

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held NOVEMBER 20, 2023

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, NOVEMBER 20, 2023, 7:00 P.M.

Athens City Council met in Regular Session at the above hour with the following members present: Crawl, Grace, McCarey, Risner, Swank, Spjeldnes, and Ziff.

Also present: President Knisely, Mayor Patterson, Law Director Eliason, and Service-Safety Director Stone.

Risner moved to amend the Agenda to add Ordinance 142-23; Grace seconded. Motion was approved unanimously.

COMMUNICATIONS:

Council Member Swank asked for a moment of silence in remembrance of First Lady Rosalind Carter.

Council Member McCarey acknowledged that Council Members received an email from local business owner Aaron Thomas regarding a number of issues, specifically advocating for business friendly legislation.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson shared that he has been appointed as the second Vice-President of the National League of Cities with a pathway to become President in 2026.

ORDINANCE FOR THIRD READING:

0-99-23

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED. Risner moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-102-23

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, TO INCLUDE SECTIONS 7.05.22 AND 7.05.26, PARKING RATES. Risner moved for Adoption; Ziff seconded. Discussion: Service-Safety Director noted that the City Parking Garage has had the benefit over approximately the last 10 years of leasing space on the top level to two cellular towers, Sprint and T-Mobile. One of the lessees has removed its equipment, citing that it is no longer necessary in order to provide cellular coverage, and the other has indicated their intent to leave at the end of the 18 months remaining on the agreement. Those two

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leases combined for a total of about \$60,000 annually in revenue to the Parking Garage Fund, making these minor rate increases important.

Swank continues to be concerned about the effect these rate increases will have on those who are dependent upon parking as they work in uptown businesses. Next year he would like the City Administration and Council to work with the Uptown Business Association and representatives of the service industry to explore the possibility of a program to make parking more affordable for those working in the uptown area.

Adoption was approved by a 6-1 vote, with Swank voting in opposition.

0-115-23

AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF A COMMUNITY REINVESTMENT AREA IN THE CITY OF ATHENS, OHIO, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL. Grace moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-116-23 AN ORDINANCE DECLARING THE IMPROVEMENTS TO CERTAIN REAL PROPERTY LOCATED IN THE CITY OF ATHENS, ATHENS COUNTY, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH IMPROVEMENTS TO BE EXEMPT FROM REAL PROPERTY TAXATION PURSUANT TO OHIO REVISED CODE SECTION 5709.40(B); REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL DIRECTLY BENEFIT THE REAL PROPERTY; AND ESTABLISHING A PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SERVICE PAYMENTS, TOGETHER WITH RELATED AUTHORIZATIONS. Grace moved for Adoption; Risner seconded. Discussion: Grace believes this is an exciting opportunity for the City and our community.

Adoption was approved unanimously.

0-118-23 AN ORDINANCE APPROVING THE FINAL PLAT OF THE HOMESTEAD COURT AND BROADMOOR, UNIVERSITY ESTATES, PLANNED UNIT DEVELOPMENT. Grace moved for Adoption; Crowl seconded. Discussion: Spjeldnes feels it is important to note that in order for the developers to take advantage of the Tax Increment Financing (TIF) they must first provide letters of support from both the Disabilities Commission and the Affordable Housing Commission prior to construction.

Swank moved to Table until the support letters have been received.

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President pointed out that this legislation is addressing the Planned Unit Development, not the TIF, and so the letters only need to be in place for implementing the TIF.

Grace agrees the letters are needed for the TIF, and prior to construction, once the design plans are complete. At this time, the design of the interior elements is not yet complete, pointing out there are many steps yet to come for these developers.

Law Director also agrees that these are two separate issues. One is approval of the PUD and the other is a TIF that was approved earlier.

Mary Abel, Strathmore Blvd., noted that the plans provided at the recent Affordable Housing Commission meeting showed 2-bedroom apartments on the ground floor with both bedrooms on the second floor, expressing concern for those with mobility issues.

