



AGENDA
ATHENS CITY COUNCIL
MONDAY, OCTOBER 6, 2025 AT 7:00 PM

e-mail: dwalker@ci.athens.oh.us
Streaming is available at www.ci.athens.oh.us/video

1. FINANCE & PERSONNEL COMMITTEE:

- Issuance of Bonds (refinance 2016 Swimming Pool Bonds due to decreased short-term bond rates)

2. REGULAR SESSION OF COUNCIL

3. Establish Quorum

4. Disposition of Minutes:

- Regular Session of City Council held September 15, 2025

5. Communications

6. Reports and Communications from Other Elected Officials

7. Ordinances for Third Reading:

0-80-25

AN ORDINANCE DECLARING PROPERTIES LOCATED AT 25 CENTRAL AVENUE AND 458 RICHLAND AVENUE NO LONGER NEEDED FOR A MUNICIPAL PURPOSE; AND AUTHORIZING THE MAYOR TO SELL SAID PROPERTIES TO ANOTHER POLITICAL SUBDIVISION.

Introduced by Council Member Risner

0-86-25

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED.

Introduced by All Members of Council

0-89-25

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A COMBINED PARTICIPATION AGREEMENT IN THE NEW NATIONAL OPIOID SETTLEMENT

SECONDARY MANUFACTURERS WITH ALVOGEN, AMNEAL, APOTEX, HIKMA, INDIVIOR, MYLAN, SUN, AND ZYDUS, AND ACKNOWLEDGING THAT ALLOCATION AND DISTRIBUTION OF POTENTIAL SETTLEMENT FUNDS WILL BE PURSUANT TO THE GOVERNMENTAL ENTITY AND SHAREHOLDER DIRECT SETTLEMENT AGREEMENT (GESA) AVAILABLE AT [HTTPS://NATIONALOPIOIDSETTLEMENT.COM/](https://nationalopioidsettlement.com/); AND DECLARING AN EMERGENCY.

Introduced by All Council Members

0-90-25

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND ACCEPT BIDS, AND ENTER INTO A LEASE AGREEMENT WITH THE HIGHEST BIDDER FOR THE FORMER FIRE DEPARTMENT HEADQUARTERS ON COLUMBUS ROAD.

Introduced by Council Member McCarey

0-94-25

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 29, HOUSING REGULATIONS, CHAPTER 29.03, RENTAL DWELLING, SHORT TERM RENTAL, AND HOUSING PERMIT, SECTION 29.03.05, AUTHORIZED AGENT, AND TITLE 1, CHAPTER 29.03.

Introduced by Council Member Swank

0-95-25

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY USE PERMIT AT 22 WEST STIMSON AVENUE TO PLACE AN IN-GROUND SIGN IN FRONT OF THE BUILDING IN THE CITY'S RIGHT-OF-WAY.

Introduced by Council Member Swank

8. Ordinances for Second Reading:

0-85-25

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 9.12, STREETS AND SIDEWALKS, SECTION 9.12.18, MATERIALS ON STREET OR SIDEWALK.

Introduced by Council Member Spjeldnes

0-96-25

AN ORDINANCE AMENDING THE 2025 APPROPRIATION ORDINANCE 115-24.

Introduced by Council Member McCarey

9. Ordinances for First Reading:

0-100-25

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH THE ATHENS COUNTY COMMISSIONERS.

Introduced by Council Member Swank

0-101-25

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND

ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACT(S) FOR CONSTRUCTION OF A NEW WATER LINE ALONG JACOBS STREET FROM GRAHAM TO STONEYBROOK, PROJECT (#386).

Introduced by Council Member Thomas

0-102-25

AN ORDINANCE INDICATING THE SERVICES THE CITY OF ATHENS WILL PROVIDE FOR THE PROPOSED ANNEXATION OF APPROXIMATELY 1.175 ACRES OF LAND ALONG THEATER LANE, AS REQUESTED BY THE ANNEXATION PETITIONERS; AND DECLARING AN EMERGENCY.

Introduced by Council Member Swank

0-103-25

AN ORDINANCE ESTABLISHING TITLE 29, HOUSING REGULATIONS, CHAPTER 29.37, UNOCCUPIED AND VACANT PROPERTY REGISTRATION.

Introduced by Council Member Swank

0-104-25

AN ORDINANCE AMENDING TITLE 29, HOUSING REGULATIONS, CHAPTER 29.37, DEFINITIONS.

Introduced by Council Member Swank

0-105-25

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, TO INCLUDE SECTION 29.37.06.

Introduced by Council Member Swank

0-106-25

AN ORDINANCE ESTABLISHING A "DO NOT KNOCK" REGISTRATION PROGRAM THROUGH THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL.

Introduced by Council Member Swank

0-107-25

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 11, BUSINESS REGULATIONS, CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING, SECTION 11.04.17, TRESPASSING OF PEDDLERS OR SOLICITORS.

Introduced by Council Member Swank

0-108-25

AN ORDINANCE APPROVING A THEN-AND-NOW CERTIFICATE FOR PAYMENT; AND DECLARING AN EMERGENCY.

Introduced by Council Member McCarey

0-109-25

AN ORDINANCE AMENDING THE 2025 APPROPRIATION ORDINANCE 115-24.

Introduced by Council Member McCarey

0-110-25

AN ORDINANCE ESTABLISHING A CYBERSECURITY POLICY FOR THE CITY OF ATHENS.

Introduced by All Members of Council

0-111-25

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$4,905,000 OF BONDS BY THE CITY OF ATHENS, OHIO, FOR THE PURPOSE OF CURRENTLY REFUNDING ALL OR A PORTION OF OUTSTANDING BONDS ISSUED TO PAY PART OF THE COSTS OF A SWIMMING POOL FACILITY, AND MATTERS RELATED THERETO; AND DECLARING AN EMERGENCY.

Introduced by Council Member McCarey

10. Announcements & Other Business:

- Motion to Approve Appointments to the Affordable Housing Commission's Rental Inspection Processes Subcommittee

11. Opportunity for Citizens to Speak on Legislative Items and City Services Not Covered on the Agenda

12. Adjournment

Sam Crawl
President of Council

The City of Athens supports the Americans with Disabilities Act. Requests for reasonable accommodation may be made with the ADA Coordinator in the City Building or by calling 592-3367.

0-80-25

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE DECLARING PROPERTIES LOCATED AT 25 CENTRAL AVENUE AND 458 RICHLAND AVENUE NO LONGER NEEDED FOR A MUNICIPAL PURPOSE; AND AUTHORIZING THE MAYOR TO SELL SAID PROPERTIES TO ANOTHER POLITICAL SUBDIVISION.

WHEREAS, said properties were purchased initially to create affordable housing opportunities; and

WHEREAS, the City has historically allowed the Athens Metropolitan Housing Authority to manage the properties for that purpose; and

WHEREAS, the City has determined the properties would better meet the original intent if transferred to a different political subdivision;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Athens City Council hereby declares the properties located at 25 Central Avenue, Parcel #'s A028020005000 and A028020005100, and 458 Richland Avenue, Parcel # A029090003900, no longer needed for a municipal purpose, copies of the General Warranty Deeds are attached hereto and incorporated herein by reference.

SECTION II: The Mayor is hereby authorized to sell said properties at 25 Central Avenue and 458 Richland Avenue to the Athens Metropolitan Housing Authority, another political subdivision, for the sum of Two Hundred Seventy-Five Thousand Six Hundred Ten Dollars (\$275,610.00).

SECTION III: The following deed restriction shall be included as part of the sale:

1. Should Athens Metropolitan Housing Authority wish to sell the property, the City of Athens shall have the right of first refusal.

SECTION IV: The City Auditor is hereby directed to receipt the proceeds from the sale of the properties into CDBG Fund, 248, then appropriated into 248, T.C. 600, and transferred into the ACIC Fund, 906, upon completion of the sale.

SECTION V: This Ordinance shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-86-25

Introduced by All Members of Council

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Effective January 1, 2026, certain sections of Athens City Code Title 1, General Provisions, Chapter 1.03, Code Fees Established, are hereby amended to read as attached hereto and incorporated herein by reference.

SECTION II: This Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

Section [5.02.03](#)(D), Citation for garbage and rubbish violation.

~~\$50.00~~ **\$75.00** for first offense

~~\$75.00~~ **\$100.00** for second offense

~~\$100.00~~ **\$125.00** for third offense

~~\$125.00~~ **150.00** for fourth offense

~~\$150.00~~ **\$175.00** for fifth and subsequent offenses

Section [5.03.04](#), Water rates.

\$35.00 Transfer/turn on charge.

An additional ten percent shall be added to water bills not paid on or before the due date. Additional fees shall be charged for the following:

\$15.00 Red tag fee

\$40.00 Delinquency turn-on penalty

\$33.00 Non-sufficient funds charge

~~\$100.00~~ **\$50.00** After hours turn on

\$50.00 After hours turn off

Customers served outside the corporation limits of the City of Athens, Ohio, shall be charged the above rates, plus an additional 20 percent.

[Section 5.04.08](#), Sewer Rates.

Residential	\$6.18	\$6.24
Commercial	\$6.99	\$7.20
Industrial	\$7.71	\$7.94

The monthly base rate charge is as follows:

Base Rate per 1000 gallons (metered amounts as noted above)		Monthly Base Rate Charge	
0	- 15	\$ 32.28	\$ 32.60
16	- 50	\$ 55.81	\$ 57.48
51	- 100	\$ 143.40	\$ 147.70
101	- 200	\$ 231.15	\$ 238.08
201	- 500	\$ 444.38	\$ 457.71
501	- 1000	\$ 914.37	\$ 941.80
1001	- 2500	\$1,614.06	\$1,662.48
2501	- 5000	\$1,991.94	\$2,051.70
5000+		\$2,555.01	\$2,627.54

Section [5.04.09](#), Cost of sewer connection.

\$3,000.00 per equivalent EPA residential unit, plus labor and costs for installation of new sanitary sewer taps/connections, or when a new development is unclear about the occupancy/use of the building and it is not possible to calculate equivalent single-family homes (ESFH), the administration may choose to apply the following schedule. As with the ESHF method, credit may be granted for existing uses.

Domestic Water Tap Size (in)	Water capacity fee	Sewer Capacity Fee
5/8 or 3/4	\$ 1,300	\$ 3,000
1	\$ 2,200	\$ 5,000
1½	\$ 4,500	\$ 10,000
2	\$ 7,000	\$ 16,000
3	\$ 14,000	\$ 32,000
4	\$ 22,800	\$ 50,000
6	\$ 43,600	\$ 100,000
8	\$ 69,800	\$ 160,000
10	\$ 100,000	\$ 231,000
12	\$ 187,000	\$ 432,000

Note on fire suppression taps – if a building requires a larger tap due to fire suppression, the water capacity fee shall be one half of the rate shown above, and the sewer capacity fee shall be based upon the size of the domestic water tap needed if fire suppression were not being installed.

Section 7.05.18(C)

Contractor bags shall cost ~~\$8.00~~ \$15.00 per day.

~~Section 7.05.22, Pay parking, regulations and penalties.~~

Section [7.05.22\(A\)](#), City pay parking rates.

High intensity zones shall cost \$1.25 per hour (\$0.25 per 12 minutes);

Moderate intensity zones shall cost \$1.00 per hour (\$0.25 per 15 minutes);

Low intensity zones and all accessible parking spaces shall cost \$0.75 per hour (\$0.25 per 20 minutes);

Single space short term parking meters shall be not more than a 20-minute time limit and shall cost \$0.75 per 20 minutes (\$0.40 per 10 minutes)

~~Contractor bags shall cost \$8.00 Per day.~~

The following rates shall be in effect upon implementation of the new parking garage system and removal of the parking meters:

Section [7.05.26\(B\)](#), Rates and regulations.

0-1 hours - \$1.00 regardless of time

1-10 hours - \$1.00 per hour, or any portion thereof, up to 10 hours

10-24 hours – day rate of \$20.00 Resets to the hourly rate after 24 hours

\$175.00 per month for Parking Garage Reserved Spaces plus any transactional fees

\$150.00 per month for Parking Garage Non-Reserved Spaces plus any transactional fees per space

The Service-Safety Director may introduce a Commerce Validation Discount Program to promote businesses in the uptown area.

The service-safety director is hereby authorized to enter into written agreements to lease multiple non-reserved parking spaces, and offer an appropriate discount. However, the minimum cost per space may not be less than \$100.00 plus any transactional fees.

The following rates and regulations shall be repealed upon implementation of the new parking garage system and removal of the parking meters:

7.05.26. - Regulation of city parking garage.

(B), Rates and regulations

(1) \$1.00 per hour and \$0.25 cents per 15 minutes.

(2) Card system charges will be \$1.00 per hour and refunds will be in 20-minute increments.

(3) \$150.00 per month to reserve a space on levels Lower B, Upper B, and Lower 1.

(4) \$125.00 plus any transactional fees per space per month for up to 150 non-reserved spaces above Level 3.

Section 9.01.01(E), Animals at large.

\$75.00 for first offense.

\$100.00 for second offense.

\$125.00 for third offense.

150.00 for fourth offense.

\$175.00 for fifth and subsequent offenses.

Section 9.10.05, Costs.

