



AGENDA
ATHENS CITY COUNCIL
MONDAY, DECEMBER 1, 2025 AT 7:00 PM

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

[IGNORE_INDENT]

PLANNING & DEVELOPMENT COMMITTEE:

- Title 23, Zoning (to allow temporary shelters as a conditionally permitted use in R-3 and B-3 zones)
- Special Right-of-Way Use Permit (43 South Court Street)

Establish Quorum

Disposition of Minutes:

- Special Session of City Council held November 10, 2025

Communications

Reports and Communications from Other Elected Officials

Ordinances for Third Reading:

0-120-25

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ATHENS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2026.

Introduced by the Finance and Personnel Committee

0-122-25

AN ORDINANCE AUTHORIZING 2026 NON-UNION COMPENSATION; REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

Introduced by the Finance & Personnel Committee

0-123-25

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

AN EMERGENCY.

Introduced by Council Member Risner

0-124-25

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

Introduced by Council Member Risner

Ordinances for Second Reading:

0-121-25

AN ORDINANCE AUTHORIZING 2026 STAFFING LEVELS; REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

Introduced by the Finance & Personnel Committee

0-129-25

AN ORDINANCE REPEALING ORDINANCE 91-23, THE UPTOWN IMPROVEMENTS PROJECT #329.

Introduced by Council Member Spjeldnes

0-130-25

AN ORDINANCE AMENDING ORDINANCE 35-25; AUTHORIZING ENGINEERING AND CONSTRUCTION OF THE ATHENS STREETScape BEAUTIFICATION, PROJECT #383.

Introduced by Council Member Spjeldnes

0-131-25

AN ORDINANCE AUTHORIZING THE MAYOR TO RE-DESIGNATE HOCKING ATHENS PERRY COMMUNITY ACTION (HAPCAP) TO ADMINISTER THE ATHENS PUBLIC TRANSIT BUS SYSTEM.

Introduced by Council Member Spjeldnes

0-133-25

AN ORDINANCE AMENDING TITLE 7, TRAFFIC CODE, SECTIONS 7.01.02, 7.01.13, 7.01.17, 7.03.07, 7.03.07.1, 7.03.25, 7.04.03, AND 7.04.44; AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH.

Introduced by Council Member Swank

0-134-25

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 9.06, INTOXICATING LIQUORS; NARCOTICS, SECTION 9.06.99, PENALTIES.

Introduced by Council Member Swank

0-135-25

AN ORDINANCE AMENDING TITLE 13, GENERAL OFFENSES, SECTIONS 13.05.01 AND 13.05.03; AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH.

Introduced by Council Member Swank

0-136-25

AN ORDINANCE TO REPEAL ATHENS CITY CODE TITLE 15, TAXES.

Introduced by Council Member Risner

0-137-25

AN ORDINANCE TO PROVIDE FOR AN INCREASE IN THE GENERAL CITY INCOME TAX OF TWENTY HUNDREDTHS OF A PERCENT (.20%) PER ANNUM BEGINNING JANUARY 1, 2027.

Introduced by the Finance & Personnel Committee

Resolutions for Second Reading:

- **R-05-25**

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Introduced by Council Member Risner

- **R-06-25**

A RESOLUTION TO PLACE THE ISSUE OF INCREASING THE CITY INCOME TAX BY TWENTY-HUNDREDTHS OF A PERCENT (.20%) PER ANNUM BEGINNING JANUARY 1, 2027, ON THE BALLOT AT THE NEXT PRIMARY ELECTION ON MAY 5, 2026; AND DIRECTING THE BOARD OF ELECTIONS OF ATHENS COUNTY TO CONDUCT THE ELECTION.

Introduced by the Finance & Personnel Committee

Announcements & Other Business:

- Motion to Accept the October 2025 Financial Reports
- Motion to Accept the September Credit Card Transactions

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

Adjournment

Sam Crowl
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.

O-120-25

An ORDINANCE to make appropriations for current expenses and other expenditures of the City of Athens, Ohio, during the fiscal year ending December 31, 2026.

SECTION I. BE IT ORDAINED by the Council of the City of Athens, State of Ohio, that to provide for the current expenditures of the said City of Athens during the fiscal year ending December 31, 2026, the following sums be and they are hereby set aside and appropriated as follows:

SECTION II. That there be appropriated from the following funds:

GENERAL FUND

101

DEPARTMENT	Transaction Classes >>	PERSONNEL 100	SUPPLIES SERVICES 200-300	DEBT SERVICE 0	CAPITAL OUTLAY 500	TRANSFERS & REFUNDS 600	BUDGET TOTAL	% of Total
MAYOR	101.101	981,000	104,060.00	0	2,000	0	1,087,060	5.39
AUDITOR	101.102	621,600	220,084	0	10,000	350,000	1,201,684	5.96
TREASURER	101.103	21,010	4,350	0	0	0	25,360	0.13
LAW DIRECTOR	101.104	706,000	84,050	0	8,750	0	798,800	3.96
COUNCIL	101.105	504,050	123,192	0	2,500	0	629,742	3.12
COURT	101.106	1,061,500	428,000	0	2,000	0	1,491,500	7.39
POLICE	101.207	5,176,500	629,400	0	152,000	0	5,957,900	29.53
FIRE	101.208	4,549,600	484,700	0	95,000	0	5,129,300	25.43
CODE	101.351	779,500	155,000	0	17,000	500	952,000	4.72
PARKING ENFORCEMENT	101.718	531,800	353,100	0	66,200	1,500	952,600	4.72
LANDS & BLDGS	101.112	700,500	362,850	0	60,000	0	1,123,350	5.57
OTHER ADMIN	101.120	0	714,600	0	8,500	100,500	823,600	4.08
TOTAL		15,633,060	3,663,386	0	423,950	452,500	20,172,896	100.00
% of Total		77.50	18.16	0.00	2.10	2.24	100.00	

OTHER FUNDS

DEPT	FUND	PERSONNEL 100	SUPPLIES SERVICES 200 & 300	DEBT SERVICE 400	CAPITAL OUTLAY 500	TRANSFERS & REFUNDS 600	BUDGET TOTAL
Safety Services	206	0	0	0	0	0	0
Cemetery	210	85,670	14,250	0	15,000	200	115,120
Tourism	212	0	375,000	0	0	0	375,000
Transportation Assistance	214	0	172,000	0	0	0	172,000
Cable Access	215	0	0	0	13,700	0	13,700
Streets	220	1,495,000	940,400	0	622,250	0	3,057,650
Wheel Tax	226	0	0	0	0	0	0
Judges Court computer	230	0	7,000	0	16,000	0	23,000
Clerk of Court Computer	231	0	46,000	0	0	0	46,000
Diversion	232	81,850	12,300	0	1,250	0	95,400
Court Comm Corrections	235	79,350	0	0	0	0	79,350
DUI Court	237	82,700	13,000	0	0	0	95,700
CDBG Formula Grant	248	0	22,000	0	0	0	22,000
Athens Enhancement Fund	250	0	2,054,000	0	0	0	2,054,000
Recreation	270	1,200,850	539,200	0	32,000	1,000	1,773,050
Community Center Operations	271	773,000	368,350	0	45,500	1,500	1,188,350
APR Income Tax	273	0	45,000	0	140,000	0	185,000
Law Enforcement Trust	293	0	0	0	7,700	0	7,700
ARPA Funds	286	0	0	0	0	0	0

Opioid Settlement Fund	287	0	50,000	0	0	0	50,000
Drug Law Enforcement	294	0	0	0	3,111	0	3,111
Fire Station Debt Fund	430	0	0	1,001,000	0	0	1,001,000
APR Debt	450	0	0	557,000	0	0	557,000

OTHER FUNDS

DEPT	FUND	PERSONNEL 100	SUPPLIES SERVICES 200 & 300	DEBT SERVICE 400	CAPITAL OUTLAY 500	TRANSFERS & REFUNDS 600	BUDGET TOTAL	
Street Rehab	572	0	0	600,000	0	1,200,000	1,800,000	
Capital Improvements	580	0	0	0	300,000	0	300,000	
Small Cities ODOT	589	0	0	0	7,000,000	0	7,000,000	
Court Capital	592	0	0	0	5,000	0	5,000	
TIF Muni Imp Tax Increm	593	0	480,000	0	0	15,000	495,000	
DRD	596	0	0	0	0	0	0	
Parking Garage	730	0	177,300	0	50,000	160,000	387,300	
Parking Garage Debt	733	0	0	159,200	0	0	159,200	
Water Fund - Maintenance	740.635	647,600	338,280	0	93,900	0	1,079,780	
Water Fund - Administration	740.636	437,600	353,055	0	6,500	400,000	1,197,155	
Water Fund - Plant	740.637	1,222,000	955,899	0	187,500	0	2,365,399	4,642,334
WTP Improvement Debt	744	0	0	396,000	0	0	396,000	
Sewer Fund - Maintenance	750.635	625,100	231,315	0	227,000	0	1,083,415	
Sewer Fund - Administration	750.636	378,500	367,525	0	1,000	500	747,525	
Sewer Fund - Plant	750.637	1,164,500	1,064,900	0	16,117,000	0	18,346,400	20,177,340
Storm Sewer	755.635	0	29,950	0	260,737	0	290,687	
Storm Water Env. Coord.	755.637	53,750	14,600	0	1,500	0	69,850	
Sewer Debt	758	0	0	1,520,000	0	0	1,520,000	
Sanitation	760	301,500	2,159,300	0	29,500	200	2,490,500	
Internal Service - Mechanics	865.645	216,500	83,411	0	20,500	0	320,411	
Internal Service - IT	865.647	176,550	320,000	0	10,000	0	506,550	
Medical Insurance Fund	866	0	5,910,000	0	0	0	5,910,000	
Unclaimed Funds	903	0	0	0	0	5,000	5,000	
ACGP	905	0	0	0	6,500,000	0	6,500,000	
OTHER FUNDS TOTAL		9,022,020	17,144,035	4,233,200	31,706,648	1,783,400	63,889,303	
GENERAL FUND TOTAL		15,633,060	3,663,386	0	423,950	452,500	20,172,896	
GRAND TOTAL		24,655,080	20,807,421	4,233,200	32,130,598	2,235,900	84,062,199	
		29.33	24.75	5.04	38.22	2.66	100.00	

SECTION III. And the City Auditor is hereby authorized to draw his warrants on the City Treasurer for payments from any of the foregoing appropriations upon receiving proper

SECTION IV. This ordinance shall take effect at the earliest period allowed by law.