Grace clarified that the 2-bedroom units do have both bedrooms upstairs, but all of the 3-bedroom units have a bedroom and fully accessible bathroom on the first floor.

Adoption was approved unanimously.

0-119-23 ORDINANCE AMENDING ATHENS CITY CODE TITLE 3, ADMINISTRATIVE PROVISIONS, CHAPTER 3.07, ADMINISTRATIVE DEPARTMENTS; BOARDS AND COMMISSIONS, SECTION 3.07.74, ESTABLISHMENT OF COMMISSION. Crowl moved to amend to remove the language in Section I (B), second paragraph; referencing meeting attendance; Ziff seconded. Crowl explained that this language does not need to be in our municipal code as it is included in the Commission's bylaws.

Amendment was approved unanimously.

0-120-23

AN ORDINANCE AUTHORIZING THE AUDITOR TO REDUCE 2023 YEAR-END APPROPRIATIONS. Crowl moved for Adoption; Risner seconded. Adoption was approved unanimously.

0-121-23

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE 155-22, AND AUTHORIZING AN INTERFUND TRANSFER. Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

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ORDINANCE FOR SECOND READING:

0-125-23

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE 155-22, AND AUTHORIZING AN INTERFUND TRANSFER.

ORDINANCES FOR FIRST READING:

0-126-23

AN ORDINANCE AMENDING ORDINANCE 142-22; AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE WEST UNION STREET IMPROVEMENTS PROJECT (#322).

0-127-23

AN ORDINANCE AMENDING ORDINANCE 48-23; AUTHORIZING DESIGN, CONSTRUCTION, AND CONSTRUCTION ENGINEERING OF THE DAIRY LANE/STAGECOACH SEWER AS PART OF THE CITY/COUNTY SEWER EXPANSION (PROJECT (#317)). Discussion: Spjeldnes asked about specific benefits to pedestrians.

Service-Safety Director responded that a new sidewalk will be constructed on Dairy Lane from Richland Avenue to the front of the Dairy Barn.

0-128-23

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PROVIDE FINANCIAL SUPPORT FOR THE OPERATION OF THE ATHENS COUNTY CONVENTION AND VISITORS BUREAU; AND DECLARING AN EMERGENCY. Discussion: Swank asked about any advantage to a multi-year contract as opposed to approving annually.

President responded the multi-year agreement provides continuity of services and long-range planning.

0-129-23

AN ORDINANCE AUTHORIZING EXPENDITURES FOR CITY HALL RENOVATIONS, PROJECT #356.

0-130-23

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ATHENS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2024. Discussion: Spjeldnes asked about any known large unaccounted expenses that the City Administration is aware of, but are not a part of the current appropriations. She understands this year's appropriations are higher given employee pay increases due to inflationary pressures.

Service-Safety Director will offer a better listing of any large unaccounted expenses in the next few weeks.

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Grace responded that having a local Ordinance grants the City the authority to license the businesses and to do local compliance checks for enforcement.

Swank suggested engaging the business community, specifically those who deal in tobacco products, to discuss best practices and education to prevent underage smoking.

Grace believes that creating a licensure system, which is the recommendation of the Surgeon General and the CDC to address underage smoking, is an appropriate step. Without a structure in place to fund compliance checks and enforcement, laws currently in existence statewide are not being enforced. This establishes a mechanism for doing that.

Law Director indicated that she, Council Member Grace and the Mayor have spoken with Director Wendy Hyde of the Preventing Tobacco Addiction Foundation. The Foundation provides guidance and has assisted many cities in Ohio in drafting legislation, and provides the model. She did point out that our proposed ordinance imposes a criminal penalty, including community service. If this were to pass as is, Athens would be the only municipality in Ohio to have such a provision. The Foundation's staff attorneys have reviewed the City's draft and made comments that will be considered for possible amendment at the next meeting.

