

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held OCTOBER 21, 20 24

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, OCTOBER 21, 2024, 7:00 P.M.

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

Also present: President Crowl, Mayor Patterson, Assistant Law Director Branner-Hittle, Auditor Hecht, and Treasurer Thomas.

DISPOSITION OF MINUTES:

Swank moved to approve the minutes of the Regular Session held October 7, 2024; Thomas seconded. The minutes were unanimously approved as presented.

COMMUNICATIONS:

Attorney Rusty Rittenhouse, representing Joe Krouse, announced Joe Krouse's resignation to the Board of Zoning Appeals.

Council Member Swank has received an inquiry about the procedure for a TREX permit at the former Ciro restaurant located at 120 W. Union Street.

Mayor Patterson asked that a copy of that communication be forwarded to him for follow-up.

Micah McCarey announced the second annual Community Welcome event tomorrow from 4:30-5:30 p.m. at the Athens Middle School. This event is free and open to all, especially for new(ish) community members to meet and connect with people and groups committed to diversity and inclusion. This event is cosponsored by the City of Athens, Athens City Schools, Ohio University Division of Diversity & Inclusion, Athens County Foundation, and the Athens Community Relations Commission.

Solveig Spjeldnes reminded those with political signs to heed the City's sign regulations with regard to size and placement. Also, she has received notification from a resident on Central Avenue of yet another serious accident, and emphasized the need for motorists to slow down, to come to a complete stop at all stop signs and, finally, to be respectful of the community. She has forwarded a copy of this concern to the Mayor, EPW, and Police Chief.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson shared the following:

RECORD OF PROCEEDINGS

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held OCTOBER 21, (PAGE 2 OF 8) 20 24

- Athens is now a member of the Southeast Ohio Recycling Terminal (SORT) COG
- October 26, Halloween Weekend events
- October 29, Ribbon Cutting for the new Fire Station Headquarters at noon, along with the Athens Municipal Arts (AMAC) Sculpture Walk
- October 30, staff will be meeting with a group of property owners on Stimson Avenue to discuss the Stimson Bridge renovations (2025-2026) project
- October 31, neighborhood Community Trick or Treat, 5:30 - 7:30 p.m.
- Will be attending the annual Ohio Municipal League Conference in Columbus on Wednesday and Thursday.

ORDINANCE FOR THIRD READING:

0-94-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23. Risner moved for Adoption; Thomas seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

0-95-24

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

0-96-24

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A BUYOUT AGREEMENT FOR THE CARPORT-MOUNTED SOLAR ARRAY AT THE COMMUNITY CENTER.

0-97-24

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 5, PUBLIC UTILITIES, CHAPTER 5.07, STORM WATER REGULATIONS, SECTIONS 5.07.14, APPEAL OF NOTICE OF VIOLATION, AND 5.07.15, ENFORCEMENT MEASURES AFTER APPEAL.

0-98-24

AN ORDINANCE APPROVING THE ATHENS-HOCKING SOLID WASTE MANAGEMENT PLAN.

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held OCTOBER 21, (PAGE 3 OF 8)

20 24

ORDINANCES FOR FIRST READING:

0-101-24

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, SECTION 5.04.08, SEWER RATES. Discussion: Swank reported that in 2022 The Ohio State University did a study on behalf of the Ohio EPA, sending out surveys to Ohio municipalities with a response rate of over 300. In 2022 the survey showed the mean annual sewer rate from those responding municipalities was \$489.95. Using the rate of inflation from 2022 to 2023, that amount increased to \$510.04 and in 2024 it increased again to \$525.86, or \$43.83 per month for the average citizen using 4000 gallons of water (see attached chart). For that same user in Athens the monthly rate was \$49.34, about 13% higher than the average. However, on the flip side, the City of Athens water rates are considerably less than the average. The City's average cost for the monthly water/sewer bill is \$81.36, a full five dollars a month less than the average in the State of Ohio.

Swank then asked about cost controls the City has taken to continue to minimize the need for these increases.

The Mayor explained the cost is based on debt service for renovations to both the Water and Wastewater Treatment Plants. It is the revenue from these user fees that covers the cost of improvements, repairs, and infrastructure maintenance.

The President reminded the Members that, over time, the solar installations at these two plants will reduce our electricity costs and the operation of these facilities.