Minimum fee = No less than \$100 for the first hour or portion thereof, and a maximum of \$50 for each additional hour or portion thereof.

Section 9.12.03, Opening permit required.

~~\$400~~ \$125, Opening permit into ROW

Section 9.12.18 (G), Temporary Dumpsters.

\$15 for temporary dumpster, moving pod, or construction trailer per week. Meter fees may apply if parked in a metered parking space.

Section 9.12.18 (H), Temporary Street/Alley/Sidewalk Closure.

\$25 for temporary closure of any street, alley, or sidewalk per day.

Section [11.10.04](#), Annual Fee.

~~\$100.00~~ **\$125.00** Contractor Registration

Section [13.07.07](#), Citation for littering violation.

~~\$50.00~~ **\$75.00** for first offense

~~\$75.00~~ **\$100.00** for second offense

~~\$100.00~~ **\$125.00** for third offense

~~\$125.00~~ **\$150.00** for fourth offense

~~\$150.00~~ **\$175.00** for fifth and subsequent offenses

Section [21.02.08](#), Fees.

~~\$100.00~~ **\$150.00** Minor lot split

Section, [23.03.13\(M\)](#), Sign Application & Permit.

Sign permit – Permanent ~~\$400~~ **\$150**

Sign permit – Temporary ~~\$50~~ **\$75**

Section [23.06.02](#)(~~H~~ **E**), Fees.

\$80.00 Application fee

\$100.00 Use permit

~~\$150.00~~ **\$175** New construction permit, plus \$.10 per square foot of gross floor area

~~\$100.00~~ **\$125** Alteration permit, plus \$1.50 per thousand dollars of improvement or portion thereof

\$100.00 Accessory structure permit, **plus \$1.50 per thousand dollars of improvement**

Section [23.07.08\(D\)\(4\)](#), Application and standards for variances.

Zoning board variance request - ~~\$100~~ **\$125** plus advertising costs.

Section [25.03.04](#)(F), Floodplain **Development**.

~~\$100.00~~ **\$125.00** Land Permit Application

Section [29.02.03\(J\)](#), Inspections.

Failure to appear for a scheduled inspection - ~~\$25.00~~ **\$40.00** per unit

Section [29.12.02](#), Citation for Sanitary Violation.

~~\$50.00~~ **\$75.00** for first offense

~~\$75.00~~ **\$100.00** for second offense

~~\$100.00~~ **\$125.00** for third offense

~~\$125.00~~ **\$150.00** for fourth offense

~~\$150.00~~ **\$175.00** for fifth and subsequent offenses

Section [37.02.04](#), Native and pollinator – Friendly program.

Registration fee \$25.00

Section [41.04 \(B\)](#), Procedure for approval.

~~\$125.00~~ **\$150.00** Application fee

Section [45.07\(B\)\(1\)](#), Historic preservation design review application.

~~\$70~~ **\$100** Application fee

Section [49.03.01](#), Special right-of-way permit.

~~\$50.00~~ **\$75.00** Application permit fee

Section [49.03.02](#), Certificate of registration application.

Registration certificate \$50.00

Micro-wireless cell tower permit ~~\$75.00~~ **\$100**

Introduced by All Council Members

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A COMBINED PARTICIPATION AGREEMENT IN THE NEW NATIONAL OPIOID SETTLEMENT SECONDARY MANUFACTURERS WITH ALVOGEN, AMNEAL, APOTEX, HIKMA, INDIVIOR, MYLAN, SUN, AND ZYDUS, AND ACKNOWLEDGING THAT ALLOCATION AND DISTRIBUTION OF POTENTIAL SETTLEMENT FUNDS WILL BE PURSUANT TO THE GOVERNMENTAL ENTITY AND SHAREHOLDER DIRECT SETTLEMENT AGREEMENT (GESA) AVAILABLE AT [HTTPS://NATIONALOPIOIDSETTLEMENT.COM/](https://nationalopioidsettlement.com/); AND DECLARING AN EMERGENCY.

WHEREAS, the City of Athens, Ohio (herein "Municipality") is a municipal entity formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, Council wishes to agree to the material terms of the proposed New National Opioids Settlement Secondary Manufacturers' Agreement:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Athens City Council does hereby authorize the Mayor to execute a Combined Participation Agreement in the New National Opioid Settlements Secondary Manufacturers with Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus, acknowledging allocation and distribution of potential settlement funds, a copy of the Secondary Manufacturers' Combined Subdivision Participation and Release Form is attached hereto and incorporated herein by reference.

SECTION II: It is found and determined that all formal actions of the Council relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION III: This Ordinance shall be an emergency measure, necessary for the preservation of the public peace, health, welfare and safety of the City of Athens, Ohio, in order to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio, and it shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

EXHIBIT K

Secondary Manufacturers' Combined Subdivision Participation and Release Form
("Combined Participation Form")

Governmental Entity: Athens city	State: OH
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to each of the settlements which are listed in paragraph 1 below (each a "Secondary Manufacturer's Settlement" and collectively, "the Secondary Manufacturers' Settlements"), and acting through the undersigned authorized official, hereby elects to participate in each of the Secondary Manufacturers' Settlements, release all Released Claims against all Released Entities in each of the Secondary Manufacturers' Settlements, and agrees as follows.

1. The Participating Entity hereby elects to participate in each of the following Secondary Manufacturers' Settlements as a Participating Entity:
 - a. Settlement Agreement for Alvogen, Inc. dated April 4, 2025.
 - b. Settlement Agreement for Apotex Corp. dated April 4, 2025.
 - c. Settlement Agreement for Amneal Pharmaceuticals LLC dated April 4, 2025.
 - d. Settlement Agreement for Hikma Pharmaceuticals USA Inc. dated April 4, 2025.
 - e. Settlement Agreement for Indivior Inc. dated April 4, 2025.
 - f. Settlement Agreement for Viatris Inc. ("Mylan") dated April 4, 2025.
 - g. Settlement Agreement for Sun Pharmaceutical Industries, Inc. dated April 4, 2025.
 - h. Settlement Agreement for Zydus Pharmaceuticals (USA) Inc. dated April 4, 2025.

2. The Governmental Entity is aware of and has reviewed each of the Secondary Manufacturers' Settlements, understands that all capitalized terms not defined in this Combined Participation Form have the meanings defined in each of the Secondary Manufacturers' Settlements, and agrees that by executing this Combined Participation Form, the Governmental Entity elects to participate in each of the Secondary Manufacturers' Settlements and become a Participating Subdivision as provided in each of the Secondary Manufacturers' Settlements.

3. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed against any Released Entity in each of the Secondary Manufacturers' Settlements. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity



Claims and extend to the full extent of the power of the Governmental Entity to release claims. Each of the Secondary Manufacturers' Settlements shall be a complete bar to any Released Claim against that manufacturer's Released Entities.

10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in each of the Secondary Manufacturers' Settlements.
11. In connection with the releases provided for in each of the Secondary Manufacturers' Settlements, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims in each of the Secondary Manufacturers' Settlements, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in each of the Secondary Manufacturers' Settlements.

12. The Governmental Entity understands and acknowledges that each of the Secondary Manufacturers' Settlements is an independent agreement with its own terms and conditions. Nothing herein is intended to modify in any way the terms of any of the Secondary Manufacturers' Settlements, to which Governmental Entity hereby agrees, aside from the exceptions in paragraph 13 below. To the extent this Combined Participation Form is interpreted differently from any of the Secondary Manufacturers' Settlements in any respect, the individual Secondary Manufacturer's Settlement controls.
13. For the avoidance of doubt, in the event that some but not all of the Secondary Manufacturers' Settlements proceed past their respective Reference Dates, all releases and other commitments or obligations shall become void *only as to* those Secondary Manufacturers' Settlements that fail to proceed past their Reference Dates. All releases and other commitments or obligations (including those contained in this Combined Participation Form) shall remain in full effect as to each Secondary Manufacturer's Settlement that proceeds past its Reference Date, and this Combined Participation Form need not be modified, returned, or destroyed as long as any Secondary Manufacturer's Settlement proceeds past its Reference Date.



I have all necessary power and authorization to execute this Combined Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



0-90-25

Introduced by Micah McCarey, Acting Chair
Finance & Personnel Committee

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND ACCEPT BIDS, AND ENTER INTO A LEASE AGREEMENT WITH THE HIGHEST BIDDER FOR THE FORMER FIRE DEPARTMENT HEADQUARTERS ON COLUMBUS ROAD.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The Service-Safety Director is hereby authorized to advertise and accept bids, where necessary, and enter into a lease agreement with the highest bidder for the former Fire Department Headquarters located on Columbus Road.

SECTION II: Said lease shall be subject to the following conditions:

1. The Administration shall evaluate and advertise conditions and a minimum bid that ensures the City does not incur costs beyond the revenue generated by the lease under normal conditions.
2. The lease term shall be for a minimum of one-year and up to six years. A term beyond six years will require future City Council approval.

SECTION III: This Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

ATTEST:

Clerk of Council

President of Council

APPROVED:

Mayor

0-94-25

Introduced by Alan Swank, Chair
Planning & Development Committee

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 29, HOUSING REGULATIONS, CHAPTER 29.03, RENTAL DWELLING, SHORT TERM RENTAL, AND HOUSING PERMIT, SECTION 29.03.05, AUTHORIZED AGENT, AND TITLE 1, CHAPTER 29.03.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Athens City Code, Title 29, Housing Regulations, Chapter 29.03, Rental Dwelling, Short Term Rental, and Housing Permit, Section 29.03.05, Authorized Agent, is hereby amended to read as follows:

29.03.05 ~~Authorized Agent~~ **Designated Local Emergency Contact.**

No rental dwelling, short term rental, or rooming house permit shall be issued or received unless the applicant designates, in addition to himself **themselves**, ~~an agent~~ **a designated local emergency contact** for the receipt of process pursuant to this Code. Said ~~agent~~ **local emergency contact** must be designated in writing on the application for said permit. Such ~~agent~~ **designated local emergency contact** must reside within the county. **A fee shall be established by separate ordinance for any rental, short term rental, or rooming house that is owned by a person residing 50 miles or more outside of the corporation limit. Apartment complexes with a local office manager are exempt. Rentals with a contract with a local rental management company are exempt.**

SECTION II: Athens City Code, Title 1, Chapter 1.03, Code Fee Established, Section 29.03.08, Rental permit fee, to read as follows:

Section 29.03.08, Rental permit fee.

\$175.00 per unit for up to 10 units in one building

\$100.00 per housekeeping unit or owner-occupied unit keeping renters

\$75.00 per unit for over 10 units in one building

\$100.00 per unit for over 10 units in more than one building at one location

\$40.00 per bedroom for rooming houses, or short-term rentals

\$100.00 rental permit reinstatement fee

\$25.00 per unit for each unit owned by a person or business residing 50 miles or more outside the corporation limit, in addition to standard rental permit fee

SECTION II: This Ordinance shall be in effect and full force upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-95-25

Introduced by Alan Swank, Chair
Planning & Development Committee

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY USE PERMIT AT 22 WEST STIMSON AVENUE TO PLACE AN IN-GROUND SIGN IN FRONT OF THE BUILDING IN THE CITY'S RIGHT-OF-WAY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Having satisfactorily met the regulations established pursuant to Title 49, Management, Administration, and Control of the Use of the City's Public Rights-of-Way, a special right-of-way use permit is hereby granted at 22 West Stimson Avenue, owner, Ric Wasserman, Ric Wasserman Group, LLC, to place an in-ground sign in front of the building in the City's right-of-way, as indicated on the application attached hereto and incorporated herein by reference.

SECTION II: Owner Ric Wasserman, Ric Wasserman Group, LLC, shall agree to indemnify, and save the City of Athens harmless from all claims, demands, costs, expenses, real estate taxes, if any, and compensation which might arise from the encroachment of permittee upon property of the City of Athens that is the subject of this ordinance.

SECTION III: Said permit shall be subject to the following conditions:

1. This special right-of-way permit is personal in nature and will be in effect for a maximum of seven (7) years from the date of issuance unless revoked by City Council ordinance, or there is a change of ownership or use, whichever comes first.
2. Owner Ric Wasserman, Ric Wasserman Group, LLC, shall be responsible for the maintenance and upkeep of said right-of-way.

SECTION IV: This Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor



TITLE 49 APPLICATION

Use of the City's Public Rights of Way

In accordance with Title 49, Application Fee: "At the time that a person submits an application for Use of Right of Way Permit, such person shall pay a non-refundable application fee of \$50 payable to the City of Athens."

(For Office Use Only)

Permit # T4924-000007

Date Rec'd 9/9/2024

Applicant shall comply with all sections of Athens City Code Title 49 Right of Way. All required information shall be attached to application, including such things as but not limited to detailed site plans, a certificate of liability insurance listing City of Athens Ohio as certificate holder. Property owner shall be solely responsible for the maintenance and upkeep of said right-of-way.

Applicant Wasserman Group, LLC Phone 740-594-5722

Mailing Address 38 N. Court Street c/o The Pigskin, Athens

Email Address Ric@ThePigskin.com

Address of Project/ Site 22 W. Stimson Ave

Parcel Number _____ Zoning Designation B-3

Property Owner Wasserman Group, LLC Phone 7405945722

Property Owner Mailing Address 38 N. Court Street c/o The Pigskin, Athens

Project Description Wooden sign in the ground with the name of the building

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED AND ATTACHED REQUIRED DOCUMENTATION ARE TO THE BEST OF MY KNOWLEDGE TRUTHFUL AND ACCURATE.