Grace explained that the criminal penalties only come into effect should someone wish to appeal, or does not pay their fine within 90 days.

Mayor sees this as an emergency public health issue. Our youth are accessing tobacco products, and this legislation will begin to address those illegal sales.

0-141-23

AN ORDINANCE AMENDING ORDINANCES 11-23 AND 96-23; AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR CONSTRUCTION OF THE NEW FIRE HEADQUARTERS, PROJECT #346; AND DECLARING AN EMERGENCY. McCarey moved for Suspension of the Rules in order that the updated figures can be reflected in the City's November financial reports; Ziff seconded. Suspension of the Rules was approved unanimously. Discussion: Service-Safety Director noted that the project is on schedule and under budget at this time.

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

0-142-23

AN ORDINANCE AMENDING ORDINANCE 64-23, ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, SOLID WASTE, RECYCLING AND OPTIONAL COMPOSTING RATES; AND DECLARING AN EMERGENCY. Discussion: President Knisely noted that at the last meeting

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Service-Safety Director Stone read a statement recommending the City pursue the contract with Rumpke. This legislation identifies the rates that are needed to meet the contract price.

Crowl appreciates the City's commitment to work with City staff and industry professionals to explore the feasibility of returning solid waste collection to a government function, either operated completely by employees of the City or in partnership with other communities under a Council of Governments.

Lorraine McCosker, resident, is supportive of continuing our service with Athens Hocking Recycling Centers (AHRC). For four decades, they have provided recycling and solid waste services to the City. Athens is the oldest established recycling city in the State of Ohio. AHRC has a history of community involvement in solid waste and recycling advocacy, jobs are provided locally, adding the composting project as its newest service. She pointed out that Ohio Revised Code 155.09 states that if the lowest bid is not in the best interest of the community another may be chosen. She argued that offering the contract to Rumpke is not a benefit to the community. She quoted Mary Jo Stanley, Southeast Ohio Regional Director of the Ohio Environmental Council, from today's newspaper: "What is best for our community is a solid waste contract that maintains high standards of waste diversion, sustainability, and the triple bottom line, people, planet and profit." She understands that Rumpke will be transporting to a landfill much farther away from Athens, thereby increasing greenhouse gas emissions. She reminded Council about the Athens Sustainability Action Plan and the Climate Emergency Declaration that Athens can act as a global leader through initiating an emergency climate mobilization to convert to an ecologically, socially and economically regenerative local economy at emergency speed.

Christine Hughes, business owner on East State Street, commented that the City would benefit by choosing to contract with Athens Hocking Recycling Centers with strong, local, homegrown connections. She asked that the City consider the greater impact of our choice of a waste management company that is in the best interest of our community.

Resident, 36 Brown Avenue, agrees with the two previous speakers, and believes Athens Hocking Recycling Centers is more in line with the values of many of the residents of our City. Ultimately, he does not think Rumpke will provide a long-term benefit to the City, though it may be a lower short-term cost to our citizens.

ANNOUNCEMENTS & OTHER BUSINESS:

Ziff moved to accept the October 2023 Financial Reports; Swank seconded. Motion was approved unanimously.

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Swank asked about the percentage of personnel costs as part of the General Fund.

Mayor responded it is approximately 85% of the budget.

0-131-23

AN ORDINANCE AUTHORIZING 2024 STAFFING LEVELS AND NON-UNION COMPENSATION; REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

0-132-23

AN ORDINANCE ADOPTING A FRINGE BENEFITS PACKAGE FOR NON-UNION PERSONNEL WITHIN THE CITY OF ATHENS AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

0-133-23

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A CONTRACT WITH THE EMPLOYEE BENEFIT SERVICE CENTER TO SERVE AS THE CITY'S THIRD PARTY HEALTH INSURANCE ADMINISTRATOR (TPA); AND DECLARING AN EMERGENCY.