McCarey asked for clarification on the reason City Council sets the sewer fees and the Service-Safety Director sets the water fees.

The Auditor responded this is per the Ohio Revised Code, pointing out that personnel costs are also factored into these rates.

Mayor Patterson believes this is a shared governance of checks and balances.

0-102-24

AN ORDINANCE AMENDING ORDINANCE 131-23 TO INCREASE NON-UNION COMPENSATION FOR CURRENT WATER, SEWER, STREET, AND RECREATION SUPERVISORS; AND DECLARING AN EMERGENCY. Discussion: Swank questioned the increase to \$32.50 for the Water Labor Supervisor upon completion of a Class II EPA Distribution License, but no such increase for the Sewer Labor Supervisor upon completion of a Class II EPA Collection License.

The Mayor responded, given the market, these are positions are difficult to fill, and one of these individuals has been working for the City for quite some time.

The Auditor clarified rate of pay is based on experience.

RECORD OF PROCEEDINGS

Minutes of

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GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held OCTOBER 21, (PAGE 4 OF 8)

20 24

Clodfelter questioned the different hourly rate for the Recreation Labor Supervisor at \$31.26 as opposed to \$31.50 and asked whether, over time, this \$.14 difference would be made up over time.

Risner moved for Suspension of the Rules in order that these raises are in place in time to prepare for the 2025 budget; Clodfelter seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Swank seconded. Adoption was approved unanimously.

0-103-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23.

0-104-24

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO CONTRACT(S) FOR THE NEXT PHASE OF CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE CITY SEWER SYSTEM IMPROVEMENTS, PROJECT #330; AMENDING ORDINANCE 10-24; AND DECLARING AN EMERGENCY.

0-105-24

AN ORDINANCE AUTHORIZING PARTICIPATION IN FEDERAL GENERAL SERVICES ADMINISTRATION (GSA), A COOPERATIVE PURCHASING PROGRAM.

0-106-24

AN ORDINANCE AUTHORIZING THE PURCHASE OF A SALT TRUCK FOR THE STREET DEPARTMENT; AND DECLARING AN EMERGENCY. Spjeldnes moved for Suspension of the Rules in order to meet the purchase deadline; Swank seconded. Suspension of the Rules was approved unanimously. Spjeldnes moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

0-107-24

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ACCEPT BIDS AND ENTER INTO CONTRACT FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING FOR CITYWIDE CURB RAMPS, PROJECT #366. Spjeldnes moved for Suspension of the Rules in order to meet the City's deadline to accept bids; Thomas seconded. Suspension of the Rules was approved unanimously. Spjeldnes moved for Adoption; Risner seconded. Discussion: Clodfelter asked if this project cost is all external funding.

Mayor Patterson responded this is an ODOT grant, and there is typically a 20% match. He can provide that information.

Spjeldnes pointed out these improvements are not just in one section of the City, but all across the City, and the entire community would benefit.

McCarey asked about the percentage of curbs in the City that will be addressed upon completion of this project.

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held OCTOBER 21, (PAGE 5 OF 8) 20 24

The Mayor will attempt to get that percentage.

McCarey believes the information would be helpful to the Commission on Disabilities while they continue to monitor and encourage progress toward a 100% completion goal.

Spjeldnes noted that the Pedestrian Accessibility Task Force's report indicated intersections needing improvement, and understands this document was used by the Administration to determine priority.

Adoption was approved unanimously.

0-108-24

AN ORDINANCE AUTHORIZING DESIGN AND CONSTRUCTION OF A PUBLIC SAFETY TRAINING FACILITY, PROJECT #373.

0-109-24

AN ORDINANCE AMENDING ORDINANCE 77-24 APPROVING THE PETITION, PLAN, AND ARTICLES OF INCORPORATION OF THE ATHENS REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT, INC. AND DECLARING THE NECESSITY OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF ATHENS, OHIO IN COOPERATION WITH THE ATHENS REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT, INC; AND DECLARING AN EMERGENCY. Swank moved for Suspension of the Rules to meet an end of the month finance deadline; Thomas seconded. Suspension of the Rules was approved unanimously. Swank moved for Adoption; Thomas seconded. Adoption was approved unanimously.