Passed: _____, 2025

Approved by: _____
Finance Committee

Attest: _____
Clerk

Finance Committee

President of Council

Finance Committee

Finance Committee

Mayor

0-122-25

Introduced by Finance & Personnel Committee

AN ORDINANCE AUTHORIZING 2026 NON-UNION COMPENSATION; REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

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

SECTION I: Pursuant to Ohio Revised Code 731.08, Power of Legislative Authority as to Salaries and Bonds, and the City of Athens Non-Union Fringe Benefits, City Council does hereby authorize a 2% general hourly pay increase for full time and permanent part-time non-union employees. Non-Union employees in a probationary status shall not be eligible for any general hourly pay increase.

SECTION II: City Council does hereby authorize a one-time lump sum payment of 2% to those employees whose general hourly pay rate exceeds or will exceed the maximum pay rate in their pay grade, a copy of which is attached hereto and incorporated herein by reference. Said general hourly pay increase or lump sum payment shall be effective the first pay period of 2026.

SECTION III: This Ordinance shall be an emergency measure necessary for the preservation of the health, safety and welfare of the residents of the City of Athens in order to maintain fiscal integrity, and that 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

0-123-25

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

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

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

SECTION I: The Service-Safety Director is hereby authorized to enter into contract with the Employee Benefit Service Center to serve as third party administrator (TPA) of the City's health insurance program for the period from January 1, 2026, to December 31, 2026, to include Exhibit A, Plan Listing, Administrative Services Fee Schedule, attached hereto and incorporated herein by reference. Said contract shall contain, at a minimum, the following controls:

1. Documentation (at a level to be determined by the City Auditor) related to the payments to be made by the TPA, shall be submitted to the City, and reviewed and approved by the City Auditor, prior to the authorization of payments.
2. A check register shall be submitted to the City Auditor, along with the documentation.
3. The TPA shall not issue checks before receiving an authorization notice from the City Auditor.
4. The contract shall contain a clause that provides for the City or its auditors to have access to City-related records of the TPA at the City's request.
5. The contract shall contain language that protects the City in the event of default, embezzlement, errors by omissions and other actions of the TPA.
6. The contract shall contain language that provides notifications and transitional procedures in the event of an acquisition, merger, or sale of account.

SECTION II: This Ordinance shall be an emergency measure necessary for the preservation of the health, safety, and welfare of the residents of the City of Athens in order to meet the contract period, and 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

PLAN LISTING

In accordance with the terms of the Agreement, of which this Exhibit A is made a part thereof, EBSC shall perform the management services and functions set forth in the Plan Administrator's Administrative Services Agreement, including the Exhibits attached thereto, solely on behalf of the following employee welfare benefit plans, referred to collectively in this Agreement as "Plan":

ADMINISTRATIVE SERVICES FEE SCHEDULE

Effective 1/1/2026, and remaining effective until modified or amended by mutual agreement of the parties* (unless otherwise specifically indicated herein), The City of Athens, as Plan Administrator of the Plan(s) listed above, hereby agrees to the following management and service fees.

The Employee Benefit Service Center (EBSC)

Claims and benefit management and processing services as described more fully in the Agreement.

Annual Renewal Fee	\$ N/A
For medical claims management services <i>*Note: in the event of termination, additional fees may apply.</i>	\$ 24.50
For dental claims management services	\$ N/A
For vision claims management services	\$ N/A
For short term disability claims management services	\$ N/A
Set-up fee for COBRA services (as described in the "COBRA" Exhibit)	\$ N/A
For COBRA management services (as described in the "COBRA" Exhibit) and for HIPAA Certificate of Creditable Coverage services COBRA management service fees include COBRA administration for the Dental and Vision plans.	\$ No Charge A 2% administrative fee is added to current plan year rates to be billed to COBRA participants. This fee is not billed to the Plan Administrator. EBSC retains the 2% administration fee for the processing of COBRA premium.
Set-up fee for Section 125 plan services (as described in the "SECTION 125" Exhibit)	\$ N/A
Annual renewal fee for Section 125 plan services (as described in the "SECTION 125" Exhibit)	\$ N/A

For services related to management of the Plan Administrator's IRS Section 125 plan as listed in the "SECTION 125" Exhibit	\$5.70 FOR MEDICAL \$5.45 FOR DEP CARE ONLY \$9.25 FOR BOTH
For services related to administration of the Plan Administrator's Debit Card (as described in the Administrative Services Agreement)	\$ N/A
Set-up fee for HRA services (as described in the "HRA" Exhibit)	\$ N/A
Annual renewal fee for HRA services (as described in the "HRA" Exhibit)	\$ N/A
For services related to management of the Plan Administrator's HRA as listed in the "HRA" Exhibit	\$ N/A
For Medicare D Disclosure Notice and CMS Notice services	\$ N/A
For Special Reporting/Services	\$ Fee quoted upon report/service request
For 1095 services	\$ N/A
For Set-Up / coordination with Employer vendors (payroll, data analysis, etc.)	\$1,000 per vendor for set-up, \$ PEPM for ongoing reporting quoted at time of set-up.
For Plan document re-write	\$1,200.00 per Plan document.
For Plan amendments	\$250 per amendment
For W-2 reporting	\$ Per Invoice, selected service based
For PCORI count reporting	\$ No charge
Subrogation services	20% of amounts recovered.

PLAN ADMINISTRATOR

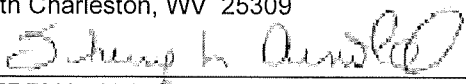
The City of Athens

By: _____
Authorized Representative of Plan Administrator

Printed Name

THE EMPLOYEE BENEFIT SERVICE CENTER

4430 Kanawha Turnpike
South Charleston, WV 25309

By: 
SHERRY L. ARNOLD
Chief Executive Officer

0-124-25

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

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

WHEREAS, the current contract expires on December 31, 2025;

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

SECTION I: Effective January 1, 2026, the Service-Safety Director is hereby authorized to enter into a one-year contract ending December 31, 2026, with Sirius America to cover the City's stop-loss/excess loss medical insurance. A copy of the Application and Policy Schedule for group excess loss medical insurance is attached hereto and incorporated herein by reference.

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

President of Council

ATTEST:

Clerk of Council

APPROVED:

Mayor

SIRIUSPOINT AMERICA INSURANCE COMPANY
One World Trade Center
285 Fulton Street, 47th Floor
New York, New York 10007

APPLICATION AND POLICY SCHEDULE FOR GROUP EXCESS LOSS INSURANCE

Part I Proposed Policyholder

a. Full Legal Name of Proposed Policyholder

City of Athens

b. Address and TIN

8 East Washington St

Athens, OH 45701

31-6400218

Tax Identification Number

c. Name and Title of Contact Person Any Stone, Service Safety Director

d. Proposed Policyholder is Single Employer

Please describe type of entity or type of business that will own policy

e. Requested Effective Date January 1, 2026

Policy will become effective on the Requested Effective Date only if (a) all required information is provided and (b) SiriusPoint has received the initial premium on or before that date. The Policy Term will end one year after its Effective Date unless otherwise requested and agreed to by Us.

f. Eligible Persons Under Your Plan to be Covered Under This Policy

Please check all that apply

☐

Retired Employees

☒

Former Employees Continuing Coverage under COBRA or other continuation provisions of the Plan

☒

Disabled Employees

☒

Employees not Actively at Work on their Effective Dates

☐

Other – please describe

g. Minimum enrollment ☐ Covered Units, or ☒ % Initial Enrollment 85%

Part II Plan of Insurance and Premium Calculation

Please check all coverages and options for which You are applying

a. ☒ Specific Excess Loss Coverage

i. Include coverage for: ☒ Medical Plan ☒ Prescription Drug Plan

ii. Specific Deductible Amount Per Covered Person \$ 110,000

iii. Aggregating Specific Deductible \$ N/A
Fixed dollar amount or, if greater, amount x number of Covered Persons

iv. Specific Lifetime Maximum Unlimited Per Covered Person \$ Unlimited

v. Specific Benefit Period maximum reimbursement per Covered Person \$ Unlimited

vi. Specific Reimbursement Percentage % 100%

vii. Contract Basis -- Benefit Period includes reimbursement for Covered Expenses

Incurred from 01/01/2025 through 12/31/2026
enter date *enter date*

and Paid from 01/01/2026 through 12/31/2026
enter date *enter date*

viii. Reimbursement for Covered Expenses Incurred before the Effective Date will be limited to

\$ N/A per Covered Person; \$ N/A in total.

ix. Monthly Premium Rates

Per Covered Unit	Premium Rate	Number Covered
Employee Only	\$ <u>127.28</u>	<u>45</u>
Employee and Spouse	\$ <u>248.48</u>	<u>45</u>
Employee and Dependent Children Only	\$ <u>220.50</u>	<u>13</u>
Employee, Spouse and Dependent Children	\$ <u>370.66</u>	<u>80</u>
Other—Please describe	\$ _____	_____

b. ☒ **Aggregate Excess Loss Coverage**

i. Include coverage for: ☒ Medical Plan ☒ Prescription Drug Plan
☐ Dental Plan ☐ Vision Plan

ii. Individual Claim Limit \$ 110,000

iii. Maximum Aggregate Reimbursement \$ 1,000,000

iv. Aggregate Reimbursement Percentage 100%

v. Contract Basis--Benefit Period includes reimbursements for Covered Expenses

incurred from 01/01/2025 through 12/31/2026
enter date *enter date*

and paid from 01/01/2026 through 12/31/2026
enter date *enter date*

vi. Reimbursement for Covered Expenses Incurred before the Effective Date will be limited to