By signing this application, the applicant agrees to comply with all facets of Athens City Code Title 49.

Applicant Signature [Signature] Date 8/27/24

By signing property owner agrees to indemnify, and save the City of Athens harmless from all claims, demands, costs, expenses, real estate taxes, if any, and compensation which might arise from the encroachment of permittee upon property of the City of Athens that is the subject of this application.

Property Owner Signature _____ Date 8/27/24

For Official Use Only

1. Code Enforcement Admin: Signature [Signature] Date 9/9/24

☒ Supporting Documents Attached ☒ Fee Paid Amount \$ 50

2. Code Directors Review: ☒ Approved ☐ Refused ☐ Missing Documentation

Remarks _____

Signature [Signature] Date 9-25-24

3. City Engineer Review: ☐ Approved ☐ Refused ☐ Missing Documentation

Remarks _____

Signature [Signature] Date 9-25-24

4. Service Safety Director: ☐ Approved ☐ Refused ☐ Missing Documentation

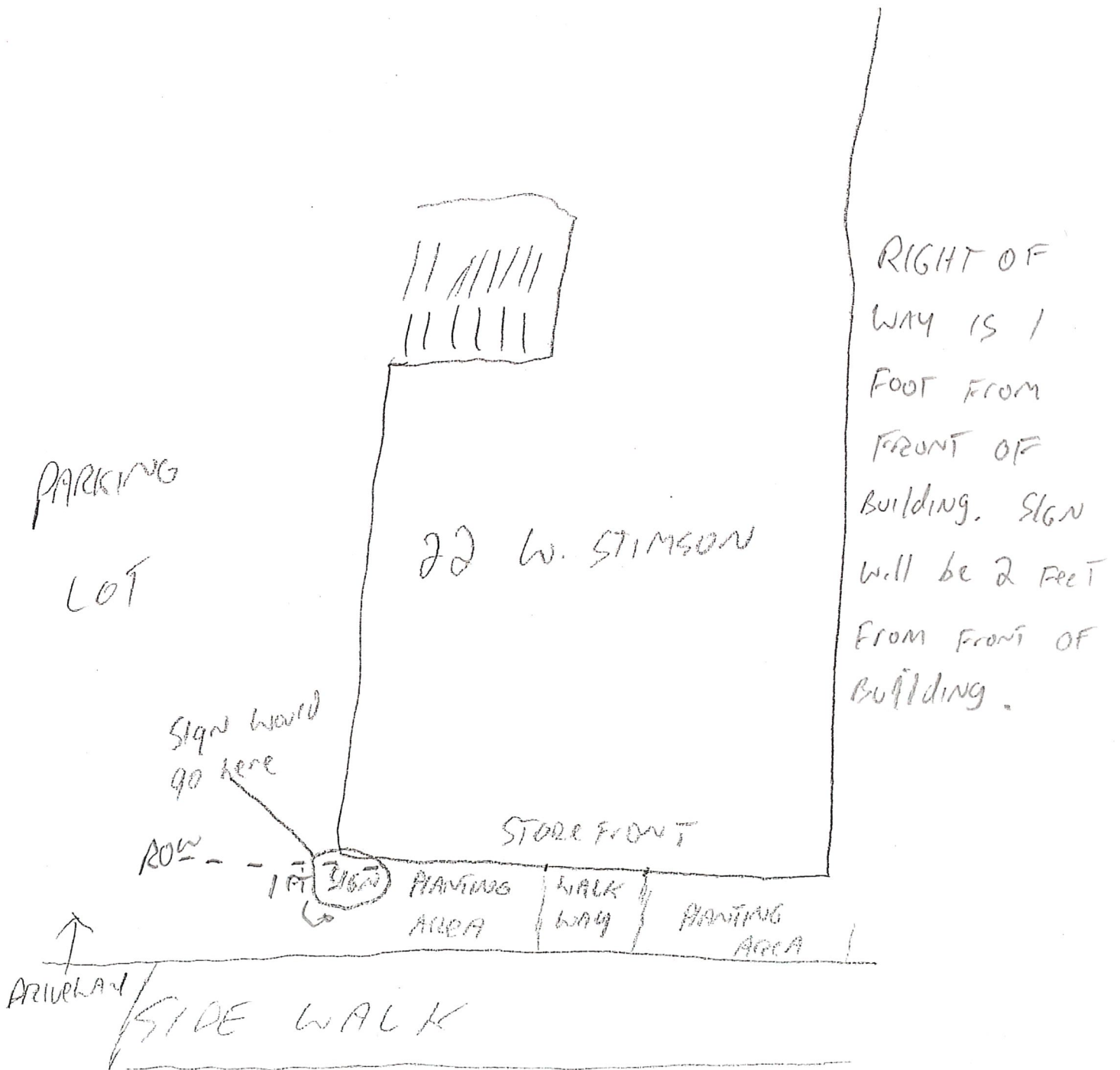
Remarks _____

Signature [Signature] Date 9/25/24

RECEIVED
SEP 10 2024
BY:



RECEIVED
SEP 20 2024
BY:





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

09/09/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER  Shawna Stump 328 West Union Street Athens OH 457012312		CONTACT NAME: Shawna Stump PHONE (A/C, No, Ext): 740-593-6882 FAX (A/C, No): E-MAIL ADDRESS: shawna.stump.l8e7@statefarm.com	
INSURED THE WASSERMAN GROUP, LLC 38 N COURT ST ATHENS OH 457012419		INSURER(S) AFFORDING COVERAGE INSURER A : State Farm Fire and Casualty Company NAIC # 25143 INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADD INSD	SUB WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☒ LOC OTHER:	N	N	95-AP-G486-2	10/01/2023	10/01/2024	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ Y / N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

CITY OF ATHENS 8 E WASHINGTON ST ATHENS OH 45701	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE  This form was system-generated on 09/09/2024

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ACORD 25 (2016/03)

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1001486 2005 155279 205 01-19-2023

0-85-25

Introduced by Solveig Spjeldnes, Chair
Transportation Committee

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE ATHENS CITY CODE
TITLE 9, GENERAL REGULATIONS, CHAPTER 9.12, STREETS AND SIDEWALKS,
SECTION 9.12.18, MATERIALS ON STREET OR SIDEWALK.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Athens City Code, Title 9, General Regulations, Chapter 9.12, Streets and Sidewalks, Section 9.12.18, Materials on Street or Sidewalk, is hereby amended to add Sections (G) and (H):

(G) No dumpsters, moving pods, or construction trailers may be set on sidewalks or public streets without first being permitted by the Service-Safety Director or their designee. The fees for said permits shall be established by separate ordinance.

(H) No temporary closure of any street, alley, or sidewalk may be allowed unless permitted by the Service-Safety Director or their designee. Any temporary closure request shall include a pedestrian and vehicle maintenance of traffic plan and follow the Manual on Uniform Traffic Control Devices (MUTCD). Sidewalks closed for extended periods must be appropriately barricaded and signed; alternate passageways may be required. Special event street closures are not regulated by this section. The fee for the temporary closure of any street, alley, or sidewalk per day shall be established by separate ordinance.

SECTION II: This Ordinance shall be in effect and full force upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-96-25

Introduced by Micah McCarey, Acting Chair
Finance & Personnel Committee

AN ORDINANCE AMENDING THE 2025 APPROPRIATION ORDINANCE 115-24.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The 2025 Appropriation Ordinance 115-24 is hereby amended by appropriating from the unappropriated balance the sum of Ten Thousand Dollars (\$10,000.00) to General Fund, Other Administrative, 101.120, T.C. 300, for the Ohio Governor's Imagination Library, and increasing the total appropriation by said amount.

SECTION II: This Ordinance shall be in effect and full force upon passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-100-25

Introduced by Alan Swank Chair
Planning & Development Committee

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH THE ATHENS COUNTY COMMISSIONERS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The Service-Safety Director is hereby authorized to enter into a Pre-Annexation Agreement with the Athens County Commissioners for property generally described as a 9 acre and 20 or more acres adjacent and contiguous site, located at 18 Stonybrook Drive, Athens County, Ohio, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference.

SECTION II: This Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

PRE-ANNEXATION AGREEMENT

THIS PRE-ANNEXATION AGREEMENT entered into this 16th day of September, 2025 by and between the ATHENS COUNTY COMMISSIONERS (hereinafter called the "Owner") and the CITY OF ATHENS (hereinafter called the "City").

WHEREAS, the Owner desires to develop and improve property generally described as a 9 acre and a 20 or more acre adjacent and contiguous site located at 18 Stonybrook Drive, Athens, Athens County, Ohio (herein after call the "Property"), a map of which is attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, The City agrees to extend City water and sewer services and other services to the Property as set forth below.

NOW THEREFORE, Owner and the City, in consideration of the mutual covenants set forth herein, agree that:

1. City Responsibilities:

1.1 The City shall, on or about October 15, 2026, and pursuant to Ohio Revised Code (R.C.) 709.14, by and through the legislative authority of the City of Athens ("Athens City Council"), pass, by a vote of not less than a majority of the members elected to the legislative authority, an ordinance authorizing the annexation to be made and directing the City Law Director, or someone to be named in the ordinance, to prosecute the proceedings necessary to effect it.

1.2 The City shall, on or about November 15, 2026, and pursuant to R.C. 709.15, make application (petition) to the Board of the Athens County Commissioners (the "Commissioners") requesting annexation under R.C. 709.15 of the contiguous territory by setting forth that, under an

ordinance of the legislative authority of the municipal corporation, the territory described in the petition was authorized to be annexed to the municipal corporation. Said petition shall contain an accurate legal description of the perimeter and shall be accompanied by an accurate map or plat of the territory proposed for annexation.

1.3 The City shall provide Owner access to City sewer service, provided Owner complies with the terms and conditions of this Agreement. If services are provided prior to annexation, the Owner shall pay rates for usage similar to those rates charged other users outside the corporate limits. If services are provided after annexation, the Owner shall pay rates for usage similar to those rates charged other users inside the corporate limits. Currently, the Owner's property is paying the same rates charged other users outside the corporate limits.

1.4 The City shall extend City water services to the Property, provided that the Owner complies with the terms and conditions of this Agreement. If services are provided prior to annexation, the Owner shall pay a tap fee and rates for usage similar to those rates charged other users outside the corporate limits. If services are provided after annexation, the Owner shall pay a tap fee and rates for usage similar to those rates charged other users inside the corporate limits. Currently, the Owner's property is paying the same rates charged other users outside the corporate limits.

1.5 If, for reasons other than those initiated by the City, the annexation does not occur, all utilities shall remain in place. However, Owner may be required to pay for the City's cost to improve the infrastructure. City will provide written notice of infrastructure improvement costs and Owner will have thirty (30) days after receiving the notice to pay the costs. Rates shall then be similar to those rates charged to other users outside the corporate limits. Additionally, if for

reasons other than those initiated by the City, the annexation does not occur, the City reserves the right to rescind water service to owner.

1.6 It is the intent of the City to annex the property with a B3, or equivalent, zoning designation. However, by law, the final designation is by action of the Athens City Council after recommendation by the Planning Commission. Therefore, there is no guarantee of zoning designation.

1.7 The City shall, upon annexation, make available to the Owner, all City services available to other parts of the City, including fire and police protection, waste collection and City Street maintenance, which services will be provided to the extent and in the same manner as provided to other parts of the City.

2. Owner Responsibilities:

2.1 The Owner shall be responsible for the installation of the laterals necessary to connect the Property of the Owner to the City water. The installation of the sewer and water laterals shall comply with the City's standard drawings, the Athens City Code, and accepted industry standards and procedures.

2.3 The Owner acknowledges that water and sanitary services shall be governed by the same rules and regulations which govern said services to residents of the City.

2.4 The Owner shall be responsible for the laterals and infrastructure associated with the sanitary sewer and water lines until such time as the City takes ownership of said infrastructure.

3. General Terms:

3.1 **THIS AGREEMENT** represents the entire and integrated Agreement pursuant to Ordinance _____ between the Owner and the City and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only in writing as authorized by Ordinance and signed by both Owner and City.

3.2 The Owner and the City each binds itself, its successors, executors, administrators and assigns to the other Party of the Agreement and to the successors, executors, administrators and assigns of such other Party, in respect to all covenants of this Agreement; except as above, neither the Owner nor the City shall assign, sublet, or transfer his interest in this Agreement without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any entity which may be a Party hereto, nor shall it be construed as giving any rights or benefits hereunder to anyone other than the Owner and the City.

3.3 Notices: Any notice required by this Agreement shall be conclusively presumed to have been received if in writing and delivered personally or sent by registered or certified mail, postage prepaid, to the Party to be notified at the Party's last address on file with the Party sending the notice.

For the City:
Service Safety Director
8 E. Washington Street
Athens, OH 45701

For the County:
Athens County Commissioners
Courthouse
Athens, OH 45701

3.4 Waiver: The failure of any party to insist upon strict adherence to any term of this Agreement on any occasion shall not be considered a waiver of any right hereunder, nor shall it deprive that party of the right thereafter to insist upon strict adherence to that term or any other term of this Agreement. All waivers must be made in writing.