0-110-24

AN ORDINANCE AMENDING ORDINANCE 78-24, DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF ATHENS, OHIO IN COOPERATION WITH THE ATHENS REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT; AND DECLARING AN EMERGENCY. Swank moved for Suspension of the Rules; McCarey seconded. Suspension of the Rules was approved unanimously. Swank moved for adoption; Thomas seconded. Adoption was approved unanimously.

RECORD OF PROCEEDINGS

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held OCTOBER 21, (PAGE 6 OF 8)

20 24

0-111-24

AN ORDINANCE AMENDING ORDINANCE 79-24, LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF ATHENS, OHIO IN COOPERATION WITH THE ATHENS ENERGY SPECIAL IMPROVEMENT DISTRICT, APPROVING AN ENERGY PROJECT COOPERATIVE AGREEMENT AND A SPECIAL ASSESSMENT AGREEMENT; AND DECLARING AN EMERGENCY. Swank moved for Suspension of the Rules; Clodfelter seconded. Suspension of the rules was approved unanimously. Swank moved for adoption; Clodfelter seconded. Adoption was approved unanimously.

ONE-READING RESOLUTION:

R-08-24

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.

Discussion: Spjeldnes reiterated from an earlier meeting that the language on the ballot misconstrues the actual meaning of the issue. She believes this is an important justice issue.

President Crowl emphasized that the ballot language is not the amendment to the Ohio Constitution. He encouraged voters to read the complete text of the actual amendment to the Ohio Constitution and base their decision on that.

Swank clarified this is a citizen-led initiative.

Clodfelter stressed the need for fair districts in Ohio.

Chris Miles, N. McKinley, a member of Indivisible Appalachian Ohio, expressed the group's gratitude for the Council's willingness to introduce this Resolution to end gerrymandering and limit corruption. Citizens trust this Council and its support for Issue I. Athenians need fair districts and fair elections.

A Tulane resident urged City Council's support of Issue I, and setting the record straight on its provisions. He believes Issue I can address the problems by using a fair distribution of citizens to draw the voting districts instead of allowing politicians or lobbyists to determine voting district boundaries.

A N. McKinley resident, a member of Indivisible Appalachian Ohio, stressed the importance of the passage of Issue I in order to hold our politicians accountable, and urged the Council to adopt this Resolution.

Clodfelter moved for Adoption; Swank seconded. Adoption was approved by a 6/0/1 vote; with McCarey abstaining.

RECORD OF PROCEEDINGS

Minutes of

ATHENS CITY COUNCIL (REG. SESS.)

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GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held OCTOBER 21, (PAGE 7 OF 8)

20 24

ANNOUNCEMENTS & OTHER BUSINESS:

Swank moved to confirm the Mayor's reappointment of Ben Lachman to the Board of Zoning Appeals; Clodfelter seconded.

Caitlyn McDaniel, Staff Attorney, Legal Aid of Southeast and Central Ohio, on behalf of her client, United Athens County Tenants, read the attached letter into the record opposing the Mayor's reappointment of Joe Krause to the Board of Zoning Appeals.

Attorney Rittenhouse, representing Joe Krause, informed the Council that he offered to sit down with Attorney McDaniel earlier this week to discuss his client's thoughts on his service to the Board of Zoning Appeals.

Damon Krane thinks renters found some allies in City government this week; community activism works. He very sincerely thanked those Council Members standing up for rental housing safety and landlord accountability.

Rabbi Levi Raichik, Campus Rabbi and Director of the Chabod Jewish Student Center on Court Street, thanked the City of Athens for facilitating the use of a Sukkah, a temporary wood-covered hut, placed on public property in observance of the Jewish holiday of Sukkot.

The Rabbi commented that the Chabod Jewish Student Center has been a tenant of Joe Krause's since 2017 and has found Mr. Krause to be a caring and supportive landlord. He believes the City needs more involvement by citizens like Mr. Krause in our community, not less.

The motion to confirm the Mayor's reappointment of Ben Lachman was approved unanimously.

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

A West Washington Street resident, spoke about the growing homelessness crises in Athens. He understands there is a homeless shelter being constructed in a former motel on Columbus Road, however it will not be available until 2026. His immediate concern is with winter approaching. He urged the Council and City Administration to find ways to provide shelter and give assistance to the homeless. There is an encampment on West Washington Street, and he worries for these individuals as freezing temperatures are coming.