☐ \$ N/A per Covered Person; ☐ \$ N/A in total.

vii. Monthly Aggregate Factors and Premium Rates

Covered Unit	Factor	No. Covered	Premium Rate
Employee Only	\$ <u>1,299.40</u>	<u>45</u>	\$ <u>12.03</u>
Employee and Spouse	\$ <u>2,588.42</u>	<u>45</u>	\$ <u>12.03</u>
Employee and Dependent Children Only	\$ <u>2,290.85</u>	<u>13</u>	\$ <u>12.03</u>
Employee, Spouse and Dependent Children	\$ <u>3,887.82</u>	<u>80</u>	\$ <u>12.03</u>
Other—please describe	\$ _____	_____	\$ _____

viii. Minimum Aggregate Attachment Point \$ 6,189,102.60. *Estimated

Additional Options

- i. Terminal Liability Option included ☐ excluded ☒
- ii. Aggregate Accommodation Option ☐ included ☒ excluded \$ _____ PEPM Cost
- Advance Threshold \$ N/A
- iii. Specific Advance Reimbursement Option ☒ included ☐ excluded
- Minimum Advance Reimbursement \$ 0

- c. **Special Limitations** Please list (a) any special Specific Deductibles or other limitations applicable to individuals for whom information was included on the Disclosure Statement, identifying the deductible amount, limitation and name of individual to which it applies, and (b) any Special Limitations and conditions applicable to the Policy applied for.

SEE ADDENDUM ATTACHED

When Terminal Liability Option is in effect, Monthly Aggregate Factors shown above and applicable to the full Policy Term are modified to:

Terminal Liability Option Fee: \$ N/A

	Terminal Coverage Premium Rate	Terminal Coverage Aggregate Rate	Terminal Coverage Aggregate Factor
Employee Only	\$ _____	\$ _____	\$ _____
Employee and Spouse	\$ _____	\$ _____	\$ _____
Employee and Dependent Children Only	\$ _____	\$ _____	\$ _____
Employee, Spouse and Dependent Children	\$ _____	\$ _____	\$ _____
Minimum Terminal Liability Coverage Aggregate Retention	\$ _____		

Part III Administrative Information

- a. **Your Third Party Administrator (TPA) is** The Employee Benefit Service Center
Please provide name and address
4430 Kanawha Turnpike, South Charleston, WV 25309
- b. **Your Preferred Provider Organization(s) (PPO)** Medical Mutual of Ohio
Please provide names and addresses
PBM - TrueScripts

- c. **Your Utilization Review Agent(s)** Quality Care Partners
Please provide names and addresses
-
- d. **Your Agent of Record is** Blake Hodgson
- e. **Your Initial Premium Deposit \$** First Month Premium
Amount submitted with this application

Part IV Acknowledgements and Signatures

- a. **Plan Provisions** Applicant attests that the Plan Document provided to Us includes at least the following provisions:
- i. **Employees** – definition, including minimum qualifying hours worked, eligibility, effective date and HIPAA eligibility date provisions;
 - ii. **Dependents** – definition, including all age requirements, eligibility and effective date provisions;
 - iii. **Termination** – when benefits and eligibility cease, any continuation/extension of coverage provisions for leave, layoff or disability, including all applicable state and federal (COBRA) continuation requirements;
 - iv. **Transplants** – Covered Person and non-Covered Person donor benefits, recipient benefits, including any covered transportation, lodging and companion charges; and
 - v. **Exclusions** – including any expenses resulting from riot or revolt, and war, whether declared or not; [any charges resulting from occupational accidents or illnesses;] or Alternative Treatments except when Medically Necessary and cost-effective compared to standard treatments.
- b. **Applicant's Acknowledgement** I, the applicant, declare, to the best of my knowledge and belief, that (i) applicant is entitled under applicable law to provide self-funded health benefits to its {employees, members, students} and (ii) all statements and answers in this application are true and complete. I understand and agree that (i) this Application and Policy Schedule will form part of any policy issued, (ii) no information given to or acquired by any representative of SiriusPoint will bind it, unless it is in writing on this application, (iii) no waiver or modification will bind the Company unless it is in writing and is signed by an authorized representative of SiriusPoint, (iv) Our receipt and deposit of Your initial premium does not constitute Our acceptance of liability, (v.) if You or Your TPA have misrepresented or concealed any material fact or circumstance, including any failure to disclosure all information required, We may rescind any policy issued; and (vi) only those persons eligible under Your Plan and the terms of an issued policy will be included.
- c. **Fraud Warning** Any person who, with intent to defraud or knowing that he is facilitating a fraud against an insurer, submits an application or files a claim containing a false or deceptive statement is guilty of insurance fraud.

Dated at _____ on the _____ day of _____ 20 _____

 Signed for the Proposed Policyholder

 Title

Blake Hodgson

Signed by Licensed Agent

Blake Hodgson

 Please Print Agent Name

OH 708121

 Agent License Number and Issuing State

0-121-25

Introduced by Finance & Personnel Committee

AN ORDINANCE AUTHORIZING 2026 STAFFING LEVELS; REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

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

SECTION I: Effective the first pay period in 2026, authorized staffing levels, attached hereto and incorporated herein by reference, shall be in effect, and all ordinances inconsistent therewith shall be repealed.

SECTION II: Upon receiving written notification from an employee of a pending departure, City Council does hereby authorize the President of Council, Mayor, Law Director, and Auditor to hire replacements for currently staffed positions so long as adequate funds are available within the elected officials' budget. There will be a temporary increase in the staffing numbers during the overlap of employees within these positions that will subsequently be sunset to the official staffing levels.

SECTION III: This Ordinance shall be an emergency measure necessary for the preservation of the health, safety, and welfare of the residents of the City of Athens in order to maintain fiscal integrity, and that 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

2026 FUND	DEPARTMENT	POSITION	F.T.E.
101.101 General	Mayor	Executive Assistant (Mayor)	1
101.101 General	Mayor	Human Resources Coordinator	1
101.101 General	Mayor	Executive Assistant (SSD)	1
101.101 General	Mayor	Human Resources Director	1
101.101 General	Mayor	Deputy Service-Safety Dir.	0.7
101.101 General	Mayor	Service-Safety Director	1
101.101 General	Mayor	City Planner	1
101.101 General	Mayor	DEIA/Training Coordinator	1
101.102 General	Auditor	Executive Administrator	1
101.102 General	Auditor	Account Administrator I	1
101.102 General	Auditor	Deputy Auditor	1
101.102 General	Auditor	Income Tax Administrator	2
101.104 General	Law Director	Legal Sec'y I	1
101.104 General	Law Director	Legal Sec'y II	1
101.104 General	Law Director	Prosecutor	2
101.104 General	Law Director	Asst. Law Director	1
101.105 General	Council	Government Channel Director	1
101.105 General	Council	Clerk of Council	1
101.105 General	Council	TGC Technician	1
101.105 General	Council	Production Specialist	0.73
101.106 General	Muni. Court	Clerk of Court	0.6
101.106 General	Muni. Court	Probation Officer	0.5
237.106 DUI Court	Muni. Court	Probation Officer	0.5
237.106 DUI Court	Muni. Court	Division Program Coordinator/Specialized Docket Coordinator	0.5
235.106 Court-CCA	Muni. Court	Intensive Probation Coordinator	4
232.106 Underage Drinkers	Muni. Court	Division Program Coordinator	0.75 1
101.106 General	Muni. Court	Division Program Coordinator/Specialized Docket Coordinator	0.75 0.5
101.106 General	Muni. Court	Court Administrator	1
101.106 General	Muni. Court	Court Reporter	1
101.106 General	Muni. Court	Court Security	1
101.106 General	Muni. Court	Custodian	1
101.112 General	Lands & Bldgs.	Building Projects Supervisor	3
101.112 General	Lands & Bldgs.	Building Projects Technician	1
101.112 General	Lands & Bldgs.	Electrician Trainee	1
101.112 General	Lands & Bldgs.	Electrician	0.5
101.112 General	Lands & Bldgs.	Groundskeeper	0.5
101.112 General	Police	Data Entry Operator	2
101.207 General	Police	Communication Officer	1
101.207 General	Police	Lieutenant	4
101.207 General	Police	Patrol Officer	6
101.207 General	Police	Social Worker (Grant)	19
101.207 General	Police	Police Captain	1
101.207 General	Police	Police Chief	1
101.207 General	Police	Administrative Assistant II	1
101.208 General	Fire	General Secretary	1
101.208 General	Fire	Fire Chief	1
101.208 General	Fire	Captain	1
2026 FUND	DEPARTMENT	POSITION	F.T.E.
101.208 General	Fire	Firefighter	18
101.208 General	Fire	Lieutenant	6
101.351 General	Code	General Secretary	0.5
101.351 General	Code	Administrative Assistant	0.5
101.351 General	Code	Code Inspector	1
101.351 General	Code	Dir.Dev. Enforcement, Facilities	4
101.351 General	Code	Development Specialist	4.0.75
101.351 General	Code	Assistant Director of Development, Enforcement and Facilities	0.73
101.351 General	Code	Parking Enforcement Officer	1
101.718 General	Parking Enforcement	Data Entry Operator, Parking	5
101.718 General	Parking Enforcement	Cemetery Maintenance	1
210.115 General	Cemetery	Cemetery Maintenance	0.73
210.115 General	Cemetery	Cemetery Maintenance	0.73
210.115 General	Cemetery	Labor Supervisor	0.365
210.115 General	Cemetery	City Engineer/Dir. of Public Works	0.1
220.717 Street	Street	Asst. City Engineer	0.30
220.717 Street	Street		0.30