3.5 Execution: This Agreement shall not be binding on the parties unless and until it has been signed on their behalf by a duly authorized representative. Commencement of performance hereunder shall not constitute a waiver of this requirement. This Agreement may be executed in one or more counterparts by either party hereto and by all parties hereto in separate counterparts, each of which, when so executed and delivered to the other parties shall be deemed an original. All such counterparts together shall constitute one and the same instrument.

3.6 Severability: If any provision of this Agreement should be or become fully or partly invalid or unenforceable for any reason whatsoever or violate any applicable law, this Agreement is to be considered divisible as to such provision and such provision is to be deleted from this Agreement, and the remainder of this Agreement shall be deemed valid and binding as if such provision were not included herein.

3.7 Governing Law: This Agreement shall be construed and interpreted in accordance with the laws of the State of Ohio. Any dispute as to the terms of this Agreement shall be brought in the Athens County Common Pleas Court.

3.8 Relationship of the Parties: Except as expressly stated and provided for herein, neither anything contained in this Agreement nor any acts of the parties hereto shall be deemed or construed by the parties hereto, or any of them, or by any third person, to create the relationship of principal and agent, or of partnership, or of joint venture, or of an association between any of the parties to this Agreement.

3.9 No Third-Party Beneficiary: The provisions of this Agreement are for the exclusive benefit of the City and Owner and not for the benefit of any other person or entity, nor

shall this Agreement be deemed to have conferred any rights, express, or implied, upon any other person or entity.

3.10 Time is of the Essence. Time is of the essence for all matters in this Agreement and each party shall diligently pursue and complete its obligations hereunder. In the event any deadline falls on a weekend or holiday and the deadline shall be extended to the next business day, being Monday through Friday.

3.11 Force Majeure. Neither party shall be in default in the performance of any obligation on such party's part to be performed under this Agreement, other than an obligation requiring payment of a sum of money, of and so long as the non-performance of such obligation shall be directly caused by labor disputes, lockouts, acts of God, enemy action, civil commotion, pandemic, epidemic, governmental order, rule or regulations, riot, and conditions that could have not been reasonably foreseen by the claiming party.

3.12 Assignment of Agreement: Owner shall not assign this Agreement, or any part thereof, or any duty, obligation, privilege or right granted under this Agreement or any other developer, person, or entity without the express written consent of the City, which shall not be unreasonably withheld.

3.13 Binding Effect: This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and permitted assigns.

3.14 Entire Agreement/Merger/Modifications: This Agreement contains the entire agreement between the parties hereto with respect to the subject matter set forth herein and supersedes any and all other agreements, oral or written. No modification, amendment,

alternation, or addition shall be made to this Agreement except in writing duly executed by the City, pursuant to Ordinance, and the Owner (with written consent thereto by the Owner).

3.15 Joinder of Owner. The Owner joins in the execution of this Agreement to consent to the terms hereof and to acknowledge Owner's agreement to sign the annexation petition and perform the other actions of Owner contemplated by this Agreement.

3.16 Effective Date: This agreement shall be effective when duly signed by the City and Owner.

IN WITNESS WHEREOF, the Parties hereto have set their hands and have executed this Agreement on the day and year first above written.

ATHENS COUNTY COMMISSIONERS



Lenny Eliason, President



Charlie Adkins



Chris Chmiel

Date: September 16, 2025

CITY OF ATHENS

By: Andrew Stone, Service-Safety Director

Date: _____

APPROVED AS TO FORM:

Jesse Branner Hittle, Assistant Law Director

Date: _____

EXHIBIT "A"

-Plat of Parcels- to be Annexed into The City of Athens

- Total Acreage to be Annexed -
29.5342 Acres

29.6402 Acres Deeded to be Annexed

Being a 20.170(d) Acre Parcel Conveyed To The Board of Commissioners of Athens in D.V. 297 Pg. 599,
A 9.360(d) Acre Parcel Conveyed To The Board of Commissioners of Athens in D.V. 297 Pg. 595,
A Commissioners Journal describing 60' in width off the east side of Jacobs Drive, Dalton Ave, and Hill Crest Road in Commission Journal V. 16 Pg. 407. Jacobs Drive and Dalton Ave 0.1102(calc.) Acre.

ATHENS COUNTY
ATHENS TOWNSHIP
SECTION 04 & 05
FARM LOTS 30 & 27
TOWN 9N, RANGE 14W
OHIO COMPANY PURCHASE
STATE OF OHIO

RECORDED IN ATHENS COUNTY
RECORDERS OFFICE IN:

LEGEND

- IRON PIPE FOUND
- IRON PIN FOUND FOUND
- △ POINT
- STONE FOUND
- SURVEY LIMITS FOR CHILDREN SERVICES
- FARM LOT LINE
- ATHENS CORP. LINE
- LINE TABLE REF.
- PARCEL TABLE REF.
- PARCELS TO BE ANNEXED

Line #	Direction	Length
L1	689° 31' 10"E	165.60
L2	556° 35' 53"E	59.93
L3	157° 35' 55"W	38.65
L4	108° 08' 47"W	59.82
L5	105° 36' 24"W	59.38
L6	503° 14' 03"W	137.50
L7	686° 45' 57"E	60.00
L8	503° 14' 03"W	137.50
L9	506° 45' 57"E	60.00
L10	503° 14' 03"W	40.00
L11	108° 45' 57"W	60.00
L12	506° 45' 57"E	60.00
L13	503° 14' 03"W	40.00
L14	108° 45' 57"W	60.00
L15	503° 14' 03"W	110.00
L16	506° 45' 57"E	60.00
L17	107° 29' 34"E	195.53

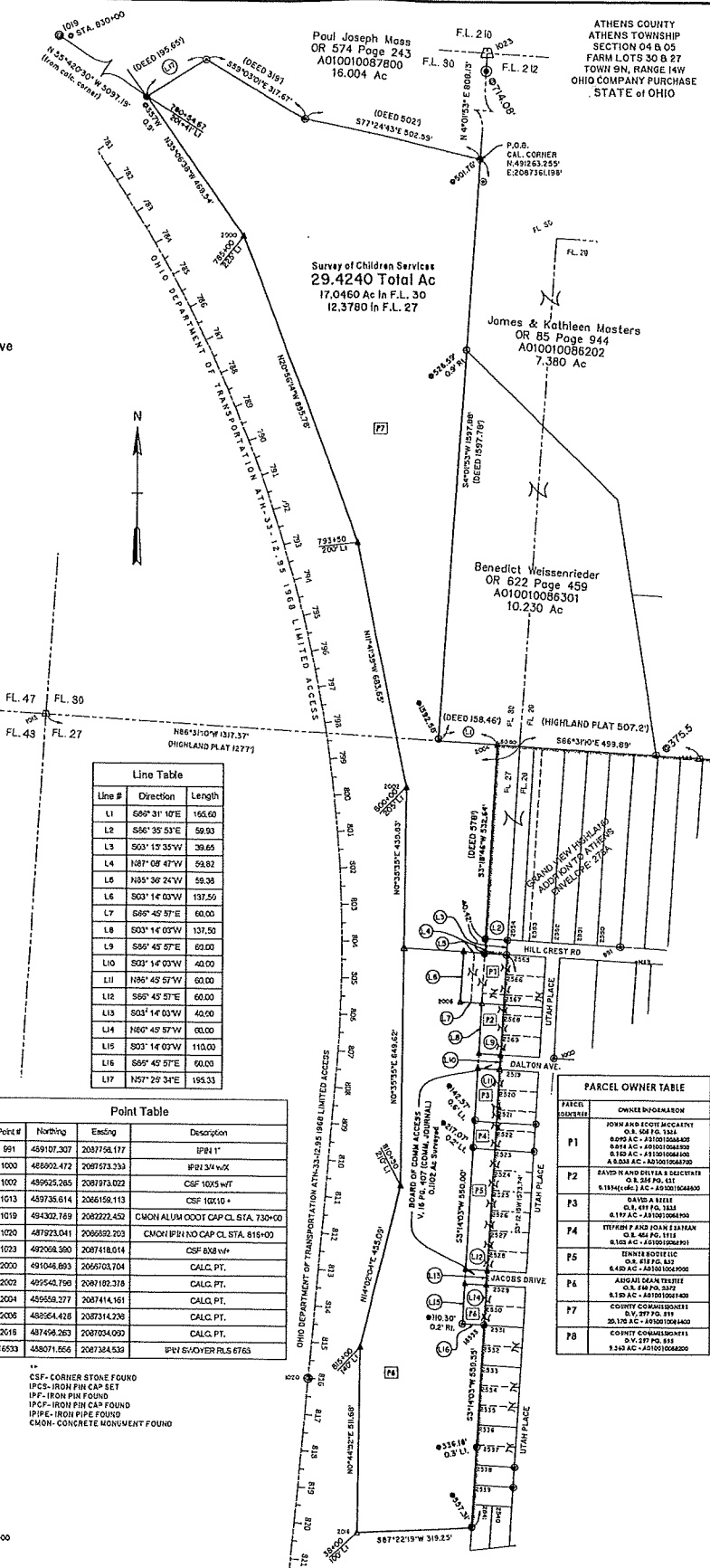
Point #	Nothing	Ending	Description
991	439107.307	2087756.177	IPR1 Y
1000	488602.472	2087973.733	IPR1 3/4 W/L
1002	459525.285	2087973.022	CSF 100X5 W/L
1013	459735.614	2066159.113	CSF 100X10 "
1019	494302.789	2082227.452	CMON ALUM ODOT CAP CL STA. 730+00
1020	487823.041	2066592.703	CMON IPRI NO CAP CL STA. 816+00
1023	492068.360	2087418.014	CSF 80X40 W/L
2000	491048.893	2086703.704	CALC. PT.
2002	492542.790	2087192.378	CALC. PT.
2004	495558.277	2087414.161	CALC. PT.
2006	488264.425	2087314.236	CALC. PT.
2018	487456.263	2087024.000	CALC. PT.
16533	458071.566	2087384.530	IPRI SVOYER PLS 6763

BASE OF BEARING:
STATE PLANE COORDINATE SYSTEM
OHIO SOUTH ZONE, NAD 83 (2011)

ATTENTION:
THIS PLAT DOES NOT REPRESENT THE MINIMUM
STANDARDS FOR BOUNDARY SURVEYS IN THE
STATE OF OHIO AS ADOPTED 05-01-00 OF THE
ADMINISTRATIVE CODE CHAPTER 4733-37.

PERTINENT DOCUMENTS AND SOURCES OF DATA USED:
DEED REFERENCES (AS NOTED)
SPECIFIED COUNTY TAX PARCEL MAP:
CURRENT

SPECIFIED ROADWAY MAPS:
STATE OF OHIO DEPT OF TRANSPORTATION ATH-33-12-95
CURRENT & PREVIOUS SURVEY & SUBDIVISION PLATS:
A 16.004 AC SURVEY FOR ROBERT K. & PATRICIA P. ARSOUTEL BY SCOTT A. ENGLAND IN MAY OF 2016
A 28.61 AC SURVEY BY JOHN BRANER ON 3/8/7
A PLAT OF GRANDVIEW HIGHLAND ADDITION TO ATHENS LOCATED IN ENVELOPE 273A
A 0.55 AC SURVEY FOR THE CITY OF ATHENS BY LEONARD SVOYER JR ON 11-13-04
A SURVEY FOR THE WOLFE PROPERTY BY WILLIAM W. WATKINS ON DEC 1974
A SURVEY OF SNOW AND RANDOLPHS IN LEASE LOTS 26-29-30 AND 312 BY SON HIBBARD IN JUNE 20 1900
ATHENS COUNTY COMMISSIONERS JOURNAL
KOP EXTENSION OF HILL CREST RD, DALTON AVE, AND JACOBS DR FOR PUBLIC USE



PARCEL	OWNER INFORMATION
P1	JOHN AND EDDIE MCCARTHY D.B. 566 PG. 184 6.095 AC - J310101068400 8.844 AC - J310101068400 8.132 AC - J310101068400 A 5.834 AC - J310101068400
P2	DAVID N. AND DELIA A. DECATEN D.B. 566 PG. 184 5.194 AC - J310101068400 A 0.199 AC - J310101068400
P3	DAVID A. REEL D.B. 566 PG. 184 6.197 AC - J310101068400
P4	ETHER Y. AND JOAN L. EATMAN D.B. 464 PG. 1118 0.163 AC - J310101068400
P5	DENISE BOSTIC D.B. 566 PG. 184 6.430 AC - J310101068400
P6	ANDREW DEAN THURTELL D.B. 464 PG. 1118 0.139 AC - J310101068400
P7	COUNTY COMMISSIONERS D.V. 277 PG. 811 26.130 AC - J310101068400
P8	COUNTY COMMISSIONERS D.V. 277 PG. 811 1.343 AC - J310101068400

75 0 75 150
1 INCH = 150 FEET

NOTE: DRAWING SCALE MAY BE
ADJUSTED DUE TO REPRODUCTION

DATE: 05/08/25
DRAWN: DAZ CHECK: RCE
JOB NO.: 232409

-ANNEXATION PLAT-

APPROX. SURVEY LOCATION:
18 STONYBROOK DR.
ATHENS OHIO 43101

STATE OF OHIO
ROBERT C. CANTER
PROFESSIONAL SURVEYOR
NO. 7226

buckleygroup
engineering + surveying

6801 STATE ROUTE 56
ATHENS, OH 43101
(740) 548-5200
www.buckleygroup

Robert C. Canter
ROBERT C. CANTER
PROFESSIONAL SURVEYOR No. 7226
STATE OF OHIO
DATE: 05/08/25

0-101-25

Introduced by Jessica Thomas, Acting Chair
Transportation Committee

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACT(S) FOR CONSTRUCTION OF A NEW WATER LINE ALONG JACOBS STREET FROM GRAHAM TO STONEYBROOK, PROJECT (#386).

