Housing & Community Development at Hocking Athens Perry Community Action Programs (HAPCAP) – explained this agency serves as administrator of the (CHIP) grant – this is a regional partnership with the County and the City of Nelsonville with the County acting as the lead applicant – this program is federally and state funded – is very competitive, with 19-23 statewide awards, typically award \$1 million per grant in services to residents – eligible activities are home rehabilitation and repair for rentals and owners, tenant-based rental assistance, and down payment assistance that is accompanied with home rehab – eligible households applying for these services must meet 80% of the HUD area median income, low to moderate income (LMI) – for a household of one in Athens County that income is \$46,100; for a household of two the amount increases to \$52,700 – there is a waiting list, 100's of houses long – when funded these households will receive notice
 - McCarey – asked if prioritization is locked-in based on the waiting list
 - Crippen – yes, the list is chronological, and if the household is still eligible, they are selected first from the list – the maximum amount of assistance per household for a rehab can be as high as \$74,000, and there is a lien placed on the home by the County in case the owner moves within a 5-year period – if that happens the homeowner is required to pay back a portion of the assistance – th

ese dollars go into a Revolving Loan Fund (RLF) which must be spent down every two years in conjunction with the grant – home repairs can be up to \$18,000

-Mayor – as indicated, there is demand for this CHIP assistance – it is a highly successful program

-McCarey – asked the Mayor if he sees this program as one of the initiatives and opportunities the City has to pursue and help with our efforts to create more quality and affordable housing

-Mayor – believes this program takes what may be deemed as affordable housing and improving the valuation of the house – added, these repairs, such as replacing windows and HVAC systems, will add to the home's energy efficiency

-Grippen – helps preserve aging housing stock

-McCarey – asked about the application timeline

-Crippen – if an applicant is unresponsive when contacted, or is no longer eligible, they are removed from the list and the agency moves on to the next applicant

-Spjeldnes – asked about emergency situations, like mold

-Grippen – other grant dollars can be pursued for emergency improvements

- Washington County Jail (annual contract)

-McCarey – legislation is needed to authorize an annual jail contract with the Washington County Commissioners for the housing of APD prisoners due to overflow in our regional jail – this is a one-year contract from May 1, 2024, through April 30, 2025 – the cost is \$100.00 per day for each person incarcerated

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. CHIP Grant
2. Jail Contract

MINUTES

TRANSPORTATION COMMITTEE

MAY 6, 2024

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

Administrators and/or
Other Elected Officials: President Crowl
Mayor Patterson
Assistant Law Director Branner Hittle
Service-Safety Director Stone
Auditor Hecht
Treasurer Thomas

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

- West Union Street Traffic Concerns (Athens Area Chamber of Commerce)
 - Jonathan Robe, Board Member and Chair of the Chamber Advocacy Committee , has talked with both City Administration and West Union Street business owners about the ongoing project – the Chamber recognizes the need for this infrastructure project as the City and business owners navigate the associated difficulties
 - Kristin Miller, President of the Chamber – stressed the need to work together to assure our businesses thrive and succeed during the ongoing construction – does not want these businesses to fail from efforts outside their control – many members have reached out about the lack of communication regarding this project – specifically, some business owners have not been able to access their businesses in the morning, as they are blocked off by the construction – one of the businesses, a pharmacy, has already begun layoffs, sending prescription transfers to other pharmacies, and even purchased an additional vehicle to increase prescription delivery – the American Legion has reached out for a requested schedule of work, as their delivery drivers have stopped coming – when businesses have approached the contractor, Shelly and Sands, the results have not always been good – these are just a few examples
 - Athens Real State Company, co-owner – suggested it would be helpful if the City would consider reimbursing businesses for lost expenses due to the street closure, hold the contractor to the terms of the contract, and review property values for a reduction in real estate taxes

-John Gutekanst, owner of Slice House, had a loss of over \$10,000 in the first quarter due to fewer customers because of this infrastructure project – he has had to lay off employees – fixed costs for small businesses are tremendous – he requests actionable plans from the City