Feb-26
Feb-26

220.717 Street	Street	Asst. Director Public Works	0.30
220.717 Street	Street	Project Assistant	0.30
220.717 Street	Street	Maint Tech/Trainee/Laborer	10
220.717 Street	Street	Labor Supervisor	1
220.717 Street	Street	Electrician Trainee	0.5
220.717 Street	Street	Electrician	0.5
220.717 Street	Street	Project Inspector	0.35
220.717 Street	Street	Administrative Coordinator	0.30
220.717 Street	Street	Director	0.5
270.940 Recreation	Recreation	Assistant Director	0.5
270.940 Recreation	Recreation	Program Specialist - APR	0.5
270.940 Recreation	Recreation	Program Specialist - Arts	0.5
270.940 Recreation	Recreation	Program Specialist - Athletics and Fitness Programming	0.25
270.940 Recreation	Recreation	Rec. Maint. Specialist	2
270.940 Recreation	Recreation	Custodian	0.25
270.940 Recreation	Recreation	Labor Supervisor	0.9
270.940 Recreation	Recreation	Labor Supervisor	0.5
271.940 Community Center	Community Center	Director	0.5
271.940 Community Center	Community Center	Assistant Director	1
271.940 Community Center	Community Center	Program Specialist - Childcare	0.5
271.940 Community Center	Community Center	Program Specialist - APR	0.5
271.940 Community Center	Community Center	Program Specialist - Arts	0.5
271.940 Community Center	Community Center	Program Specialist - Athletics and Fitness Programming	0.75
271.940 Community Center	Community Center	Operations Specialist	4
271.940 Community Center	Community Center	Custodian	1.75
740.635 Water	Maintenance	Maint Tech/Trainee/Laborer	5
740.635 Water	Maintenance	Labor Supervisor	1
740.636 Water	Administration	Deputy Service-Safety Dir.	0.1
740.636 Water	Administration	Account Admin. I (Util.Bill.)	0.35
740.636 Water	Administration	Account Admin. II (Util.Bill.)	0.35
740.636 Water	Administration	City Engineer/Dir. of Public Works	0.35
740.636 Water	Administration	Asst. City Engineer	0.35
2026 FUND	DEPARTMENT	POSITION	F.T.E.
740.636 Water	Administration	Project Assistant	0.35
740.636 Water	Administration	Administrative Coordinator	0.35
740.636 Water	Administration	Asst Dir. Of Public Works	0.35
740.636 Water	Administration	Meter Reader	1
740.637 Water	Treatment Plant	Project Inspector	0.35
740.637 Water	Treatment Plant	Lab Technician	1
740.637 Water	Treatment Plant	Oper/Pl Mech/Relief Oper/Pl Mech	8
740.637 Water	Treatment Plant	Master Mechanic	1
740.637 Water	Treatment Plant	Plant Manager	1
740.637 Water	Treatment Plant	Environmental Coordinator	0.25
740.637 Water	Treatment Plant	Maint Tech/Trainee/Laborer	5
750.635 Sewer	Maintenance	Labor Supervisor	1
750.635 Sewer	Administration	Administrative Coordinator	0.35
750.635 Sewer	Administration	Deputy Service-Safety Dir.	0.1
750.636 Sewer	Administration	Account Admin. I (Util.Bill.)	0.35
750.636 Sewer	Administration	Account Admin. II (Util.Bill.)	0.35
750.636 Sewer	Administration	City Engineer/Dir. of Public Works	0.35
750.636 Sewer	Administration	Asst. Dir. Of Public Works	0.35
750.636 Sewer	Administration	Asst. City Engineer	0.35
750.636 Sewer	Administration	Project Assistant	1
750.636 Sewer	Administration	Meter Reader	0.3
750.637 Sewer	Treatment Plant	Project Inspector	1
750.637 Sewer	Treatment Plant	Lab Technician	7
750.637 Sewer	Treatment Plant	Oper/Pl Mech/Relief Oper/Pl Mech	1
750.637 Sewer	Treatment Plant	Master Mechanic	1
750.637 Sewer	Treatment Plant	Plant Manager	1
755.637 Storm Sewer	Maintenance	Environmental Coordinator	0.25
760.636 Sanitation	Administration	Account Admin. I (Util.Bill.)	0.5
760.636 Sanitation	Administration	Account Admin. II (Util.Bill.)	0.3
760.636 Sanitation	Administration	Deputy Service-Safety Dir.	0.1
760.636 Sanitation	Administration	Solid Waste Control	2
760.636 Sanitation	Administration	General Secretary	0.5
865.645 Int. Service	Int. Service	Master Mechanic	2

1
1
186.39

IT Technician
System Admin.

Internal Svc.
Internal Svc.
TOTAL

865.647 Internal Svc.
865.647 Internal Svc.

PART-TIME AND SEASONAL EMPLOYEES

FUND	DEPARTMENT	POSITION	NUMBER	HOURLY RATE
101.101 General	Mayor	Intern	4	\$12.00- \$2.50 above
101.102 General	Auditor	Intern	1	\$12.00- \$2.50 above
101.104 General	Law Director	Intern	2	\$12.00- \$2.50 above
270.940 Recreation	Recreation	Intern	1	\$12.00- \$2.50 above
101.105 General	Council	Aides	4	\$12.00- \$2.50 above
101.112 Lands & Bld.	Lands & Buildings	Lands & Building Maintenance	1	\$12.00- \$2.50 above
101.112 General	Lands & Buildings	Seasonal Worker	1	\$12.00- \$2.50 above
101.112 General	Lands & Buildings	Seasonal Landscaper	1	\$12.00- \$2.50 above
101.115 General	Cemetery	Seasonal Worker	1	\$12.00- \$2.50 above
101.207 General	Police	Aux. Officer Non-Sworn	2	Starting pay is
				\$1.00 less than a FT Patrol Off.
101.351 General	Code	Intern	1	\$12.00- \$2.50 ABOVE
101.207 General	Police	Aux Officer "Active"	10	Starting pay for FT Patrol Off.
101.207 General	Police	Aux Officer "Call-In"	10	Starting pay for FT Patrol Off.
101.207 General	Police	Aux. Dare Officer	1	Starting pay for FT Patrol Off.
101.207 General	Police	Aux. Major Events	50	Up to \$350 per event day
101.207 General	Police	Intern	1	\$12.00- \$2.50 above
101.208 General	Fire	Intern	1	\$12.00- \$2.50 above
220.717 Street	Street	Intern	2	\$12.00- \$2.50 above
270.940 Recreation	Recreation	Seasonal Worker	8	\$12.00- \$2.50 above
740.637 Water	Water	Seasonal Worker	5	\$12.00- \$2.50 above
740.637 Water	Treatment Plant	Seasonal Worker	1	\$12.00- \$2.50 above
740.637 Water	Treatment Plant	Intern	1	\$12.00- \$2.50 above
750.637 Sewer	Treatment Plant	Seasonal Worker	1	\$12.00- \$2.50 above
865.647 Int.Service	Int.Service	Intern	1	\$12.00- \$2.50 above
		IT Intern	1	\$12.00- \$2.50 above

Arts/Recreation Fund

RECREATION/COMMUNITY CENTER PROGRAM PERSONNEL

DEPARTMENT	POSITION	RATE
A.P & R	Pool Attendants, Preschool Aides,	\$12.00- \$2.50 above
	Day Care/Camp Instructors, Fitness	\$12.00- \$2.50 above
	Supervisor, Building & League Supvs.	\$12.00- \$2.50 above
	Youth Referee, Score Keepers	\$12.00- \$2.50 above
A.P & R	Lifeguards	\$13.00 - \$2.50 above
A.P & R	Head Life Guard(s)	\$13.00 - \$2.50 above
A.P & R	Lead Life Guard	\$13.00 - \$2.50 above
A.P & R	Head Pool Attendant	\$13.00 - \$2.50 above
A.P & R	Lead pool Attendant	\$13.00 - \$2.50 above
A.P & R	Programs Coordinator	\$12.00- \$2.50 above
A.P & R	Personal Trainer	\$14.00 - \$3.00 above
A.P & R	Pre School Teacher	\$12.00- \$2.50 above

Number of employees for each position will vary to meet program needs

0-129-25

Introduced by Solveig Spjeldnes, Chair
Transportation Committee

AN ORDINANCE REPEALING ORDINANCE 91-23, THE UPTOWN
IMPROVEMENTS PROJECT #329.

WHEREAS, this project was bid four times with no bidders; and

WHEREAS, ODOT pulled (\$1,005,000.00) Small Cities funds due to timing;

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

SECTION I: Athens City Council does hereby repeal Ordinance 91-23, the
Uptown Improvements Project #329, as the project has been canceled.

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

0-130-25

Introduced by Solveig Spjeldnes, Chair
Transportation Committee

AN ORDINANCE AMENDING ORDINANCE 35-25; AUTHORIZING ENGINEERING AND CONSTRUCTION OF THE ATHENS STREETSCAPE BEAUTIFICATION, PROJECT #383.

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

SECTION I: Section III of Ordinance 35-25 is hereby amended to read as follows:

Section III: The Service-Safety Director is further authorized to expend up to **Seven Million Seven Hundred Thousand Dollars (\$7,700,000.00)** as follows:

Six Million Five Hundred Thousand Dollars (\$6,500,000.00) from Appalachian Community Grant Fund, 905, T.C. 500, **and**

One Million Two Hundred Thousand Dollars (\$1,200,000.00) from Street Rehabilitation Fund, 572, T.C. 500, reallocated from the Uptown Improvements Project #329, for use on said Project #383.

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

0-131-25

Introduced by Solveig Spjeldnes, Chair
Transportation Committee

AN ORDINANCE AUTHORIZING THE MAYOR TO RE-DESIGNATE HOCKING
ATHENS PERRY COMMUNITY ACTION (HAPCAP) TO ADMINISTER THE ATHENS
PUBLIC TRANSIT BUS SYSTEM.

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

SECTION I: The Mayor is hereby authorized to re-designate Hocking Athens
Perry Community Action (HAPCAP) as Designated Grantee to carry out activities of
the Athens Public Transit Bus System, financed under the Federal Transit
Administration, and administered by the Ohio Department of Transportation for a
period from January 1, 2026, through December 31, 2028, including all procurement
required to operate and administer the system. A copy of the Memorandum of
Understanding is attached hereto and incorporated herein by reference.