WHEREAS, this new water line is to provide adequate fire flow to support the sprinkler system at the new Athens County Children Services facility; and

WHEREAS, since the Athens County Children Services is a water and sewer customer outside the City limits, the City is working on an annexation agreement with the County in exchange for the City funding the increased line size; and

WHEREAS, said upgrade will increase fire flow on Utah and Strathmore due to interconnection with those lines;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The Service-Safety Director is hereby authorized to advertise and accept bids, where necessary, and enter into contract(s), with the lowest and best bidder, for construction of a new waterline along Jacobs Street, from Graham to Stoneybrook, Project (#386).

SECTION II: The 2025 Appropriation Ordinance 115-24 is hereby amended by appropriating from the unappropriated balance the sum of Three Hundred Eighty Thousand Dollars (\$380,000.00) to Water Fund, 740.635, T.C. 500, and increasing the total appropriations by said amount.

SECTION III: The Service-Safety Director is hereby authorized to expend up to Three Hundred Eighty Thousand Dollars (\$380,000.00) from Water Fund, 740.635, T.C. 500, on said Project (#386).

SECTION IV: This Ordinance shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-102-25

Introduced by Alan Swank, Chair
Planning & Development

AN ORDINANCE INDICATING THE SERVICES THE CITY OF ATHENS WILL PROVIDE FOR THE PROPOSED ANNEXATION OF APPROXIMATELY 1.175 ACRES OF LAND ALONG THEATER LANE, AS REQUESTED BY THE ANNEXATION PETITIONERS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Pursuant to Ohio Revised Code Section 709.023(C), the City of Athens hereby states that it will provide all municipal services available to other parts of the City, including but not limited to fire and police protection, emergency medical services, waste collection, water and sanitary sewer service, zoning, and street maintenance immediately upon annexation, to 1.175 acres, more or less, located along Theater Lane, owned by the White Family/Athens Property, LLC, situated in Farm Lot 68, Section 18, Town 9, Range 14, Athens Township, Athens County, Ohio, in accordance with Exhibit A, legal description, and Exhibit B, plat map, attached hereto and incorporated herein by reference.

SECTION II: This Ordinance is not intended to eliminate the obligation of the City to accept said proposed annexation by an appropriate ordinance if released by the Athens County Commissioners.

SECTION III: This Ordinance shall be an emergency measure necessary for the preservation of the health, welfare and safety of the residents of the City of Athens, Ohio, in order to meet expedited Type II annexation requirements, and it shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

Exhibit A

Situated in Farm Lot 68, Section 18, Town 9, Range 14, Athens Township, Athens County, Ohio and being more particularly described as follows:

Commencing at the southeast corner of said Farm Lot 68; thence along the south line of Farm Lot 68, North 86 degrees 32' 17" West a distance of 964.96 feet to an iron pin found at the point of beginning of the tract herein described;

Thence leaving said Farm Lot line North 25 degrees 05' 31" West with the southerly right of way line of Township Road 1255, a distance of 107.33 feet to an iron pin set;
Thence continuing with said right-of-way line, North 4 degrees 07' 38" East a distance of 29.36 feet to an iron pin set;

Thence continuing with said right-of-way line, North 35 degrees 54' 51" West a distance of 260.36 feet to an iron pin set;

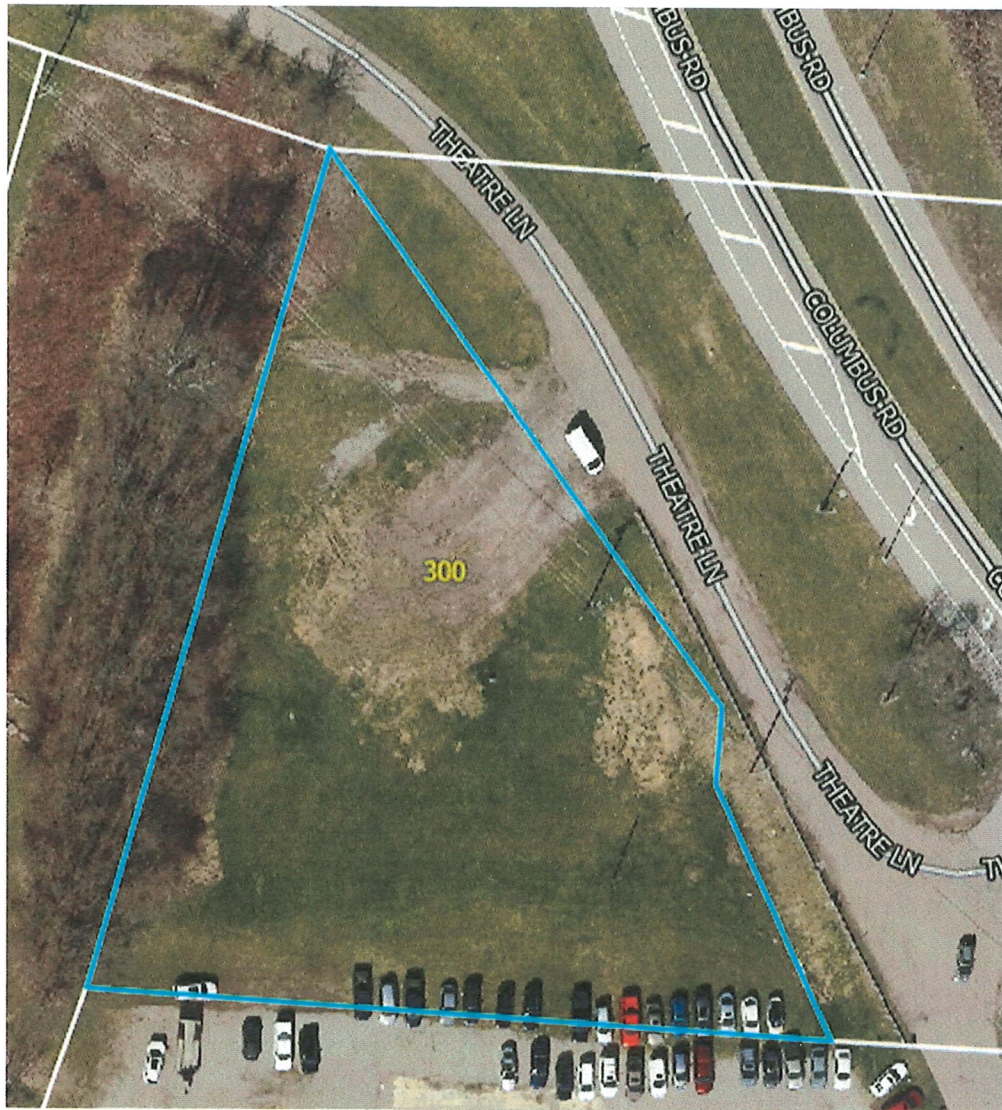
Thence leaving said right-of-way line South 16 degrees 02' 21" West a distance of 332.87 feet to an iron pin set in the south line of Farm Lot 68;

Thence with said Farm Lot line South 86 degrees 32' 17" East a distance of 288.62 feet to the place of beginning and containing 1.1753 acres more or less.

PPN: A01-00100757-01

Property Address: 300 N. Columbus Road, Athens, Ohio 45701

Exhibit B



0-103-25

Introduced by Alan Swank, Chair
Planning & Development Committee

AN ORDINANCE ESTABLISHING TITLE 29, HOUSING REGULATIONS, CHAPTER 29.37, UNOCCUPIED AND VACANT PROPERTY REGISTRATION.

SECTION I: Athens City Council hereby establishes Title 29, Housing Regulations, Chapter 29.37, Unoccupied and Vacant Property Registration, to read as follows:

Chapter 29.37 – UNOCCUPIED AND VACANT PROPERTY REGISTRATION

29.37.01 PURPOSE

The purpose of this chapter is to establish a program for identifying and registering unoccupied and vacant residential, commercial and industrial buildings and structures; to determine responsibilities of owners of vacant buildings and structures; and to speed the rehabilitation of vacant properties and buildings for productive use.

29.37.02 APPLICATION OF THIS CHAPTER

This chapter shall be applicable to all residential, commercial, and industrial buildings, structures and premises located within the City of Athens.

29.37.03 REGISTRATION

- (A) All buildings presently located within the City of Athens that are vacant, as defined in Chapter 29.38, or that hereafter become vacant, shall be registered by the Owner thereof with the Office of Code Enforcement/Community Development no later than 90 days after it becomes a vacant property as defined herein, or not later than 30 days of being notified by the Office of Code Enforcement/Community Development of the requirement to register based on evidence of vacancy, whichever event first occurs.
- (B) The registration shall be submitted on forms provided by the Office of Code Enforcement/Community Development and shall include the following information supplied by the owner:
 - (1) The name(s) and mailing/business address(es) of the owner(s) that is not a P.O. Box, as well as phone number that can be reached 24 hours, and email address.
 - (2) If the owner(s) do not reside in a location within 50 miles of the Athens City corporation limits, a local contact shall be designated and identified by name, address and telephone number. By designating a local contact under

the provisions of this section, the owner is consenting to the service of any and all notices required or allowed under this Chapter upon said contact.

- (3) The names and addresses of all known lien holders and all other parties known or believed upon information to have a claim of an ownership interest in the property.
- (4) The tax parcel identification number on which the building or structure is located.
- (5) The common address of the building or premises.
- (6) The date the building became or has become vacant.
- (7) A vacant property plan as hereinafter described.

(C) The owner shall submit a vacant property plan that must meet the approval of the Director of Code Enforcement/Community Development. The plan, at a minimum must be in writing and contain at least one of the following:

- (1) If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition that includes starting within thirty (30) days of the acceptance of the proposed demolition timeline and does not exceed one year in accordance with the Ohio Building Code; or
- (2) If the building is to remain vacant, a plan for ensuring the building is secured in accordance with all applicable building and fire codes along with the procedure that will be used to maintain the property and a statement of reasons why the building will be left vacant; or
- (3) If the property is to be returned to appropriate occupancy or use, rehabilitation plans for the building and grounds shall not exceed 12 months from the time permits are obtained, unless the Director of Code Enforcement/Community Development grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation, or building codes, and any building on the property must be secured during rehabilitation.
- (4) Unoccupied rental units that are current with rental inspections and have no outstanding violations are exempt from submitting a vacant building plan.

(D) Registration of an unoccupied or vacant property or building shall be valid for a period of one (1) year. If the building is vacant at the expiration of any registration period, the owner shall re-register and pay an additional renewal fee. If the building is vacant at the expiration and the vacant building plans have not changed, a vacant building plan does not need to be resubmitted.

(E) All applicable laws and codes shall be complied with by the owner. The owner shall notify the Office of Code Enforcement/Community Development of any

changes in information on their vacant property registration within 30 days of the change. If the plan or timetable for the vacant property is revised in any way, the revision(s) must be in writing and must meet the approval of the Director of Code Enforcement/Community Development.

- (F) The owner and subsequent owners shall keep the building secured and safe and the building and grounds properly maintained in accordance with all applicable health codes, property maintenance codes, and fire codes.
- (G) A new owner(s) shall register or re-register an unoccupied or vacant building with the Office of Code Enforcement/Community Development within 30 days of any transfer of an ownership interest in the vacant property unless the property is to become occupied upon transfer. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the Director of Code Enforcement/Community Development or their designee.
- (H) Failure of the owner or any subsequent owners to maintain the building and premises, that result in remedial action taken by the City, shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided in Section 29.37.08.
- (I) The provisions of this Chapter apply to all owners of record and both the vendor and vendee under any actual or alleged land contract or lease-purchase agreement, whether recorded or unrecorded.
- (J) The registration and all associated processes must be completed in its entirety annually for as long the property remains vacant.
- (K) The Office of Code Enforcement/Community Development shall maintain a record of any property-specific written statements from community organizations, other interested parties, or citizens regarding the history, problems, status, or blighting influence of a vacant property. Such written statements shall become part of the permanent record pertaining to such property.

29.37.04 DEMOLITION

- (A) The owner of a vacant building to be demolished shall complete a demolition permit as specified in Chapter 29.06.

- (B) A Permit Bond will be required before the demolition can commence. The bond may be in either a cash deposit or letter of bond surety and in either case must be equal to 100% of the cost of demolition. Residential structures are not required to provide a permit bond unless deemed necessary as determined by the Service-Safety Director or their designee.
- (C) New owners must sign the vacant property plan and accept responsibility in writing for completing the demolition.

