

**MINUTES**  
**CITY & SAFETY SERVICES COMMITTEE**  
**OCTOBER 9, 2023**  
**7:00 p.m.**

Members in Attendance:

Micah McCarey, Chair  
Sarah Grace, Member  
Sam Crowl, Member  
Alan Swank, Member

Administrators and  
Other Elected Officials:

President Knisely  
Mayor Patterson  
Auditor  
Fire Lt. Riley

**ITEMS DISCUSSED:**

- Tabled Ordinance 93-23 (fire penalties)
  - McCarey – Council's objective this evening is to better understand the causes of these Fire Code violations, to determine what changes will most likely result in measurable reductions in overcrowding, and recommendations regarding next steps
  - Lt. Riley – bar checks have been on-going for years and overcrowding continues to be an issue – need to ensure a safe place for patrons – current penalty is \$150 minor misdemeanor, and isn't solving the issue – bar owners continue to exceed local occupancy requirements – Fire Department requests Council increase the penalties
  - McCarey – the objective of this committee discussion is to address these concerns and measures to provide safety
  - Attorney Andrew Grillo, representing the DeLucas, owners of Red Brick Tavern – has reviewed and compared the penalties of similar cities in Ohio:
    - City of Oxford – has a civil penalty of \$500, if delinquent it increases to \$1000, and \$1250 if sent to collection – does not appear to have a criminal offense for an overcrowding problem;

City of Kent – minor misdemeanor, \$150 fine – there is also a sliding scale penalty, up to a first-degree misdemeanor, \$1000 fine and 6 months incarceration; and

City of Bowling Green – unclassified misdemeanor with a fine of \$500

– he can provide links to all of these, if requested – his clients are doing their best to comply – proposed a sliding scale violation without jail time or suspension of liquor license – questioned whether the Police Department would be the appropriate agency to file a criminal complaint and charges through the City Prosecutor's Office

-McCarey – asked about updates regarding intended actions of bar owners to decrease the number of overcrowding violations

-Grillo – his clients will be training their employees on the need to stay under occupancy limits to ensure compliance

-Swank – asked for an explanation of the counting process

-Lt. Riley – Fire Department has provided bars with counters – Fire Department will do a head count if the bar appears to be overcrowded, inviting the manager or door employee to assist

-Swank – asked about first steps if they find the bar is over capacity by 10 or so patrons

-Lt. Riley – would request the bar employees to ask that number to leave

-Swank – asked about cooperation from the bars when asked to decrease the number

-Lt. Riley – sometimes are cooperative, sometimes they question the count – if the count is questioned the bar will be closed and all patrons asked to leave so an exact number can be obtained – the exact number can then be allowed back inside

-Swank – asked the Law Director for a report of past incidences and received information from April 1, 2019 through September 5, 2023 – noted there were 14 citations of overcrowding – of those, (3) are still pending and (2) were dismissed – questioned whether this report shows an increase in occurrence, similar as in the past, or a decrease – questioning whether there has been a change in the pattern

-Lt. Riley – believes the problem is growing and that the overcrowding issue directly relates to Ohio University's increase in enrollment

-Risner – questioned the continuing level of training that will be involved with the high turnover of student employees and asked how that level of expertise can be maintained

-Grillo – this will be the responsibility of the bar owner to ensure regulations are followed – suggested a Fire or Police policy with instructions to the bar owners that 30 minutes will be given to remedy the overcrowded situation, and if it is still not under capacity a citation will be issued

-Spjeldnes – pointed out the need for documentation of employee training on the need to stay below occupancy limits

-Don Pepper, owner of the CI and Crystal – has learned that higher capacity does not equate to higher earnings – goal is to have free movement inside the bar, keeping fire entrances and exits clear – believes working with actual numbers as it relates to capacity leads to an adversarial relationship between fire inspectors and bar owners – would like to see data on overcrowding in bars and any injuries from overcrowding

-President – recalled a report this past weekend where the J Bar, with an occupancy limit of 147 – understands that when the Fire Department came in there were 240 patrons inside, not including the 20 who walked out when the Fire Department walked in – with regard to safety, there are many conditions inside bars that can put people at risk when overcrowding occurs, especially those bars with basements and no ability to exit – pointed out this situation with the J Bar happened just after Council's discussion with concerns of "over the limit" capacity last week

-Keith Chapman, resident of Euclid Drive – feels this is a bigger hammer than may be needed

-McCarey – would like to move toward recommendations on changes needed in order to yield measurable reductions in these fire code violations

-Swank – believes it is important to engage parties early in the process – suggested creating a task force to include representatives from retail establishments, Police Department, Fire Department, and City Council to work on a plan that; 1) ensures the safety of all patrons, and 2) establishes sanctions that make sense and will ensure safety

-Mayor – inquired whether the Bar Owners' Association is still intact in order to engage in regular discussion with the City Administration in creating the safest environment possible – capacity numbers are in place for safety for every building – supports current Fire Chief, and sees an opportunity to work together with open lines of communication

-Ziff – fire prevention is the largest part of fire safety – need to plan ahead – agrees, engagement of all parties is necessary

-Spjeldnes – seems reasonable for bar owners to be diligent in training their employees on the importance of capacity and safety, documenting that training, and to move forward with a sliding scale penalty

-Ann Cornwell – curious as to who sets the capacity numbers for establishments

-Lt. Riley – capacity is set by the State, based upon exits, square footage, etc.