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

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CITY OF ATHENS, OHIO
AND
HOCKING ATHENS PERRY COMMUNITY ACTION**

THIS MEMORANDUM of UNDERSTANDING is entered into on this ____ day of _____, 2025 by and between the City of Athens (hereinafter called the “City”) and the Hocking Athens Perry Community Action (hereinafter called “HAPCAP”).

The purpose of this agreement is to govern the activities of the Athens Public Transit Bus System, financed under the Federal Transit Administration, 49 USC, Section 5311, and administered by the Ohio Department of Transportation to be carried out by HAPCAP as the Designated Grantee.

I. PURPOSE/OBJECTIVES/GOALS

- This Memorandum of Understanding (MOU) is set in place to achieve the goals and objectives for the successful operation of the Athens Public Transit System.

II. SCOPE OF SERVICES

- HAPCAP will provide Project Administration of the Athens Public Transit including all procurement required to operate and administer the system.
- HAPCAP will not assume any financial responsibility for the operation of Athens Public Transit and will bill the City in four (4) quarterly payments based on ODOT’s quarterly invoices. Capital project and all other invoicing will be done on an as needed basis.

III. REQUIREMENTS

HAPCAP will be required to manage the project consistent with the Ohio Department of Transportation approved project scope, schedule, budget and financial summary.

IV. RECORDS AND REPORTS

- HAPCAP agrees the City shall be permitted to inspect all data and records with regard to the Athens Public Transit and to audit the books, records and accounts with regard to Athens Public Transit.
- HAPCAP will submit monthly/quarterly/yearly reporting data to ODOT as required.

V. VEHICLES

- HAPCAP will be responsible for maintaining insurance on all vehicles in the Athens Public Transit bus system listing the City of Athens as additionally insured. The City will be responsible for maintaining insurance on buildings and equipment, listing HAPCAP as additionally insured. General liability coverage will also include HAPCAP as additionally insured.

VI. COMPLIANCE WITH FEDERAL, STATE AND LOCAL REQUIREMENTS

- HAPCAP agrees to meet all the conditions under US DOT Federal Transit Administration, state, and local requirements.

VII. EFFECTIVE DATE AND TERMINATION

- The MOU shall be effective January 1, 2026 through December 31, 2028. The MOU shall remain in effect unless terminated by any Party, and may be revised or modified on written agreement of all Parties. The Party recommending the revision or modification shall provide the other Parties with 30 days' written notice of the proposed change.
- Any of the Parties may terminate the MOU upon 60 days' written notice to the other Parties. Following the termination, all information that was provided subject to this MOU shall remain confidential, to the extent provided by law, and shall continue to be governed by the terms of the agreement.

VIII. FACILITY

- HAPCAP shall be the City's designated grantee to design and construct a Transit Facility located on West State St. HAPCAP will be the main source of contact and signature, with city administration concurrence, for all design and construction contracts undergone for the Transit Facility Project.
- The City of Athens, designates HAPCAP the user of the Transit Facility in perpetuity for the purpose of constructing and operating as long as HAPCAP remains a transit operator for the City of Athens.

IN WITNESS WHEREOF, the parties have subscribed their hands at Athens, Ohio this

_____ day of _____, 2025.

City of Athens, Ohio

ATTEST: _____

Steve Patterson, Mayor, City of Athens

Hocking Athens Perry Community Action

ATTEST: _____

Kelly Hatas, Executive Director

I hereby approved the form of the foregoing MOU.

Lisa Eliason, City of Athens, Law Director

Date

0-133-25

Introduced by Alan Swank, Chair
Planning & Development Committee

AN ORDINANCE AMENDING TITLE 7, TRAFFIC CODE, SECTIONS 7.01.02, 7.01.13, 7.01.17, 7.03.07, 7.03.07.1, 7.03.25, 7.04.03, AND 7.04.44; AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH.

WHEREAS, the duly elected governing authority of the City of Athens, Ohio is authorized by ORC § 715.03 to adopt ordinances relating to its property, affairs and local government;

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

SECTION I: The Code of Ordinances of the City of Athens, Ohio (meaning City Municipal Code) is hereby amended by adding certain provisions.

SECTION II: The addition, amendment, or removal of Municipal Athens City Code Sections when passed in such form as to indicate the intention of the governing authority of the City of Athens, Ohio to make the same a part of the Municipal Code shall be deemed to be incorporated in the Municipal Code, so that reference to the Municipal Code includes the additions, amendments, and removals.

SECTION III: The codifier (meaning the person, agency or organization authorized to prepare the supplement to the Code of Ordinances of the City of Athens, Ohio) is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the City's Municipal Code.

SECTION IV: Supplementation of Code.

(a) In preparing a supplement to the City's Municipal Code, all portions of this ordinance which have been repealed shall be excluded from the City's Municipal Code by the omission thereof from reprinted pages.

(b) When preparing a supplement to the City's Municipal Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the City's Municipal Code printed in the supplement, and make

changes in such catchlines, headings, and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the City's Municipal Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections" 7.01.02, 7.01.13, 7.01.17, 7.03.07, 7.03.07.1, 7.03.25, 7.04.03, and 7.04.44; and

(5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the City's Municipal Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the City's Municipal Code.

(c) In preparing a supplement to the City's Municipal Code, the pages of a supplement shall be so numbered that they will fit properly into the City's Municipal Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the City's Municipal Code will be current through the date of the adoption of the latest ordinance included in the supplement.

SECTION V: If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the City of Athens, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION VI: Any ordinances or resolutions inconsistent herewith are hereby repealed.

SECTION VII: Provisions of Section VIII that duplicate or track State statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.

SECTION VIII: The Athens City Municipal Code, Title 7, Traffic Code, is hereby amended as attached hereto and incorporated herein by reference.

SECTION IX: 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

7.01.02. Definitions.

For the purpose of the traffic code the words and phrases defined herein shall have the meanings respectively ascribed to them.

- (B) "Agricultural tractor", means ~~and~~ **"traction engine" mean** every self-propelling vehicle designed or used for drawing other vehicles or wheeled machinery but having no provision for carrying loads independently of such other vehicles and used principally for agricultural purposes.
- (C) "Bicycle", means ~~every device, other than a device that is designed solely for use as a play~~ **pedal-powered** vehicle ~~by a child, and that has two or more wheels equipped with tires either of which is over 14 inches in diameter~~ **upon which a human operator sits, including an electric bicycle.**
- (H) "Crosswalk", means:
 - (1) That part of a roadway at intersections ~~ordinarily~~ **an intersection** included within the ~~real or projected prolongation of property lines and curb lines~~ **connections of the lateral lines of the sidewalk on opposite sides of the highway measured from the curbs**, or, in the absence of curbs, ~~from the edges of the traversable roadway, and in the absence of a sidewalk on one side of the roadway, the part of a roadway included within the extension of the lateral lines of the sidewalk at the right angles to the center line;~~
 - (2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface, **which might be supplemented by contrasting pavement texture, style, or color;**
 - (3) Notwithstanding the foregoing provisions, ~~there shall not be a crosswalk~~ **"crosswalk" does not include an area** where local authorities have placed signs indicating no crossing.
- (L) "Expressway", means a divided arterial **street or** highway for through traffic with full or partial control of access with an excess of 50 percent of all cross roads when separated in grade.
- (S) "Intersection", means:
 - (1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict.

The junction of an alley or driveway, **site roadway open to public travel** with a **public** roadway or highway does not constitute an intersection, unless the **public** roadway or highway at the junction is controlled by a traffic control device.

- (2) If a highway includes two roadways that are 30 feet or more apart **separated by a median**, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection **if the opposing left-turn paths cross and there is sufficient interior storage for the design vehicle**. ~~If both intersecting highways include two roadways 30 feet or more apart, then every crossing of any two roadways of such~~ **As used in this division, "design vehicle" means the longest vehicle authorized under section 5577.05 of the Revised Code to operate on that roadway without a permit.** ~~highways constitutes a separate intersection.~~
- (3) At a location controlled by a **highway** traffic control signal, regardless of the distance between the separate intersections as described in subsection (S)(2) of this section:
 - (a) If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two intersections and the roadway and median constitute one intersection.
 - (b) Where a stop line, yield line, or crosswalk line is designated on the roadway on the intersection approach, the area within the crosswalk and any area beyond the designated stop line or yield line constitute part of the intersection.
 - (c) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk.
- (Z) "Pedestrian", means ~~natural person afoot~~ **on foot, in a motorized or non-motorized wheelchair, or using another equivalent device, such as skates or a skateboard**. "Pedestrian" includes a personal delivery device as defined in section 4511.513 of the Revised Code unless the context clearly suggests otherwise.
- (EE) "Railroad", means a carrier of persons or property operating upon rails **or tracks** placed principally on a private right-of-way.
- (FF) "Railroad sign or signal", means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a ~~railroad~~ train.
- (GG) "Railroad train **Train**", means ~~a steam engine or an electric or other motor~~ **one or more locomotives coupled**, with or without cars coupled thereto, operated by

a railroad that operates on rails or tracks and to which all other traffic is required by law to yield the right-of-way at highway-rail grade crossings.

(JJ) "Roadway", means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel and parking lanes, except not including the berm, sidewalk, or shoulder, even if the berm, sidewalk, or shoulder is used by a person operating a bicycle or other human-powered vehicle. If a street or highway includes two or more separate roadways the term "roadway" means any such roadway separately but not all such roadways collectively.

(NN) "Sidewalk", means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines or easements of private property, that is paved or improved, and is intended for the use of pedestrians.

(QQ) "Street or highway", means the entire width between the boundary lines of every way open to the use of a general term for denoting a public way for purposes of travel by vehicles, streetcars, trackless trolleys, and vulnerable road users, including the public as a thoroughfare for purposes of vehicular travel entire area within the right-of-way.