29.37.05 INSPECTIONS

- (A) The Service-Safety Director or their designee shall inspect any premises in the City for the purpose of enforcing and assuring compliance with the provisions of this Chapter. Upon the request of the Service-Safety Director or their designee, an owner shall provide access to all interior and exterior portions of a vacant building in order to permit a complete inspection of the premises.
- (B) A refusal to permit access shall subject the owner to a civil penalty of \$150 for each day the refusal continues. If Civil penalties under this Section that remain unpaid for more than 10 days, the amount may be collected in an action of law by any method permitted for collection of an unpaid account. Nothing in this Section shall limit the right of the Service-Safety Director or their designee to seek an administrative search warrant for the vacant property from a court of competent jurisdiction.
- (C) Vacant properties will be subject to an exterior inspection at least twice per year to ensure compliance with property maintenance codes.
- (D) Vacant properties will be subject to both an interior and an exterior inspection at the start of each registration period (new and renewal) and when a registration under this Chapter is terminated by the property owner.
- (E) Vacant properties will be subject to both an interior and an exterior inspection upon acquisition of the property by a new owner and/or prior to an issuance of an Occupancy Permit.
- (F) Any inspection that is to take place within 30 days of a previous inspection may or may not be conducted at the discretion of the Director.

29.37.06 FEES

The fees described in this Section are established in order to defray the cost to the City government and the community as a whole related to the health, safety and economic impacts of structures that remain vacant for long periods of time, including

but not limited to administrative costs for registering and processing the unoccupied and vacant property/building registration and for the costs incurred by the City in monitoring the vacant building site. The annually increasing fee amounts are intended to absorb the costs incurred by the City for demolition and hazard abatement of or repairs to vacant buildings, as well as the continued normal administrative costs stated above.

(A) The first annual fee shall be paid at the time the property is registered. If the owner successfully restores the property to occupancy or demolishes it in accordance with applicable law during the first year following registration, the fee shall be refunded, less an administrative charge equal to 5% of the amount refunded.

(B) Fees shall be established by separate ordinance.

29.37.07 EXEMPTIONS

(A) A property under active construction, reconstruction or renovation and having a valid building permit(s) at the time of initial inspection shall be exempt from registration until the expiration of the longest running, currently active building permit.

(B) A property that has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of 90 days after the date of the fire or extreme weather event if the property owner submits a request for exemption in writing to the Office of Code Enforcement/Community Development. This request shall include the names and addresses of the owner or owners, and a statement of intent to repair and reoccupy the property in an expedient manner, or the intent to demolish the building. One extension of not more than 90 days' duration may be granted for good cause shown.

(C) A property that is for sale and listed with a licensed State of Ohio Realtor shall be exempted for a period of 12 months from the start of vacancy, provided that the owner submits proof of such listing and for sale status.

(D) Residents on an extended vacation or in an alternative temporary living arrangement, with the intention of re-occupying the property.

(E) A property that is in probate as part of an estate settlement.

(F) A property that has been granted an exemption pursuant to the following: Any owner of a vacant property may voluntarily register the same and request an exemption from the remaining provisions of this Chapter by filing a written

application with the Service-Safety Director or their designee, who shall timely consider the same. In determining whether a request for exemption should be granted, the Director shall consider the following: the applicant's prior record as it pertains to the City Housing Code, or other Code violations; the amount of vacant property the applicant currently has within the City; the length of time that the property for which the exception is sought has been vacant; the reason or reasons for the vacancy; and the difficulty or expense involved in any necessary remediation or demolition.

(G) No exemption from registration shall be granted unless the owner or duly authorized representative first completes a vacant building plan and addresses any and all existing code violations. An owner who believes they are being denied an exemption for arbitrary or capricious reasons may file an appeal of such denial within ten days with the Housing Appeals Board, which may sustain, overturn or modify the action.

29.37.08 CIVIL PENALTIES

Absent a showing of good cause, if a property is not registered within the time frame required, or the registration is not renewed within 30 days after the expiration of one year from the date of the previous registration, a penalty shall be paid in addition to the annual registration fee. The civil penalty shall be equal to one-half of the current annual fee or one thousand dollars (\$1,000), whichever is less.

Failure of the owner or any subsequent owners to maintain the building and premises that result in remedial action taken by the City shall be grounds for revocation of the approved plan and shall be a civil penalty of five hundred dollars (\$500) plus any incurred costs for the remedial action.

29.37.09 APPEALS

Any owner who is served a notice of vacant property registration may, within ten calendar days of receipt of such notice, apply for an exemption or appeal the findings as set forth in the Codified Ordinances of the City of Athens through the Housing Board of Appeals.

SECTION II: This Ordinance shall be in full force and effect upon its passage and approval by the Mayor.

ATTEST:

Clerk of Council

President of Council

APPROVED:

Mayor

0-104-25

Introduced by Alan Swank, Chair
Planning & Development Committee

AN ORDINANCE AMENDING TITLE 29, HOUSING REGULATIONS, CHAPTER 29.37, DEFINITIONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Athens City Code, Title 29, Housing Regulations, Chapter 29.37~~37~~**38**, Definitions, is hereby amended to include the following:

“Designated Local Contact.” A property agent, manager, or caretaker residing or doing business on behalf of the owner within 50 miles of the Athens City corporation limit.

“Evidence of Vacancy.” Any condition that on its own or combined with other conditions present would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to: significantly below standard utility usage, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, accumulation of trash, junk, and/or debris, broken or boarded up windows, abandoned vehicles, auto parts or materials, the absence of window coverings, such as curtains, blinds, and/or shutters, the absence of furnishings and/or personal items consistent with habitation or occupation, statement(s) by governmental employee(s) that the property is vacant.

“Unoccupied.” A building that is not being used for occupancy authorized by the owner to include rental units without an active lease during the time of registration. The term “unoccupied” shall only be applicable to multi-unit structures when more than half (1/2) of the units and more than half (1/2) of the available space are not currently occupied by a tenant or tenants. Buildings with a mixed use (e.g.) commercial space on main floor and rentals above shall have unoccupied designations on a floor-by-floor basis.

“Vacant Building.” A structure (excluding government-owned properties) that is unoccupied for more than ninety (90) days and is:

- a. Unoccupied and unsecured; or
- b. Unoccupied and secured by other than normal means; or
- c. Unoccupied and unsafe building as determined by the Code Office or Athens City-County Health Department; or
- d. Unoccupied and having utilities disconnected; or
- e. Unoccupied and has housing or building code violations; or
- f. Illegally occupied, other than during a pending dispute between landlord and tenant, but including loitering and vagrancy; or
- g. Unoccupied for a period of time over 90 days and having an existing code violation issued by a City or State housing, building, health or fire official; or

- h. Unoccupied with a mortgage status of abandonment (i.e. deceased or foreclosed); or
- i. Unoccupied without an active lease; or
- j. Unoccupied and abandoned by the property owner.

SECTION II: This Ordinance shall be in effect and full force upon its passage and approval by the Mayor.

ATTEST:

Clerk of Council

President of Council

APPROVED:

Mayor

0-105-25

Introduced by Alan Swank, Chair
Planning & Development Committee

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, TO INCLUDE SECTION 29.37.06.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Athens City Code, Title 1.03, General Provisions, Chapter 1.03, Code Fees Established, Section 29.37.06, Unoccupied and Vacant Property Registration, fees are hereby included to read as follows:

Section 29.37.06, Fees

Unoccupied and Vacant Residential Property Registration.

Year 1, \$ 300.00
Year 2, \$ 600.00
Year 3, \$1,200.00
Year 4, \$2,400.00
Year 5, and each year thereafter, \$4,800.00

Vacant Commercial and Industrial Property Registration

Year 1, \$ 600.00
Year 2, \$1,200.00
Year 3, \$2,400.00
Year 4, \$4,800.00
Year 5, and each year thereafter, \$9,600.00

SECTION II: This Ordinance shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-106-25

Introduced by Alan Swank, Chair
Planning & Development Committee

AN ORDINANCE ESTABLISHING A “DO NOT KNOCK” REGISTRATION PROGRAM THROUGH THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL.

WHEREAS, the City of Athens is a member of the Northeast Ohio Public Energy Council (NOPEC), a Council of Governments established to provide electric and natural gas aggregation services and community benefit programs; and

WHEREAS, the City recognizes the importance of protecting the privacy, security, and peace of mind of its residents from unwanted or aggressive door-to-door solicitation; and

WHEREAS, NOPEC offers a “Do Not Knock” Program that allows residents to voluntarily register their address to limit unwanted solicitation by door-to-door sales representatives, and provides “Do Not Knock” decals for participating households; and

WHEREAS, implementing the NOPEC “Do Not Knock” Registration Program will enhance consumer protections and support resident preferences, while maintaining compliance with applicable laws and respecting the rights of businesses and individuals engaged in lawful solicitation; and

WHEREAS, the City of Athens desires to formally enact this program and make it accessible to all City of Athens residents;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The City of Athens hereby establishes the NOPEC “Do Not Knock” Registration Program as follows:

- (A) For as long as the Northeast Ohio Public Energy Council (“NOPEC”) shall agree to do so, NOPEC shall maintain for the City a “Do Not Knock Registry” (“Registry”) and is authorized to contact individuals on the Registry to distribute “Do Not Knock” stickers to them and to update the Registry annually at no cost to the City or the individuals.
- (B) The decision of whether to place a residence, house, apartment or other dwelling on the “Do Not Knock Registry” shall be solely that of the lawful possessor and occupant thereof.
- (C) Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling in the City may request NOPEC to place and maintain their residence, house, apartment or other dwelling on the “Do Not Knock Registry” by submitting a request on form(s) supplied by the

office Code Enforcement, or by submitting a request online to www.blocktheknock.com, which shall contain the following information:

- a. The name and signature of the person completing the form(s), unless the submission is done electronically;
- b. The complete address of the residence, house, apartment or other dwelling to be placed on the Do Not Knock Registry;
- c. A valid email address of the person completing the form(s);
- d. The date the form was completed; and
- e. A statement that “No Solicitors or Peddlers” shall call at this address or words of similar import.

(D) A residence, house, apartment or other dwelling, after being lawfully placed on the “Do Not Knock Registry,” shall remain on said registry until the earliest of any of the following:

- a. The City or NOPEC receives notice of removal pursuant to subsection (E) hereof; or
- b. The City or NOPEC receives formal notice that the person who submitted the form pursuant to subsection (C) hereof is not or is no longer a lawful possessor and occupant of the premises.

(E) Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling may request the City or NOPEC to remove their residence, house, apartment or other dwelling from the “Do Not Knock Registry” by submitting a “Notice of Removal” form(s) supplied by the office of Code Enforcement, or by submitting a request online at

www.blocktheknock.com which shall contain the following information:

- a. The name and signature of the person completing the form;
- b. The complete address of the residence, house, apartment or other dwelling to be removed from the registry;
- c. The date the form was completed; and
- d. A statement that the residence is to be removed from the “Do Not Knock Registry.”

(F) A copy of the “Do Not Knock Registry” shall be made available for public inspection at all times during normal business hours at the office of Code Enforcement and shall be given to every person who applies for a license pursuant to Section 11.04 or registers as a solicitor or peddler pursuant to that section.

SECTION II: This Ordinance shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-107-25

Introduced by Alan Swank
City & Safety Services Committee

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 11, BUSINESS REGULATIONS, CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING, SECTION 11.04.17, TRESPASSING OF PEDDLERS OR SOLICITORS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Athens City Code, Title 11, Business Regulations, Chapter 11.04, Vending, Peddling and Soliciting, Section 11.04.17, Trespassing of Peddlers of Solicitors, is hereby amended to read as follows:

11.04.17. - Trespassing of peddlers or solicitors.

No peddler or solicitor shall attempt to peddle or solicit upon any property that has a public display, sign or warning prohibiting peddling or soliciting on the property, **or is registered with the City's "Do Not Knock" Program, in accordance with Ordinance 106-25.**

Peddlers or solicitors who violate this section may be charged with trespassing and may have their licenses revoked or suspended, upon the discretion of the director of code enforcement.

SECTION III: This Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

ATTEST:

Clerk of Council

President of Council

APPROVED:

Mayor

0-108-25

Introduced by Micah McCarey, Acting Chair
Finance & Personnel Committee

AN ORDINANCE APPROVING A THEN-AND-NOW CERTIFICATE FOR PAYMENT;
AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: An Ordinance authorizing a Then-and-Now Certificate for a payment to the Sleep Number Corporation in the amount of \$5,754.48.

SECTION II: This Ordinance shall be an emergency measure necessary for the preservation of the health, welfare, and safety of the residents of the City of Athens, Ohio, in order to maintain fiscal integrity, and it shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-109-25

Introduced by Micah McCarey, Acting Chair
Finance & Personnel Committee

AN ORDINANCE AMENDING THE 2025 APPROPRIATION ORDINANCE 115-24.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The 2025 Appropriation Ordinance 115-24 is hereby amended by appropriating from the unappropriated balance the following sums:

Twenty Thousand Dollars (\$20,000.00) to Water Administration Fund, 740.636, T.C. 300, to cover payments to Le-Ax Water as part of the Kershaw Greene annexation agreement; and

One Hundred Thousand Dollars (\$100,000.00) to Sewer Plant Fund, 750.637, T.C. 300, to cover electricity increase, and increasing the total appropriation by said amount.

SECTION II: This Ordinance shall be in effect and full force upon passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-110-25

Introduced by All Members of Council

AN ORDINANCE ESTABLISHING A CYBERSECURITY POLICY FOR THE CITY OF ATHENS.