Spjeldnes responded that the Athens County Foundation, upwards of 90 people and 70+ organizations, have been working on solutions for a number of months. The Sunset Motel purchase for non-congregate housing is only one such solution. She urged those interested in this issue to view the Athens County Foundation's Project

RECORD OF PROCEEDINGS

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held

OCTOBER 21, (PAGE 8 OF 8)

20 24

Co-Create website, and to complete the survey. They understand the serious need for immediate housing and are discussing ways to provide assistance.

Swank has completed the survey, noting the Foundation is looking for community input and support to address the problem of homelessness in a responsible and timely manner.

Brittany Anderson, East Carpenter, expressed a concern with experiencing discrimination in a couple of the uptown taverns.

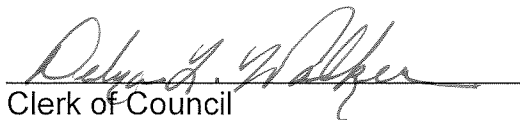
The Mayor asked Ms. Anderson to meet with him.

At approximately 8:35 McCarey moved to adjourn; Clodfelter seconded. The motion was approved unanimously.



President of Council

ATTEST:



Clerk of Council

Table 1

		Sewer - Mean	Sewer - Athens	Water-Mean	Water - Athens	Total - Mean	Total - Athens
2022		489.95		476.93			
2023		510.04		496.49			
2024		525.86	592.08	511.89	384.24	1037.75	976.32
2024	Monthly	43.83	49.34	42.66	32.02	86.48	81.36



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Athens City Council
8 E. Washington St.
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October 18, 2024

Re: United Athens County Tenants

Members of City Council:

I am writing on behalf of my client, United Athens County Tenants, in response to claims made at the City Council Meeting that took place on October 14th. The following views are those of the members of UACT.

First, UACT rejects Attorney Rittenhouse's accusation of antisemitism. UACT advocates for all tenants in Athens County regardless of ethnic or religious identity, and we strongly believe in the dignity, self-determination and right to exist of all people, both here in Athens County and abroad.

Attorney Rittenhouse's accusations of antisemitism made at the October 14th Council meeting, presumably on behalf of his client, are a derogatory and bald-faced attempt to obfuscate the real issue at stake: tenants' rights to safe and habitable rental units in the City of Athens.

UACT opposes the third appointment to public office of Joe Krause, because Mr. Krause is a landlord who has not exemplified good stewardship as a housing provider in our community. All claims made by UACT about Mr. Krause's history of misconduct as a landlord are supported by public records, which UACT has obtained through public records requests. These public records were shared with Council, City Administration, media, and the general public through our report published by our organization on November 15, 2022, and linked to in our letter sent to Council on October 14, 2024, in the Athens News's publication of that letter, in past media coverage, and again here: <https://www.athenstenants.com/november-2022-code-enforcement>. These materials decisively refute what few claims Attorney Rittenhouse has made about his client's conduct as a landlord.

UACT firmly disagrees with the assertion made by Mayor Steve Patterson and Board of Zoning Appeals Chair Rob DeLach that Mr. Krause's conduct as a landlord has no bearing on his fitness to serve on the BZA. Simply put: How can we expect members of the public to abide by

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the BZA's regulatory decisions when one of the board's members has a documented history of violating city regulations himself? Mr. Krause's history of housing code violations and unsafe business practices directly undermines the municipal ordinances BZA members purport to uphold. For the BZA to be credible and effective, Mr. Krause's misconduct must disqualify him from serving.

Finally, UACT opposes Mayor Patterson's effort to remove Council's power over most appointments to the BZA and similar city boards; this would prevent Council from potentially rejecting Mr. Krause's latest appointment. We note that in taking this dramatic action the mayor broke not only with the long-standing practices and apparent legal interpretations of his predecessors, but also nine years of Mayor Patterson's own established practice and interpretation.

UACT urges Council to

- 1) reassert its power over board appointments; and
- 2) come down on the side of safe housing and public accountability by rejecting Mr. Krause's latest appointment to the BZA.

Sincerely,

A handwritten signature in black ink, appearing to read "Caitlyn McDaniel".

Caitlyn McDaniel

Attorney for United Athens County Tenants

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