-a representative from the Habitat for Humanity Restore expressed frustration with the lack of communication between the contractor and City Departments with the business owners – this needs to be addressed – has also experienced the contractor blocking their business entrance for 20 minutes

-Swank – a few weeks ago he understood the City was looking into actions to address the business owners' concerns: 1) cost of expediting project; 2) cost to hire flaggers to maintain traffic in both directions; and 3) cost to install mechanical lights

-Spjeldnes – understands the project cannot be rushed, however there may be the possibility of a State program that could provide funds to business owners – she is still waiting on a response – noted that the contract specifically states that traffic will be one-way – a community liaison tasked with resolving issues experienced during the construction period is also mentioned in the contract – it doesn't sound like this is happening

-Mayor – will reach out to the Director of EPW about the community liaison – if the liaison is not engaging with the business owners that is an issue – the Administration has been working with the contractor on a change order to accelerate two-way traffic flow

-Spjeldnes – understands Shelly & Sands has not yet responded

-Swank – suggested asking the County about waiving, or possibly reducing the business owners' property taxes on an impacted basis

-Assistant Law Director Branner Hittle – can review process

-Wood – asked about anything the Council can do to press levers now to help these businesses – possibly paying for advertising signs at the West State Park to help bolster business

-Swank – about ten days ago he requested a “businesses open” sign, listing the businesses, to be placed at the corner of Shafer and Union – there is still no sign there

-Spjeldnes – appreciates hearing creative solutions that can be researched for effectiveness

-a business owner suggested the need for the City to reimburse business losses – it would also be helpful if the City could provide signage that can be placed at each business entrance alerting customers where to turn – the entrance openings are unclear and difficult to navigate

-McCarey – recalls exploring whether the General Fund could be used to offer funds to businesses and the Administration responding that it might be possible, but not recommended, particularly with our struggling General Fund balance
-Wood – questioned use of the Transportation Fund

-Spjeldnes – looks forward to available options and updates from the Administration

-Chamber President Miller – asked if there is any penalty in the contract if the community liaison is not accessible to business owners – she has spoken to the local businesses and has been told that they have never met nor know the name of this liaison

-Spjeldnes – the contract terms state that if the liaison is not doing the job that money goes back to the City for each day not worked – if the liaison has done nothing, perhaps the City can pursue it

-Ally Rapp Lee, Athens Real Estate, with residents avoiding West Union Street shared her concern that customer habits are easily broken – need to get this traffic moving again before undertaking another massive project in the same vicinity

-the Manager of Slice House asked who he should speak with about reimbursement for potential damages caused by the construction – shared that a handful of business employees have opted to park in the lot at the West State Park because it is easier to access their place of employment, and has been told that these cars are now being ticketed by the City

-Wayne Strickland, CPA, West Union Street, has had difficulties with the contractor blocking access to his office – feels he and his employees have been threatened by construction workers – understands the inconvenience of making infrastructure improvements, but threats and aggression should not be allowed – questioned his property rights – noted that the Director of EPW has been very helpful when contacted about settling disputes

-Crowl – appreciates everyone's input and hopes the City can resolve some of these problems

-Swank – asked about next steps to offer relief to these business owners

-Mayor – currently negotiating with contractor – recommended contacting the Director of EPW, the Service-Safety Director, or APD if there is a perceived threat of harm – he plans to sit down first thing tomorrow morning for a deep dive meeting with the Director of EPW Eldabaja, Service-Safety Director Stone, and Police Chief Magruder to talk through options – will work with the Assistant Law Director to explore avenues in the contract that might be used toward liquidated damages

-Spjeldnes – emphasized the need to review the position of community liaison with the contractor

-Gutekanst – business owners need fairness and consistency during this construction project – he is losing \$111 dollars a day, and he is only open for six hours a day – the reality is that small businesses are going to close their doors