WHEREAS, Ohio Revised Code Section 9.64, enacted through House Bill 96, requires political subdivisions to set and adopt standards safeguarding against cybersecurity threats and ransomware attacks; and

WHEREAS, the deadline for Cybersecurity Policy implementation is January 1, 2026, for municipalities;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Athens City Council hereby establishes a Cybersecurity Policy for the City of Athens, Ohio, more fully described as Exhibit "A" attached hereto and incorporated herein by reference.

SECTION II: This Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

City of Athens Cybersecurity Policy

Effective Date: 7/9/2025

Created by: Lukas Huston, IT System Administrator

Approved by: Andrew Stone, Service-Safety Director

Review Cycle: Annually or as required

1. Purpose

The purpose of this policy is to define cybersecurity standards for all departments and staff of the City of Athens in accordance with Ohio Revised Code “General Provision – Chapter 9 Misc” section 9.64 “Political Subdivision Cybersecurity.” This ensures protection of municipal data, systems, and services from unauthorized access, breaches, and other cyber threats, while promoting operational continuity and regulatory compliance.

2. Scope

This policy applies to all employees, contractors, vendors, and systems under the management or oversight of the City of Athens.

Note: Departments that fall under separate state or local mandates may follow stricter cybersecurity protocols. In such cases, their specific regulations will supersede this master policy.

3. Network and Gateway Security

- The municipality uses **Sophos Firewall** for gateway protection.
 - All internet traffic is filtered through the firewall with Intrusion Prevention System (IPS), Application Control, and Web Filtering enabled.
-

4. Endpoint Protection

- All municipal endpoints (desktops, laptops, servers) must have **Sophos Antivirus (AV)** installed, configured, and monitored.
 - Real-time protection, web protection, and scheduled scans must be active.

- AV software must be updated **daily** through automated signature updates.
- Devices without approved AV software are not permitted on the municipal network.

5. End User Awareness Training

- All staff must complete **Cybersecurity Awareness Training** annually via **KnowBe4**.
 - Completion is mandatory and tracked by IT.
 - Training includes phishing awareness, safe internet usage, and how to handle sensitive data.
- Training requirements will be reviewed annually for completeness and compared to instructional standard established under the Ohio Persistent Cyber Initiative (O-PCI) of the Ohio Cyber Range Institute.

6. Reporting Suspicious Activity

Employees must report any suspected cybersecurity incident, including but not limited to:

- Suspicious emails (e.g., phishing)
- Unknown programs or pop-ups
- Unusual login prompts
- Lost/stolen devices
- Unauthorized access attempts

To Report:

- Email: helpdesk@ci.athens.oh.us
- Call: 740-594-5309
- Use the “Report Phishing” button in Outlook

7. Password & Access Control Policy

Password Policy (enforced via Group Policy)

- Minimum length: **12 characters**
- Must include: uppercase, lowercase, number, and special character
- Password expiration: **every 90 days**
- Account lockout after **5 failed attempts**
- Password history retained for **10 iterations**

Account Privileges

- Active Directory (AD) is structured using the **principle of least privilege**.
 - Users have access only to resources necessary for their job roles.
 - Elevated/admin privileges require written justification and approval from IT and management.
 - All access reviews must be performed **semi-annually**.

8. Multi-factor Authentication

Email Multi-factor authentication is to be enforced for key positions within city departments. Particularly those who handle financial transactions, administrative duties, and sensitive information. MFA assignees to be reviewed by IT and admin staff.

A secondary MFA to be maintained exclusively for Athens Police Department is **Duo**, which is enforced on all computers within APD. A key fob is required to be used by all officers who have computer access within APD.

9. Internal Incident Response Plan

Goals

- Limit damage
- Restore normal operations quickly
- Comply with legal and regulatory obligations
- Document and learn from incidents

Incident Response Process

Step	Action	Responsible
1	Detection – Incident or anomaly is detected/reported	All users / IT
2	Triage & Classification – Determine severity	IT
3	Containment – Isolate affected systems	IT
4	Eradication – Remove malicious components	IT
5	Recovery – Restore systems and validate	IT / Department Heads
6	Post-Incident Review – Document findings, update policy/training	IT / Service-Safety Director

Documentation: Every incident must be logged with timeline, scope, and resolution steps.

10. Public Records & Notification

- **Cybersecurity incident details may be exempt from public disclosure** under Ohio Public Records Law (e.g., ORC § 149.433), including records that pertain to the security of critical systems or infrastructure.
- **If personal information is compromised**, the municipality will notify affected individuals as required by **Ohio Revised Code § 1349.19**.
- General incident updates may be communicated via the official municipal website or public statements, when appropriate.
- Appropriate authorities will be notified, including:
 - Athens Police Department
 - Ohio Cyber Reserve / Homeland Security Director at Ohio Department of Public Safety immediately but not less than 7 days after at the Ohio Cyber Integration Center
 - Auditor of State not later than 30 days after
 - FBI
 - MS-ISAC

11. Ransomware Policy

The City of Athens will not pay ransom in response to cyber extortion or ransomware attacks. Paying does not guarantee data recovery and encourages further attacks.

In the event of a ransomware incident:

- Affected systems will be isolated and secured
- No unauthorized communication or payment will be made to the attackers
- Authorities will be notified as specified in section 10 above.

The city will work with trusted partners to recover systems, investigate the incident, and communicate as needed.

12. Compliance

All users are expected to comply with this cybersecurity policy. Failure to comply may result in disciplinary action up to and including termination, as well as possible legal consequences.

13. Exceptions

Any exceptions to this policy must be reviewed and approved by the Service-Safety Director with the consent of the IT System Administrator and, where applicable, legal counsel. Department-specific cybersecurity mandates that exceed these minimum requirements shall be enforced accordingly.

14. Policy Maintenance

This policy is maintained by the IT Department and reviewed **annually** or when there are significant infrastructure or regulatory changes.

ORDINANCE NO. 111-25

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$4,905,000 OF BONDS BY THE CITY OF ATHENS, OHIO, FOR THE PURPOSE OF CURRENTLY REFUNDING ALL OR A PORTION OF OUTSTANDING BONDS ISSUED TO PAY PART OF THE COSTS OF A SWIMMING POOL FACILITY, AND MATTERS RELATED THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, this council of the City of Athens, Ohio (the "Municipality") has heretofore by proper legislation, determined the necessity of constructing, equipping and furnishing a new swimming pool facility (the "Project"); and

WHEREAS, the Municipality has previously issued \$7,300,000 Swimming Pool Facility Bonds, Series 2016 dated November 17, 2016 (the "Prior Bonds") to finance part of the costs of the Project; and

WHEREAS, this council has determined to refund all or a portion of the Prior Bonds (the "Refunded Bonds") with proceeds of the bonds authorized hereby in order to realize interest cost savings which will accrue to the benefit of the Municipality, its citizens and taxpayers; and

WHEREAS, City Auditor, as the fiscal officer of this Municipality has heretofore estimated that the life of the improvements constituting the Project is at least five (5) years, and certified that the maximum maturity of the bonds issued therefor, in accordance with Sections 133.20 and 133.34 of the Ohio Revised Code, is thirty (30) years from the date of issuance of the Prior Bonds (November 17, 2016); and

WHEREAS, this council, by Ordinance No. O-54-14 passed July 14, 2014, authorized an increase of .1% in the municipal income tax imposed by the Municipality for the purpose of paying costs associated with the Project for a period of twenty (20) years from January 1, 2016 through December 31, 2035, which was approved by the requisite majority vote of the electors of the Municipality at the election held November 4, 2014 (the "Municipal Income Tax" and the proceeds of the Municipal Income Tax are referred to herein as the "Municipal Income Tax Proceeds"); and

WHEREAS, this council expects that principal and interest on such bonds will be paid from the Municipal Income Tax Proceeds; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Athens, Ohio:

SECTION 1. That it is necessary to issue and sell general obligation bonds of the Municipality (the "Bonds") under authority of and pursuant to the general laws of the State of Ohio, particularly Chapter 133 of the Ohio Revised Code (the "Act"), in a principal amount not to exceed \$4,905,000, for the purpose of currently refunding all of the Prior Bonds in advance of their stated maturity, or such lesser amount as the City Auditor may determine in the hereinafter defined Certificate of Award, and paying "financing costs," as defined in Section 133.01 of the Act, related to the issuance of the Bonds and refunding of the Prior Bonds.

SECTION 2. That the Bonds shall be issued in one or more series for the purpose aforesaid. Each series of Bonds shall (i) be issued in the principal amount determined by the City Auditor, but the principal amounts of all Bonds shall not exceed, in the aggregate, the principal amount set forth above, (ii) be dated, (iii) be numbered from R-1 upwards in order of issuance, (iv) be of denominations as determined by the City Auditor (the "Authorized Denominations"), provided that each Bond shall be of a single maturity, (v) mature or be subject to mandatory sinking fund redemption on the dates and in the amounts, provided that the final maturity of the Bonds shall be not later than the final maturity of the Prior Bonds (December 1, 2035), (vi) bear interest payable semiannually or annually, on dates and at a rate or rates per annum, provided that the net interest cost payable by the Municipality over the life of the Bonds shall not exceed six percent (6.00%) per annum, and (vi) be payable as to both principal and interest in federal funds of the United States of America by the City Auditor or the designated office of a bank or trust company designated to serve as the paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the Bonds, all as determined by the City Auditor without further action of the Board in a certificate of award (the "Certificate of Award"), which determinations shall be conclusive.

The Bonds shall be subject to redemption prior to maturity at the option of the Municipality upon such terms, at such times, if any, and at such price or prices (but in any case, not greater than 103% of the principal amount of the Bonds to be redeemed plus accrued interest to the redemption date), and upon other terms and conditions, or not at all, as may be determined by the City Auditor in a Certificate of Award without further action of this council.

If fewer than all of the outstanding Bonds of a single maturity are called for redemption, the selection of Bonds to be redeemed, or portions thereof in amounts equal to the smallest then outstanding Authorized Denomination (the "Minimum Authorized Denomination") or any integral multiple thereof, shall be made by lot by the Paying Agent and Registrar (as hereinafter defined) in any manner which the Paying Agent and Registrar may determine. In the case of a partial redemption of Bonds when Bonds of denominations greater than the Minimum Authorized Denomination are then outstanding, each Minimum Authorized Denomination unit of face value of principal thereof shall be treated as though it were a separate Bond of the denomination of the Minimum Authorized Denomination. If one or more, but not all, of such Minimum Authorized Denomination units of face value represented by a Bond are to be called for redemption, then upon notice of redemption of a Minimum Authorized Denomination unit or units, the registered holder of that Bond shall surrender the Bond to the Paying Agent and Registrar (a) for payment of the redemption price for the Minimum Authorized Denomination unit or units of face value called for redemption (including without limitation, the interest accrued to the date fixed for redemption and any premium), and (b) for issuance, without charge to the registered holder thereof, of a new Bond or Bonds of the same series, of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

The notice of call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Paying Agent and Registrar on behalf of the Municipality by mailing a copy of the redemption notice by certified mail, return receipt requested, at least 30 days prior to the date fixed for redemption, to the registered holder

of each Bond subject to redemption in whole or in part at such registered holder's address shown on the Bond registration records on the fifteenth day preceding that mailing. Failure to receive notice by mailing or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond. Notice having been mailed in the manner provided above, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date and on such redemption date, interest on such Bonds or portions thereof so called shall cease to accrue; and upon presentation and surrender of such Bonds or portions thereof at the place or places specified in that notice, such Bonds or portions thereof shall be paid at the redemption price, including interest accrued to the redemption date.

The Bonds shall be designated "Swimming Pool Facility Refunding Bonds, Series 2025" or such other designation as may be assigned to the Bonds in a Certificate of Award.

It is hereby determined by this council that the issuance of the Bonds provided herein, including without limitation, the redemption provisions set forth above, and the refunding of the Prior Bonds, are in the best interests of the Municipality.

SECTION 3. That the Bonds shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of this ordinance. The Bonds shall be in fully registered form without coupons, and shall bear the signatures of the Mayor and the City Auditor; provided that either or both of such signatures may be facsimiles. The Bonds may bear the seal of the Municipality which seal may be a facsimile. The Bonds shall bear the manual authenticating signature of the Paying Agent and Registrar for the Bonds, who shall, among other duties, maintain the bond registration records on behalf of the Municipality. The principal amount of each Bond shall be payable at the designated office of the Paying Agent and the Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 and November 15 for June 1 and December 1 interest, respectively, or such other dates as set forth in the Certificate of Award) on the Bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The Bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the designated office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The Municipality and the Paying Agent and Registrar shall not be required to transfer any Bond during the 15-day period preceding any interest payment date or preceding any selection of Bonds to be redeemed, or after such Bond has been selected for partial or complete redemption, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount shall be issued to the transferee in exchange therefor.

The Municipality and the Paying Agent and Registrar may deem and treat the registered holders of the Bonds as the absolute owners thereof for all purposes, and neither the Municipality nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 4. That the Bonds shall be the full general obligations of the Municipality, and the full faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest due on the Bonds (the "Bond Service Charges") when due. Any excess fund resulting from the issue of the Bonds, shall to the extent necessary, be used only for the retirement of the Bonds, together with interest thereon, and is hereby pledged for such purpose.