0-134-23

AN ORDINANCE AUTHORIZING A STOP-LOSS/GROUP EXCESS LOSS MEDICAL INSURANCE CONTRACT; AND DECLARING AN EMERGENCY.

0-135-23

AN ORDINANCE AMENDING ORDINANCE 04-23; REALLOCATING REVENUES FROM THE CITY INCOME TAX; AND DECLARING AN EMERGENCY. Discussion: Risner asked if the 1% decrease for Streets will have any impact on annual repaving.

Mayor responded that it would be minimal.

0-136-23

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A ONE-YEAR AGREEMENT WITH SUNDAY CREEK HORIZONS, A CONSULTING FIRM.

0-137-23

AN ORDINANCE AUTHORIZING THE ADOPTION OF AN AGREEMENT WITH THE ATHENS CITY FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., AND THE CITY OF ATHENS PATROL OFFICERS AND LIEUTENANTS, CONCERNING WAGES AND WORKING CONDITIONS.

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0-138-23

AN ORDINANCE AUTHORIZING THE MAYOR'S EXECUTION OF AN AGREEMENT WITH THE ATHENS CITY FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, AND THE CITY OF ATHENS COMMUNICATION OFFICERS, CONCERNING WAGES AND WORKING CONDITIONS.

0-139-23

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING AS A SUBRECIPIENT WITH ROSS COUNTY SERVING AS LEAD FISCAL AGENT FOR THE APPALACHIAN COMMUNITY GRANT PROGRAM (ROUND TWO) FUNDS; AND DECLARING AN EMERGENCY. Crawl moved for Suspension of the Rules in order to meet the Ohio Department of Development's deadline of November 23rd; Swank seconded. Suspension of the Rules was approved unanimously. Crawl moved for Adoption, Ziff seconded. Discussion: The Service-Safety Director has identified about \$6.5 million in costs associated to put overhead utilities underground on State Street in cross blocks in the uptown area, and Carpenter Street in the cross blocks in the uptown, and continuing down to Stimson, along with some streetscape work along Carpenter proper.

Adoption was approved unanimously.

0-140-23

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 11, BUSINESS REGULATIONS TO ENACT SECTION 11.13, TOBACCO RETAILER LICENSE (TRL), ADDING PROVISIONS REQUIRING RETAILERS TO OBTAIN A LICENSE FOR SELLING TOBACCO PRODUCTS. Discussion: Swank asked if all of Section 11.13.03(B)(3) applies to current establishments that sell tobacco products. He is concerned about the 5-year look back period.

Grace responded that it gives the Code Enforcement Office and the City-County Health Department the authority to review those, and to make the decision.

Swank asked about the number of businesses in the City selling tobacco products.

Grace responded that the Code Enforcement Office is still identifying those businesses, but it would be between 50-100.

Swank asked if the Community Center would be considered a youth-oriented facility.

Grace responded, yes.

Swank asked about the businesses currently across the street from the Community Center

Grace responded that those businesses would be grandfathered. She will be adding that provision as an amendment at the next reading.

Swank asked how this reconciles with HB 258.

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Ziff moved to accept the October 2023 Credit Card Transactions; Swank seconded. Motion was approved unanimously.

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

Gene Deubler, First Street, local arborist and a member of the City's Shade Tree Commission, expressed an interest in making application for ODNR's Urban Forestry Grant Program, specifically for the disadvantaged community as outlined in the Climate Justice mapping system that is west of Shafer Street, and includes West State Park and the West Union Cemetery. This would allow us to take care of the tree population from planting, to mature tree pruning, soil amendment work, and essential consulting, determining which trees are still safe to be in public spaces and in the City's rights-of way. The grant application requires City Council legislation, as well as a signed statement from the City Administration. The application deadline is December 29, 2023.

At approximately 9:00 p.m. Ziff moved to Adjourn; Grace seconded. Motion was approved unanimously.

Christopher B. Kinsely
President of Council

ATTEST:

Diana G. Walker
Clerk of Council