(UU) "Traffic", means pedestrians, ridden or herded animals, vehicles, and other devices, either singly or together, while using any street or highway or site roadway for purposes of travel.

(VV) "Traffic control devices" means a flagger, sign, signal, marking, channelization device, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road that uses colors, shapes, symbols, words, sounds, or tactile information for the primary purpose of communicating a regulatory, warning, or guidance message to road users on a street, highway site roadway open to public travel, by authority of the private owner or private official having jurisdiction pedestrian facility, bikeway, or pathway.

(WW) "Traffic control signal," means any highway traffic signal by which placed at an intersection, movable bridge, fire station, midblock crosswalk, alternating one-way sections of a single lane road, private driveway, or other location that requires conflicting traffic is alternately to be directed to stop and permitted to proceed in an orderly manner. "Traffic control signal" includes a vehicular signal indication, a pedestrian signal indication, and a bicycle symbol signal indication. "Traffic control signal" does not include an emergency-vehicle hybrid beacon or a pedestrian hybrid beacon.

(BBB) "Vehicle", means every device, including a bicycle, motorized bicycle, an electric bicycle, and pursuant to authority granted by Section 4511.512(A)(3) of the Ohio Revised Code, an electric personal assistive mobility device such as

an electric scooter, in, upon, or by which any person or property may be transported or drawn upon a street or highway, ~~except that "vehicle"~~. **Vehicle** does not include any motorized wheelchair, any low speed micromobility device, any personal delivery device as defined in Section 4511.513 of the Ohio Revised Code, any device that is moved by power collected from overhead electric trolley wires or devices used exclusively upon

RC 4511.01

7.01.13. Traffic signals.

Traffic signal indications for vehicles and pedestrians shall have the following meanings:

(F) Flashing red signal indication:

(4) Vehicular traffic, on an approach to an intersection, facing a flashing red arrow signal indication and if intending to turn in the direction indicated by the arrow, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The right to proceed shall be subject to the provisions that are applicable after making a stop at a stop sign.

(G) Transit vehicle signal indication:

(1) Light rail and mass transit system bus traffic, on an approach to an intersection from a designated busway or other designated transit vehicle lane or tracks shall do all of the following:

- (a) Stop when facing a steady horizontal white line;
- (b) Proceed straight ahead when facing a steady vertical white line;
- (c) Only turn or proceed left when facing a steady diagonal white line that begins in the lower right corner and angles up and to the left;
- (d) Only turn or proceed right when facing a steady diagonal white line that begins in the lower left corner and angles up and to the right;
- (e) Prepare to stop when facing a flashing vertical white line.

(2) As used in division (G)(1) of this section, "mass transit system" and "bus" have the same meanings as in section 4511.78 of the Revised Code.

(GH) In the event an official **highway** traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the

pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

- (H) This section does not apply at railroad grade crossings. Conduct of drivers of vehicles, trackless trolleys, and streetcars approaching railroad grade crossings shall be governed by Sections 4511.61 and 4511.62 of the Ohio Revised Code.

RC 4511.13

7.01.17. Fleeing and eluding: obedience to traffic officers.

- (C) (3) Except as provided in Section 2921.331(C)(4) and (5) of the Ohio Revised Code, a violation of subsection (B) of this section is a ~~misdemeanor~~ **felony** of the first **fourth** degree.

RC 2921.331

7.03.07. Prohibition against driving while under the influence of alcohol or drugs with certain concentration of alcohol in bodily substances; chemical analysis.

- (D) (1) (a)In any criminal prosecution or juvenile court proceeding for a violation of subsection (A)(1)(a) of this section or for an equivalent offense that is vehicle-related, the result of any test of any blood, **oral fluid**, or urine withdrawn and analyzed at any health care provider, as defined in Section 2317.02 of the Ohio Revised Code, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocent of the defendant.
- (b) In any criminal prosecution for a violation of subsection (A) or (B) of this section or for any equivalent offense that is vehicle-related, the court may admit evidence on the **presence and** concentration of alcohol, drugs of abuse, controlled substances, metabolites of controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, **oral fluid**, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in Section 4511.192(A) of the Ohio Revised Code as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the **presence and** concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood test at the request of a law enforcement officer under Section 4511.191 of the Ohio Revised Code or a substantially equivalent municipal ordinance, or a blood, **oral fluid**, or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an

emergency medical technician-paramedic, or a qualified technician, chemist, or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath, **oral fluid**, or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood. The bodily substance withdrawn under this subsection (D)(1)(b) shall be analyzed in accordance with methods approved by the director of health by an individual possessing a valid permit issued by the director pursuant to Section 3701.143 of the Ohio Revised Code.

- (4) (b) In any criminal prosecution or juvenile court proceeding for a violation of subsection (A) or (B) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, **oral fluid**, or urine, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including but not limited to any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:

1. The officer may testify concerning the results of the field sobriety test so administered.
2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

(G)(8) A court may order an offender to reimburse a law enforcement agency for any costs incurred by the agency with respect to a chemical test or tests administered to the offender if all of the following apply:

- (a) The offender is convicted of or pleads guilty to a violation of subsection (A) of this section.
- (b) The test or tests were of the offender's whole blood, blood serum or plasma, **oral fluid**, or urine.
- (c) The test or tests indicated that the offender had **one of the following at the time of the offense:**

- (i) a **A** prohibited concentration of a controlled substance or a metabolite of a controlled substance in the offender's whole blood, blood serum or plasma, or urine ~~at the time of the offense;~~
- (ii) **A drug of abuse or a metabolite of a drug of abuse in the offender's oral fluid.**
- (9) **A court may warn any person who is convicted of or who pleads guilty to a violation of division (A) of this section or an equivalent offense that a subsequent violation of this section or an equivalent offense that results in the death of another or the unlawful termination of another's pregnancy may result in the person being guilty of aggravated vehicular homicide under section 2903.06 of the Revised Code. The court may warn the person of the applicable penalties for that violation under sections 2903.06 and 2929.142 of the Revised Code.**
- (~~9~~**10**) As used in subsection (G) of this section "Electronic monitoring" has the same meaning as in Section 2929.01 of the Ohio Revised Code.

RC 4511.19

7.03.07.1 Implied consent.

- (A) (2) Any person who operates a vehicle upon a highway or any public or private property used by the public for vehicular travel or parking within this municipality or who is in physical control of a vehicle shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, **oral fluid**, or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, **oral fluid**, or urine if arrested for a violation of subsection 7.03.07(A) or (B), Section 7.03.07.2, Sections 4511.19(A) or (B) of the Ohio Revised Code, Section 4511.194 of the Ohio Revised Code or a substantially equivalent municipal ordinance, or any other municipal OVI ordinance.
- (5) (a) If a law enforcement officer arrests a person for a violation of Sections 4511.19(A) or (B) and 4511.194 of the Ohio Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance and if the person if convicted would be required to be sentenced under Section 4511.19(G)(1)(c), (d), or (e) of the Ohio Revised Code, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, **oral fluid**, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, **oral fluid**, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the

consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in subsection (C) of this section, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Subsections (A)(3) and (A)(4) of this section apply to the administration of a chemical test or tests pursuant to this division.

- (C) Except as provided in subsection (A)(5) of this section, if a person is under arrest as described in subsection (B) of this section, before the person may be requested to submit to a chemical test or tests to determine the alcohol, drug of abuse, controlled substance, metabolite of a combined substance, or a combination content of the person's whole blood, blood serum or plasma, breath, **oral fluid**, or urine, the arresting officer shall read the following form to the person:

"You now are under arrest for (specifically state the offense under state law or a substantially equivalent municipal ordinance for which the person was arrested- operating a vehicle under the influence of alcohol, a drug, or a combination of them; operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance, operating a vehicle after underage alcohol consumption; or having physical control of a vehicle while under the influence).

If you refuse to take any chemical tests required by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated. If you have a prior conviction of OVI, ~~OVUAC~~, or operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance under state or municipal law within the preceding 20 years, you are now under arrest for state OVI, and, if you refuse to take a chemical test, you will face increased penalties if you subsequently are convicted of the state OVI.

(Read this part unless the person is under arrest for solely having physical control of a vehicle while under the influence.) If you take any chemical test required by law and are found to be at or over the prohibited amount of alcohol, a controlled substance, or a metabolite of a controlled substance in your whole blood, blood serum or plasma, breath, or urine as set by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated.

If you take a chemical test, you may have an independent chemical test taken at your own expense."

- (E)(2) Subsection (E)(1) of this section does not apply to a person who is arrested for a violation of Section 7.03.07.2, Section 4511.194 of the Ohio Revised Code, or a substantially equivalent municipal ordinance, who is asked by a law enforcement officer to submit to a chemical test or tests under this section, and

who submits to the test or tests, regardless of the amount of alcohol, a controlled substance, or a metabolite or a controlled substance that the test results indicate is present in the person's whole blood, blood serum or plasma, breath, **oral fluid**, or urine.

RC 4511.191

7.03.25. Display of license plates.

- (A) (1) ~~No~~ **Subject to section 4503.211 of the Revised Code, no** person who is the owner or operator of a motor vehicle shall fail to display in plain view on the rear of the motor vehicle a license plate that displays the distinctive number and registration mark assigned to the motor vehicle by the director of public safety, including any county identification sticker and any validation sticker when required by and issued under Sections 4503.19 and 4503.191 of the Ohio Revised Code. However, a commercial tractor shall display the license plate on the front of the commercial tractor.
- (2) The license plate shall be securely fastened so as not to swing and shall not be covered by any material that obstructs its visibility.
- (3) ~~No~~ **Subject to section 4503.211 of the Revised Code, no** person to whom a temporary motor vehicle license registration has been issued for the use of a motor vehicle under Section 4503.182 of the Ohio Revised Code, and no operator of that motor vehicle, shall fail to display the temporary motor vehicle license registration in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle.
- (4) No person shall cover a temporary motor vehicle license registration by any material that obstructs its visibility.
- (B) Whoever violates this section is guilty of a minor misdemeanor.