SECTION 5. That for the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide a fund sufficient to discharge the Bonds at maturity or upon mandatory sinking fund redemption, there shall be and is hereby levied on all the taxable property in the Municipality within applicable limitations, in addition to all other taxes, a direct tax annually during the period the Bonds are to run in an amount sufficient to provide funds to pay interest upon the Bonds as and when the same falls due and also to provide a fund for the discharge of the principal of the Bonds at maturity or upon mandatory sinking fund redemption, which tax shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Constitution of Ohio.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended or collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The Municipal Income Tax Proceeds to be applied to the payment of Bond Service Charges as provided herein and the funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which shall be and hereby are irrevocably pledged for the payment of the Bond Service Charges when and as the same shall fall due; provided, that in each year to the extent that the Municipal Income Tax Proceeds or moneys from other sources are available for the payment of debt service on the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of the Municipal Income Tax Proceeds or such moneys so available and appropriated.

This council hereby covenants on behalf of the Municipality and its officials pursuant to the authorization of Sections 133.05(B)(7) and 5705.51(A)(5) of the Ohio Revised Code that, so long as any of the Bonds are outstanding, the Municipality will levy the Municipal Income Tax to the maximum extent permitted by law, and will appropriate annually from the Municipal Income Tax Proceeds such amount as is necessary to pay the Bond Service Charges when due to the extent the Municipal Income Tax Proceeds permit.

SECTION 6. That the Bonds shall be sold at not less than 97% of the principal amount thereof, plus accrued interest to the date of delivery, to Robert W. Baird & Co. Incorporated (the "Purchaser") as determined by the City Auditor without further action of this council in a Certificate of Award pursuant to the Purchaser's offer to purchase which either of such officer is hereby authorized to accept. The Mayor, the City Auditor, or either of them, are hereby separately authorized, alone or with others, to execute and deliver a purchase agreement for the Bonds (the "Purchase Agreement") in such form as may be approved by the officer executing the same, such officer's execution thereof on behalf of the Municipality to be conclusive evidence of such authorization and approval, and to make the necessary arrangements with the Purchaser to establish the date, location, procedure and conditions for the delivery of the related Bonds to the

Purchaser, to give all appropriate notices and certificates and to take all steps necessary to effect the due execution and delivery of such Bonds pursuant to the provisions of the Purchase Agreement. The proceeds from the sale of the Bonds, except as any premium and accrued interest received, shall be deposited in an appropriate fund and used for the purpose aforesaid and for no other purpose, and for which purpose such proceeds are hereby appropriated. Any premium and accrued interest received from such sale not used to pay issuance costs shall be transferred to the bond retirement fund to be applied to the payment of the Bond Service Charges or other lawful purpose in the manner provided by law.

SECTION 7. That this council hereby covenants that it will restrict the use of the proceeds of the Bonds hereby authorized in such manner and to such extent, if any, as may be necessary after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder and will, to the extent possible, comply with all other applicable provisions of the Code and the regulations thereunder to retain the Federal income tax exemption for interest on the Bonds, including any expenditure requirements, investment limitations, rebate requirements or use restrictions. The City Auditor or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed to give an appropriate certificate on behalf of the Municipality on the date of delivery of the Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of the Code and regulations thereunder.

The City Auditor is hereby authorized to designate the Bonds as qualified tax-exempt obligations" to the extent permitted by Section 265(b)(3) of the Code and to the extent not already deemed so designated under such section if the City Auditor determines that the reasonably anticipated amount of qualified tax-exempt obligations (other than private activity bonds) which will be issued by the Municipality during the calendar year in which such Bonds are issued will not exceed \$10,000,000 and upon such designation, this council hereby covenants that, during such year, the amount of tax-exempt obligations issued by the Municipality and designated as "qualified tax-exempt obligations" for such purpose will not exceed \$10,000,000. The City Auditor and other appropriate officers, and any of them, are authorized to take such additional actions and give such additional certifications on behalf of the Municipality with respect to the reasonably anticipated amount of tax-exempt obligations to be issued by the Municipality during such calendar year and with respect to such other matters as appropriate under Section 265(b)(3).

SECTION 8. That the Mayor and the City Auditor are hereby authorized, alone or with others, to prepare and distribute to prospective purchasers of any series of the Bonds and other interested parties, a preliminary official statement with respect to the Bonds. The preparation of a preliminary official statement with respect to the Bonds, the distribution thereof to prospective purchasers of such Bonds, and the deeming thereof to be final in accordance with Rule 15c2-12(b)(1) of the Securities and Exchange Commission, except for certain information omitted in accordance with such Rule and which will be provided in the final official statement, by the City Auditor in such form as the City Auditor may approve, are hereby authorized if the City Auditor determines the same to be in the best interest of the Municipality. The preparation of a final Official Statement for such Bonds by the City Auditor in such form as the City Auditor may approve, the deeming thereof to be final in accordance with Rule 15c2-12(b)(3) of the Securities

and Exchange Commission, and the distribution thereof to and by the purchaser of the Bonds, are hereby authorized and approved if the City Auditor determines the same to be in the best interest of the Municipality. The Mayor and the City Auditor are each hereby separately authorized to execute and deliver such a final official statement on behalf of the Municipality, to the Purchaser for distribution to prospective purchasers of such Bonds and other interested persons. Any final official statement shall be prepared in accordance with the requirements of Rule 15c2-12(b)(3) of the Securities and Exchange Commission, in order that the Municipality may provide or cause to be provided a reasonable number of final official statements to the related Purchaser within seven business days of the date of the final agreement to sell the Bonds, and such signer is hereby authorized to make such determinations regarding the final official statement as are required by such Rule.

SECTION 9. That this council hereby covenants and agrees on behalf of the Municipality that the Municipality will execute, comply with and carry out all of the provisions of any continuing disclosure certificate required by Rule 15c2-12 of the Securities and Exchange Commission in connection with the issuance of the Bonds (the "Continuing Disclosure Certificate") which shall be dated the date of issuance and delivery of the Bonds, and the Mayor and the City Auditor are hereby each separately authorized to execute the same on behalf of the Municipality. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the Bonds; however, any holder of the Bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause the Municipality to comply with its obligations under this section and the Continuing Disclosure Certificate.

SECTION 10. That for purposes of this ordinance, the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued only to the Depository or its nominee as registered owner, with the Bonds "immobilized" to the custody of the Depository, and the book entry maintained by others than the Municipality is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

All or any portion of the Bonds may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply to such Bonds, notwithstanding any other provision of this Ordinance. If and as long as a book entry system is utilized with respect to

any of such Bonds: (i) each Bond shall be of a single maturity; (ii) those Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners of Bonds in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (v) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Municipality. Debt service charges on Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in the manner provided in the Municipality's agreement with the Depository to the Depository or its authorized representative (i) in the case of interest, on each interest payment date, and (ii) in all other cases, upon presentation and surrender of Bonds as provided in this Ordinance.

The Paying Agent and Registrar may, with the approval of the Municipality, enter into an agreement with the beneficial owner or registered owner of any Bond in the custody of a Depository providing for making all payments to that owner of principal and interest on that Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this Ordinance, without prior presentation or surrender of the Bond, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and to the Municipality. That payment in any event shall be made to the person who is the registered owner of that Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Paying Agent and Registrar shall furnish a copy of each of those agreements, certified to be correct by the Paying Agent and Registrar, to any other paying agents for the Bonds and to the Municipality. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor is authorized and directed without further action of this Council to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, a blanket letter agreement between the Municipality and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Bonds to the Depository for use in a book entry system, and to take all other actions the City Auditor deems appropriate in issuing the Bonds under a book entry system.

If any Depository determines not to continue to act as Depository for the Bonds for use in a book entry system, the Municipality and the Paying Agent and Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Paying Agent and Registrar do not or are unable to do so, the Municipality and the Paying Agent and Registrar, after the Paying Agent and Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Bonds from the Depository and authenticate and deliver Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Bonds), if the event is not the result of action or inaction by the Municipality or the Paying Agent and Registrar, of those persons requesting such issuance.

SECTION 11. That the Mayor and the City Auditor are hereby separately authorized, alone or with others, to execute and deliver an agreement with the Paying Agent and Registrar for its services as paying agent, registrar and transfer agent for the Bonds in such form as such officer may approve, the execution thereof by such officer to be conclusive evidence of such authorization and approval.

SECTION 12. That all the Prior Bonds, or such lesser amount as may be specified in the Certificate of Award, shall be and hereby are ordered called for optional redemption according to their terms on the first optional redemption date following the issuance of the Bonds or as soon as possible thereafter. The Mayor and the City Auditor are hereby separately authorized, alone or with others, to execute and deliver an Escrow Trust Agreement with a bank or trust company as Escrow Trustee for the refunding and/or defeasance of the Refunded Bonds in such form as the officer or officers executing the same may approve, the execution thereof by such officer or officers to be conclusive evidence of such authorization and approval. Such officers are each hereby further separately authorized to subscribe for and purchase such United States Treasury obligations, including such obligations of the State and Local Government Series, as shall be required pursuant to such Escrow Trust Agreement and to pay for such obligations with the proceeds of the Bonds, and any such actions heretofore taken by such officers or the Purchaser or bond counsel in connection with such subscription and purchase are hereby approve, ratified and confirmed.

Such officers are separately hereby authorized, alone or with others, to execute and deliver an agreement with an independent public accounting firm of national reputation, acceptable to the Escrow Trustee and named in the Certificate of Award (the "Verification Agent"), to prepare a report (the "Verification Report") certifying that the moneys and investments in an Escrow Fund are of such maturities and interest payment dates and bear such interest as will be sufficient, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom, for the payment of all debt service charges on the Refunded Bonds from the date of initial delivery of the Bonds through and including the date set forth in the Certificate of Award when the Refunded Bonds shall be called for optional redemption. The fees and expenses of the Verification Agent in connection with a Verification Report may be paid from the proceeds of the Bonds.

SECTION 13. That the Mayor, the City Auditor or any other officer, employee or agent of the Municipality, are each hereby separately authorized, alone or with others to apply for a municipal bond insurance policy with respect to the Bonds, and accept a commitment therefor, if the Purchaser should recommend the same, and any such actions heretofore taken are hereby approved, ratified and confirmed. The payment of the premium and expenses relating to any such insurance policy from the proceeds of such Bonds is hereby authorized if the City Auditor determines in the related Certificate of Award that the present value of the interest cost savings on such Bonds resulting from the insurance policy is greater than the premium to be charged for the insurance policy, which determination shall be conclusive.

SECTION 14. That the Mayor, the City Auditor, or any other officer, employee or agent of the Municipality, are each hereby separately authorized, alone or with others to apply for a rating from one or more national rating services with respect to the Bonds, and any such actions heretofore taken are hereby approved, ratified and confirmed. The payment of the fees and

expenses relating to any such rating, including rating travel expenses, from the proceeds of such Bonds is hereby authorized.

SECTION 15. That the members of this council, the City Auditor, the Mayor, and any other authorized officer of this Municipality are each hereby separately authorized to take any and all actions and to execute such financing statements, certificates, and other instruments that may be necessary or appropriate to effect the issuance of the Bonds and the intent of this ordinance. The City Auditor, or other appropriate officer of the Municipality, shall furnish to the Purchaser a certified transcript of all proceedings had with respect to the issuance of the Bonds, along with such information from the records of such officer as is necessary to determine the regularity and validity of the issuance of the Bonds.

SECTION 16. That the law firm of Dinsmore & Shohl LLP be and is hereby retained as bond counsel to the Municipality to prepare the necessary authorization and related closing documents for the issuance, sale and delivery of the Bonds and, if appropriate, rendering its approving legal opinion in connection therewith in accordance with a written agreement with the Municipality which the Mayor and the City Auditor are hereby separately authorized to execute and deliver on behalf of the Municipality, in such form not substantially adverse to the Municipality as may be approved by the officer(s) executing the same. The approval of the form of such agreement by such officer(s), and that the same is not substantially adverse to the Municipality, shall be conclusively evidenced by the execution of such agreement by such officer(s). Such law firm shall be compensated by the Municipality and/or the Purchaser for the above services in accordance with such written agreement.

SECTION 17. That the City Auditor is hereby directed to forward a certified copy of this ordinance and each Certificate of Award to the County Auditor of Athens County, Ohio.

SECTION 18. That it is found and determined that all formal actions of this council concerning and relating to the passage of this ordinance were passed in an open meeting of this council, and that all deliberations of this council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.

SECTION 19. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that the immediate issuance and sale of the Bonds is necessary to provide for the issuance of the Bonds at interest rates advantageous to the Municipality and the financing of the Project in a timely manner, therefore, this ordinance shall take effect immediately upon its passage and approval by the Mayor.

[Remainder of Page Intentionally Left Blank]

PASSED _____, 2025.

President of Council

Attest: _____
Clerk of Council

SUBMITTED to the Mayor this _____ day of _____, 2025.

Clerk of Council

APPROVED by the Mayor this _____ day of _____, 2025.

Mayor

64482832

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance
No. _____.

Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this
day to the County Auditor.

City Auditor

Dated: _____, 2025

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing
ordinance.

County Auditor
Athens County, Ohio

Dated: _____, 2025

64482832