-Chris Roach, Pigskin Bar & Grill – asked if the focus of overcrowding is only in this vicinity of Court Street

Lt. Riley – Fire Department tends to go where the problems are occurring

-Roach – is diligent about keeping an accurate count for safety reasons – questioned how the Fire Department determines that count

-Lt. Riley – it begins with a headcount

-Roach – if it is necessary to empty the bar of patrons, questioned if the count happens at the time of exit

-Lt. Riley – that is correct

-Roach – expressed concern about the down time if customers are asked to leave the business and the count was either at or under capacity

-Lt. Riley – the bar manager or person in charge of the door is invited to take part in the initial headcount – do offer leeway – temporarily closing the bar and asking customers to exit is done only when there is reluctance by the bar manager to cooperate, and when the headcount is significantly over – last weekend the J Bar was 100 over capacity

-McCarey – recommended returning to this topic at a future committee meeting to check on progress

- Accepting a Sanitary Utility Easement (Tyler Park)

-McCarey – this is a standard easement for the Tyler Park Lift Station and related equipment – a .156-acre easement as part of a 4.06-acre parcel

## **ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:**

1. Utility Easement

**MINUTES**  
**SEPTEMBER 11, 2023**  
**COMMITTEE OF THE WHOLE**  
**7:00 P.M.**

|                                                   |                                                                                                         |
|---------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| Council Members in Attendance:                    | Sam Crawl<br>Sarah Grace<br>Micah McCarey<br>Jeff Risner<br>Solveig Spjeldnes<br>Alan Swank<br>Ben Ziff |
| Administrators and/or<br>Other Elected Officials: | President Knisely<br>Mayor Patterson                                                                    |

**Items Discussed:**

- Table Ordinance 99-23 (fee increases)
  - Crawl – City has worked to link vendor permit fees to the cost of renting the parking space – believes vending is an attraction to the City, unique and interesting to visitors – tying the permit fees directly to the cost of the space no longer seems essential – hand-crafted items should be taken into consideration
  - Swank – questioned what the vending permit fee would be if not associated with revenue collected from the metered spaces
  - Crawl – will need to find a balance
  - Mayor – feels strongly that revenue derived from hand-crafted wares vs. food is wildly different in terms of their ability to earn a living – proposed for consideration, honoring 1% for the arts, charging artisans \$25.00 per calendar month to vend in the uptown-designated vending spaces – food vendors should continue to be required to pay a higher fee as they are in direct competition with our brick and mortar businesses
  - McCarey – appreciates Mayor's recommendation for the artisan vendor fee, noting that the City's Comprehensive Plan addresses the desire for more public arts throughout the City
  - Spjeldnes – continues to ask for more dialogue on the (\$40.00) re-inspection fee for rentals that has been in place since 2005 – she believes the proposed increase to (\$50.00) is unacceptable – understands it needs to be based on actual work done, and proposed charging at least (\$65.00)

-Mayor – shared that Service-Safety Director Stone recommended removing (\$150.00 for 3 bedrooms or less, and \$175.00 for 4 bedrooms or more), and simply increasing the rental permit fee to \$175.00 per unit for up to 10 units in one building – that would bring in enough revenue to hire a fifth Code Enforcement Officer or, more importantly, to staff an Assistant Code Director who, among other duties, would still have the responsibility to inspect rental units

-Rob Delach, Morris Avenue – spoke about the need to reduce the artisan fee and the City's commitment to support local products – views the proposed increase of (\$100.00) as a barrier

-Mike West, President of the Arts Guild – artists have no strong interest because of the cost – not much incentive to vend in uptown area – agrees it would be a nice attraction for visitors to our community – believes more artists would participate if the fee was more reasonable – (\$25.00) may still be too high – would be worth exploring options

-Swank – questioned the Water turn-off after-hours fee in Section 5.03.04

-Grace – believes it should read Water turn-on after hours

# **MINUTES: OCTOBER 9, 2023**

## **FINANCE & PERSONNEL COMMITTEE**

Members in Attendance:

Sam Crowl, Chair  
Jeff Risner, Member  
Solveig Spjeldnes, Member  
Ben Ziff, Member

Administrators and/or  
Other Elected Officials:

President Knisely  
Mayor Patterson  
Auditor Hecht

### **ITEMS DISCUSSED:**

- Athens County Convention & Visitors Bureau (Boone Troyer, progress report)  
-Boone Troyer, Executive Director, presented a 2023 overview – the Bureau began a rebuilding phase in 2021 “Visit Athens County” – at that time staff and contracts had to be cut – worked hard with support of the Board to rebuild their marketing presence – experienced a 23% growth in 2022 – for the first time, the 2023 budget was planned using actual funds, not just guesstimates – 2022 income was \$777,182 (highest in the history of the organization) – currently have \$364,963 and projected to end the year with approximately \$800,000 (again, the highest income in the history of the organization) – in quarter two of 2021 “Visit Athens County” saw its first record-setting income with the County and City Lodging Tax at \$193,375, in quarter two of 2022 they received \$234,888, and in quarter two of 2023 they are at \$264,601, a significant growth in a very short time – they continue to see record highs each quarter and project that will continue through the remainder of the year – the Bureau’s tiny 4-person team does a lot of work – hoping for a new hire next year in order to continue to grow – purchased a van this year to turn into a mobile visitor center – can attribute growth, in part, to unique lodging opportunities in our community, and the higher cost for overnight stays, increasing lodging tax income – ACCVB’s success can be attributed to the office staff’s creativity and their hard work in marketing and promoting our community businesses and events, and bringing visitors to the area – events continue to grow – increased annual grant program, providing \$20,000 in grants to new and existing events – shared Roadrunner magazine’s (top motorcycle magazine in the United States) Windy 9, 5-minute video, as part of a campaign program – this video is shown worldwide and have already had contacts from Europe requesting additional Windy 9 information to come ride – this is an extremely productive campaign – signed a \$20,000 contract for coverage in year books and game day programs with professional sports organizations – also has coverage in many magazines supporting regional campaigns, including the Ohio magazine last year when Athens was voted one of the best hometowns in Ohio

-Spjeldnes – asked how the Bureau decides the types of tourists to attract

-Boone – it is all-inclusive – they reach out to the arts and culture, history, outdoor recreation, etc., explaining that each marketing campaign is a trial and error process

- Swank – asked about the short and long-term plans for continuing to occupy the current building
- Boone – continue to look for a new location, but it is not a priority – long-term goal is to be in a new location – just waiting for the right time and the right location
- Swank – City will be looking soon at 2024 budget and questioned its effect on this planning, asking whether this location change is more likely to happen in 2025 and beyond
- Boone – it really is about available resources and location options

- Amend City Code, Deputy Auditor (to include ORC language)

- Crowl – request has been made by the Auditor's Office to include ORC Section 733.19 in our City Code that states, "City Auditor may, when authorized by ordinance, appoint a deputy who, in the absence of disability of such auditor, shall perform their duties"
- Auditor – the request is being made to provide clarity

- Appropriations

- (\$14,843.33) to General Fund, Fire, capital line, for BWC Grant
- (\$25,000.00) to Parking Enforcement Fund, services line, for credit card fees
  - Crowl – explained these are credit card fees associated with our parking meters – understands the credit card user should pay this fee – City has requested clarification from the company
  - McCarey – asked about the time-period this amount covers
  - Crowl – (4 months) from September to December
  - McCarey – that is a lot of money – asked if the City is looking into options to reduce that amount
  - Mayor – the original contract with IPS was to include an add-on percentage to be paid by the credit card user, allotted at the meter, with an additional service charge paid by the City – believes the City is now absorbing the user's cost and is doing some fact-finding with the IPS vendor – this fee should continue to be passed along to the customer, noted that the meters are highly used
  - Swank – questioned the City annual meter revenue
  - Hecht – last year's revenue for meters was \$470,000
  - Risner – pointed out that the annual revenue includes both credit cards and cash
  - Swank – questioned the percent of the service fee transaction, suggested the Law Director review the IPS contract
  - Risner – suggested that it could be a flat fee
  - Crowl – assured Swank the Service-Safety Director is looking at the contract, and what is happening with that fee
  - Mayor – added the Law Director will review the original contract
  - Swank – proposed tabling the parking meter rate increases until this is resolved
  - Mayor – assured Swank that this information will be provided quickly, and he sees no reason to hold up rate increases



- (\$20,000.00) to Parking Enforcement Fund, services line, for the parking meter maintenance contract
  - Spjeldnes – asked about the reason for this increase
  - Mayor – this is for parking meter replacement and parts
- ORC 718 Updates (amend Title 17, Municipal Income Tax)
  - Crowl – need to amend the City Code with updated legislative language from the State
  - Auditor – Law Director is reviewing the amended language
  - Spjeldnes – asked if these changes would include any increased revenue for the City
  - Auditor – will likely not affect revenue – focus is on reporting of remote workers

## **ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:**

1. Appropriations
2. Deputy Auditor
3. Appropriations

**TRANSPORTATION COMMITTEE**  
**October 9, 2023**  
**7:00 p.m.**

Members in Attendance: Jeff Risner, Chair  
Sarah Grace, Member  
Alan Swank, Member  
Ben Ziff, Member

Administrators and/or  
Other Elected Officials: President Knisely  
Mayor Patterson

**TRANSPORTATION COMMITTEE:**

- Vehicle Disposals
  - Risner – the following requests have been made:
    - Bus, 1601 (HAPCAP)
      - Mayor – this vehicle is unusable and will likely be disposed for scrap
    - 2011 Ford Ranger (Code)
      - Mayor – will be traded toward a newer vehicle
    - Fire Smoke Trailer
      - Mayor – will be donated to the City of Chillicothe

**ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:**

1. Vehicle/Equipment Disposal