RC 4503.21

7.04.03. Street racing prohibited.

- (A) **As used in this section and section 4510.036 of the Ohio Revised Code:**
- (1) "Street racing," is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive acceleration or speeds. ~~Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants.~~ The operation of two or more vehicles side by side either at speeds in excess of prima facie lawful speeds established by ordinance or rapidly accelerating

from a common starting point to a speed in excess of such prima facie lawful speeds shall be prima facie evidence of street racing.

- (2) "Burnout" means a maneuver performed while operating a vehicle whereby the vehicle is kept in a stationary position, but the wheels of the vehicle are spun, which may cause the tires of the vehicle to become heated and emit smoke from the friction.
- (3) "Doughnut" means a maneuver performed while operating a vehicle whereby the front or rear of the vehicle is rotated around the opposite set of wheels in a continuous motion, which may cause a circular skid-mark pattern of rubber on the driving surface, or the tires of the vehicle to become heated and emit smoke from the friction, or both.
- (4) "Drifting" means a maneuver performed while operating a vehicle whereby the vehicle is driven in a manner that causes a controlled, sideways skid during a turn, with the front wheels pointing in a direction that is the opposite of the direction of the turn.
- (5) "Wheelie" means a maneuver performed while operating a vehicle whereby the front wheel or wheels of the vehicle are raised off of the ground or whereby two wheels that are on the same side of the vehicle are raised off of the ground.
- (6) "Stunt driving" means performing or engaging in burnouts, doughnuts, drifting, or wheelies, or allowing a passenger to ride either partially or fully outside of the vehicle while operating that vehicle.
- (7) "Street takeover" means blocking or impeding the regular flow of vehicle or pedestrian traffic on a public road, street, or highway or on private property that is open to the general public for the purpose of street racing or stunt driving.
- (B) No person shall knowingly participate in a drag race, stunt driving, or street takeover as defined in subsection (A) of this section upon any public street or road in this city or on private property that is open to the general public.
- (C) Whoever violates this section is guilty of street racing, stunt driving, or street takeover, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for not less than 30 days or more than three years. No judge shall suspend the first 30 days of any suspension of an offender's license, permit, or privilege imposed under this division.
- (D) Persons rendering assistance in any manner to street racing, stunt driving, or street takeover shall be equally charged as the participants.
- (E) This section does not apply to the competitive operation of vehicles on public or private property when the political subdivision with jurisdiction of the location or owner of the property knowingly permits such operation thereon.

RC 4511.251

7.04.44. Pedestrian on crosswalk has right-of-way.

- (A) When **highway** traffic, control signals are not in place or not in operation, or are not clearly assigning the right-of-way, the driver of a vehicle, trackless trolley, or streetcar shall yield the right-of-way, slowing down or stopping if need be to so yield or if required by section 4511.132 of the Revised Code, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

RC 4511.46

0-134-25

Introduced by Alan Swank, Chair
Planning and Development Committee

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 9.06, INTOXICATING LIQUORS; NARCOTICS, SECTION 9.06.99, PENALTIES.

SECTION I: Athens City Code Title 9, General Regulations, Chapter 9.06, Intoxicating Liquors; Narcotics, Section 9.06.99(A), Penalties, is hereby amended to read as follows:

Chapter 9.06. – Intoxicating Liquors; Narcotics

9.06.99. – Penalties.

(A) Whoever violates Section 9.06.07, 9.06.08 (A), (B), (C), (D), (F) and (G), 9.06.09 or 9.06.11 is guilty of a misdemeanor of the first degree as defined in Section 2929.21 of the Ohio Revised Code. **Whoever violates Section 9.06.08 (E) is guilty of a misdemeanor of the third degree as defined in Section 2929.21 of the Ohio Revised Code.**

RC 4301.99

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

0-135-25

Introduced by Alan Swank, Chair
Planning & Development Committee

AN ORDINANCE AMENDING TITLE 13, GENERAL OFFENSES, SECTIONS 13.05.01 AND 13.05.03; AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH.

WHEREAS, the duly elected governing authority of the City of Athens, Ohio is authorized by ORC § 715.03 to adopt ordinances relating to its property, affairs and local government;

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

SECTION I: The Code of Ordinances of the City of Athens, Ohio (meaning City Municipal Code) is hereby amended by adding certain provisions.

SECTION II: The addition, amendment, or removal of Municipal Athens City Code Sections when passed in such form as to indicate the intention of the governing authority of the City of Athens, Ohio to make the same a part of the Municipal Code shall be deemed to be incorporated in the Municipal Code, so that reference to the Municipal Code includes the additions, amendments, and removals.

SECTION III: The codifier (meaning the person, agency or organization authorized to prepare the supplement to the Code of Ordinances of the City of Athens, Ohio) is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the City's Municipal Code.

SECTION IV: Supplementation of Code.

(a) In preparing a supplement to the City's Municipal Code, all portions of this ordinance which have been repealed shall be excluded from the City's Municipal Code by the omission thereof from reprinted pages.

(b) When preparing a supplement to the City's Municipal Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the City's Municipal Code printed in the supplement, and make changes in such catchlines, headings, and titles;

- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the City's Municipal Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections" 13.05.01 and 13.05.03; and
 - (5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the City's Municipal Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the City's Municipal Code.
- (c) In preparing a supplement to the City's Municipal Code, the pages of a supplement shall be so numbered that they will fit properly into the City's Municipal Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the City's Municipal Code will be current through the date of the adoption of the latest ordinance included in the supplement.

SECTION V: If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the City of Athens, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION VI: Any ordinances or resolutions inconsistent herewith are hereby repealed.

SECTION VII: Provisions of Section VIII that duplicate or track State statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.

SECTION VIII: The Athens City Municipal Code, Title 13, General Offenses, is hereby amended as attached hereto and incorporated herein by reference.

SECTION IX: 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

13.05.01. Definitions.

For the purposes of this chapter the words and phrases defined hereunder shall have the meanings therein respectively ascribed to them:

"Harmful to juveniles." Any material or performance is "harmful to juveniles" if it is offensive to prevailing standards in the adult community with respect to what is suitable for juveniles, and if any of the following apply:

- (1) It tends to appeal to the prurient interests of juveniles.
- (2) It contains a display, description, or representation of sexual activity, masturbation, sexual excitement, or nudity.
- (3) It contains a display, description, or representation, of bestiality or extreme or bizarre violence, cruelty, or brutality.
- (4) It contains a display, description, or representation of human bodily functions of elimination.
- (5) It makes repeated use of foul language.
- (6) It contains a display, description, or representation in lurid detail of the violent physical torture, dismemberment, destruction, or death of a human being.
- (7) It contains a display, description, or representation of criminal activity which tends to glorify or glamorize such activity, and which with respect to juveniles has a dominant tendency to corrupt.

"Juvenile" shall mean an unmarried person under 18 years of age.

"Licensed medical professional" means any of the following medical professionals:

- (1) A physician assistant licensed under Chapter 4730. of the Revised Code;
- (2) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;
- (3) A massage therapist licensed under Chapter 4731. of the Revised Code.

RC 2907.01

13.05.03. Sexual imposition.

- (A) No person shall have sexual contact with another, ~~not the spouse of the offender;~~ cause another, ~~not the spouse of the offender,~~ to have sexual contact with the offender; or cause two or more other persons to have sexual contact when **any the offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.** following apply:

- (1) ~~The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.~~

- ~~(2) The offender knows that the other person's, or one of the other's ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.~~
 - ~~(3) The offender knows that the other person, or one of the other persons, submits because of being unaware of the sexual contact.~~
 - ~~(4) The other person, or one of the other persons, is 13 years of age or older but less than 16 years of age, whether or not the offender knows the age of such person, and the offender is at least 18 years of age and four or more years older than such other person.~~
 - ~~(5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.~~
- (B) No person shall be convicted of a violation of this section solely upon the victim's testimony unsupported by other evidence.
- (C) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to a violation of this section or of Section 2907.02, 2907.03, 2907.04, or 2907.05, or former Section 2907.12 of the Revised Code, a violation of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of this section or Section 2907.02, 2907.03, 2907.04, or 2907.05, or former Section 2907.12 of the Revised Code, or of any combination of those sections, a violation of this section is a misdemeanor of the first degree and, notwithstanding the range of jail terms prescribed in Section 2929.24 of the Revised Code, the court may impose on the offender a definite jail term of not more than one year.

RC 2907.06

0-136-25

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE TO REPEAL ATHENS CITY CODE TITLE 15, TAXES.

WHEREAS, the General Assembly enacted H. B. 5 in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016, such that any income or withholding tax is “levied in accordance with the provisions and limitations specified in [Chapter 718];” and

WHEREAS, effective January 1, 2016, the Athens City Council enacted the amendments required to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code through the adoption of Ordinance 99-15, Title 17, Municipal Income Tax;

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

SECTION I: Effective December 31, 2025, Athens City Council does hereby repeal Athens City Code Title 15, Taxes.

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

0-137-25

Introduced by Finance & Personnel Committee

AN ORDINANCE TO PROVIDE FOR AN INCREASE IN THE GENERAL CITY INCOME TAX OF TWENTY HUNDREDTHS OF A PERCENT (.20%) PER ANNUM BEGINNING JANUARY 1, 2027.

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

SECTION I: It is necessary to levy an additional Twenty Hundredths of a percent (.20%) income tax for a continuing period of time, commencing January 1, 2027. Upon passage by a majority of the electors of the City of Athens, Title 17 of the Athens City Code of Ordinances shall be hereby amended to provide for a City Income Tax of Two and Fifteen Hundredths percent (2.15%) per annum, annually, effective January 1, 2027, rather than the current One and Ninety-Five Hundredths percent (1.95%) per annum.

SECTION II: The Twenty Hundredths of a percent (.20%) increase in general tax imposed by this Ordinance, will provide for a total of Two and Fifteen Hundredths percent (2.15%) tax per annum, rather than the current One and Ninety-Five Hundredths percent (1.95%) tax per annum, and shall be levied, collected and paid with respect to all income as defined in Athens City Code Chapter 17.01, subject to the tax earned on and after January 1, 2027.

SECTION III: This Ordinance shall be placed on the ballot at the primary election to be held on May 5, 2026, and shall be subject to the approval of a majority of the electors.

SECTION IV: In the event that less than a majority of the electors vote to approve the Twenty Hundredths of a percent (.20%) tax increase to be imposed January 1, 2027, as authorized herein, the present One and Ninety-Five Hundredths percent (1.95%) income tax rate shall remain in full force and effect as if the election had not occurred.

SECTION V: 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 VI: The Clerk of Council is hereby directed to file a certified copy of this Ordinance at least 90 days before May 5, 2026, with the Athens County Board of Elections pursuant to Section 718.01 of the Ohio Revised Code.

SECTION VII: 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

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR
(CITY COUNCIL)**

Revised Code, Secs. 5705.34, - 35.

*The Council of the **City of Athens**, Athens County, Ohio met in _____
(Regular or Special) session on the _____ day of _____, 2025
at the office of _____ with the following members present:*

_____ *moved the adoption of the following Resolution:*

*WHEREAS, This Council in accordance with the provisions of law has previously adopted
a Tax Budget for the next succeeding fiscal year commencing January 1st, 2026; and*

*WHEREAS, The Budget Commission of Athens County, Ohio has certified its action thereon to
this Council together with an estimate by the County Auditor of the rate of each tax necessary to be
levied by this Council, and what part thereof is without, and what part is within, the ten mill
limitation; therefore, be it*

*RESOLVED, By the Council of the **City of Athens**, Athens County, Ohio that the amounts
and rates, as determined by the Budget Commission in its certification, be and the same are
hereby accepted; and be it further*

*RESOLVED, That there be and is hereby levied on the tax duplicate of said City
the rate of each tax necessary to be levied within and without the ten mill limitation as follows:*

SCHEDULE A SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES	
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FUND	Amount to Be Derived from Levies Outside 10 Mill Limitation	Amount Approved by Budget Commission Inside 10 Mill Limitation	County Auditor's Estimate of Tax Rate to Be Levied	
			Inside 10 Mill Limit	Outside 10 Mill Limit

	Column II	Column IV	V	VI
General Fund				
Athens Township		1,168,300	2.60	
Canaan Township		55,026	2.40	
TOTAL	-	1,223,326	5.00	0.00

SCHEDULE B LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES		
Fund	Maximum Rate Authorized to Be Levied	County Auditor's Estimate of Yield of Levy (Carry to Schedule A, Column II)
General Fund:		
Total General Fund Outside 10 Mill Limitation		

and be it further

RESOLVED, That the Clerk of this Council be, and is hereby directed to certify a copy of this Resolution to the County Auditor of Athens County.

_____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Adopted the _____ day of _____, 2025.

President of Council

Clerk of Council

CERTIFICATE OF COPY

ORIGINAL ON FILE

The State of Ohio, Athens County, ss.

I, _____, Clerk of the Council of the **City of Athens**, within
and for said County, and in whose custody the Files and Records of said Council are required
by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and
copied from the original:

now on file, that the foregoing has been compared by me with said original document, and that
the same is a true and correct copy thereof.

Witness my signature, this _____ day of _____, 2025.

Clerk of Council

A copy of this Resolution must be certified to the County Auditor before the first day of October in each year, or at such later date as
may be approved by the Board of Tax Appeals.

No. _____

COUNCIL OF THE CITY OF

ATHENS

Athens County, Ohio

RESOLUTION

**ACCEPTING THE AMOUNTS AND
RATES AS DETERMINED BY THE
BUDGET COMMISSION AND
AUTHORIZING THE NECESSARY TAX
LEVIES AND CERTIFYING THEM TO
THE COUNTY AUDITOR.**

(City Council)

Adopted _____, 2025

Clerk of Council

Filed _____, 2025

Jill A. Davidson

Athens County Auditor

By _____
Deputy

Athens City
Tax Revenue Estimates for 2026 (Tax Year 2025)

<u>Tax Rate</u>	<u>Type</u>	<u>Date Voted</u>	<u>Levied Years</u>
2.60 Mills GF - Athens Twp n/a	Inside	n/a	Continuing
2.40 Mills GF - Canaan Twp n/a	Inside	n/a	Continuing

<u>Athens City</u>	<u>Athens Township</u>	<u>Canaan Township</u>	<u>Total</u>
AGR-RES	268,696,450	575,810	269,272,260
OTHER	176,029,120	22,703,630	198,732,750
UTILITY REAL	-	-	-
UTILITY PERS	28,270,500	854,560	29,125,060
PERSONAL	-	-	-
TOTAL	472,996,070	24,134,000	497,130,070

<u>Levy</u>	<u>Eff. Rate A</u>	<u>Eff. Rate B</u>	<u>Full Rate</u>	<u>Estimated Revenue</u>
GF - Athens Twp	2.600000	2.600000	2.60	\$ 1,168,300
GF - Canaan Twp	2.400000	2.400000	2.40	\$ 55,026
Total Tax Levy Estimate:				\$ 1,223,326

Estimates are calculated using tax year 2024 rates and valuation

Total Estimated Revenue does not include PU or PPT Reimbursements.

R-06-25

Introduced by the Finance & Personnel Committee

A RESOLUTION TO PLACE THE ISSUE OF INCREASING THE CITY INCOME TAX BY TWENTY-HUNDREDTHS OF A PERCENT (.20%) PER ANNUM BEGINNING JANUARY 1, 2027, ON THE BALLOT AT THE NEXT PRIMARY ELECTION ON MAY 5, 2026; AND DIRECTING THE BOARD OF ELECTIONS OF ATHENS COUNTY TO CONDUCT THE ELECTION.

WHEREAS, the Council of the City of Athens, Ohio, has determined that, pursuant to Section 718 of the Ohio Revised Code, the issue of increasing the City Income Tax from the current One and Ninety-Five Hundredths percent (1.95%) to Two and Fifteen Hundredths percent (2.15%) annually, effective January 1, 2027, shall be placed on the ballot at the next primary election;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The Board of Elections of Athens County, Ohio is hereby directed to conduct an election at the next primary election on May 5, 2026, on the issue of increasing the Athens City Income Tax by an additional Twenty Hundredths of a percent (.20%) to Two and Fifteen Hundredths percent (2.15%) per annum effective January 1, 2027, more fully described in the Ordinance attached hereto and incorporated herein by reference.

SECTION II: The Board of Elections of Athens County, Ohio, is hereby directed that the ballot of said election shall be in substantially the following form:

Shall the Ordinance of the City of Athens, Ohio, providing for an increase in the levy on income from One and Ninety-Five Hundredths percent (1.95%), by an additional Twenty Hundredths of a percent (.20%), to Two and Fifteen Hundredths percent (2.15%) annually, effective January 1, 2027, for the purpose of providing funds for safety services (Police and Fire Departments), general municipal operations, street improvements, capital improvements, and transportation be passed?

_____FOR THE INCOME TAX

_____AGAINST THE INCOME TAX

SECTION III: In accordance with Section 718.04 of the Ohio Revised Code, (a) the additional income tax levy shall be an annual tax levied on the income of every person residing in or earning or receiving income in the City and the additional income tax levy shall be measured by municipal taxable income, (b) the City is levying the additional income tax levy in accordance with the limitations specified in Chapter 718 of

the Ohio Revised Code and the provisions of Chapter 718 of the Ohio Revised Code are incorporated into this resolution by reference and made a part hereof, and (c) any and all credits applicable to the additional income tax levy shall be made available as provided in Chapter 17 of the City's Codified Ordinances.

SECTION IV: The ballot measure for the additional income tax levy shall be submitted to the entire territory of the City. The City has territory solely in Athens County, Ohio.

SECTION V: A certified copy of Ordinance 137-25 is hereby attached to this resolution and incorporated herein by reference.

SECTION VI: It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 VII: The Clerk of Council is hereby directed to file this resolution and a certified copy of the ordinance attached herewith with the Athens County Board of Elections at least ninety (90) days before Election Day described herein. It is hereby found and determined that providing funds for safety services (police and fire), general municipal operations, street improvements, capital improvements, and transportation are conducive to public peace, health, safety, convenience and welfare of the City and the inhabitants thereof.

SECTION VIII: This Resolution 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

0-137-25

Introduced by Finance & Personnel Committee

AN ORDINANCE TO PROVIDE FOR AN INCREASE IN THE GENERAL CITY INCOME TAX OF TWENTY HUNDREDTHS OF A PERCENT (.20%) PER ANNUM BEGINNING JANUARY 1, 2027.

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

SECTION I: Upon passage by a majority of the electors of the City of Athens, Title 17 of the Athens City Code of Ordinances shall be hereby amended to provide for City Income Tax of Two and 15/100 percent (2.15%), annually, effective January 1, 2027, for a total of Two and 15/100 percent (2.15%) per annum, rather than the current One and 95/100 percent (1.95%) per annum.

SECTION II: The Twenty Hundredths of a percent (.20%) increase in general tax imposed by this Ordinance, will provide for a total of Two and 15/100 percent (2.15%) tax per annum, rather than the current One and 95/100 percent (1.95%) tax per annum, and shall be levied, collected and paid with respect to all income as defined in Athens City Code Chapter 17.01, subject to the tax earned on and after January 1, 2027.

SECTION III: This Ordinance shall be placed on the ballot at the primary election to be held on May 5, 2026, and shall be subject to the approval of a majority of the electors.

SECTION IV: In the event that less than a majority of the electors vote to approve the Twenty Hundredths of a percent (.20%) tax increase to be imposed January 1, 2027, as authorized herein, the present One and 95/100 percent (1.95%) income tax rate shall remain in full force and effect as if the election had not occurred.

SECTION V: The Clerk of Council is hereby directed to file a certified copy of this Ordinance at least 90 days before May 5, 2026, with the Athens County Board of Elections pursuant to Section 718.01 of the Ohio Revised Code.

SECTION VI: 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