

RECORD OF PROCEEDINGS

Minutes of Athens City Council (Reg. Sess.)

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held April 3, 2023

**ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, APRIL 3, 2023, 7:00 P.M.**

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

Also present: President Knisely, Mayor Patterson, and Law Director Eliason.

President Knisely presented Scout Troop 71 from Athens who will begin the meeting by leading us in the Pledge of Allegiance.

**DISPOSITION OF MINUTES:**

Risner moved approval of the minutes from the Regular Session of Council held March 20, 2023 and the Special Session held March 27; Ziff seconded. Minutes were unanimously approved as presented.

**COMMUNICATIONS:**

**President Knisely**, having heard no objections to the Kroger liquor permits presented at the March 20 meeting will ask the Clerk to return the documents to the Department of Liquor Control, indicating no hearing is requested.

There will be an all-Boards and Commissions meeting tomorrow evening from 5:30 to 6:30pm at the Athens Community Center.

**Council Member McCarey** recently attended the National League of Cities Racial Equity and Leadership (REAL) Institute along with the Mayor and the City's Diversity, Equity, Inclusion, and Accessibility Coordinator. About a dozen teams across the nation engaged in a multi-day learning experience designed to help learn from one another's challenges faced by municipalities, and shared resources for overcoming those challenges. He will follow up later with a more detailed report.

**Council Member Crowl** announced that the next meeting of the Environmental & Sustainability Commission will be held on Wednesday, April 5, at 6:00pm on the first floor of the City Building. He also announced a vacancy on the Commission for a non-City resident. Those interested should contact Athens City Council for application information.

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## REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

**Mayor Patterson** reported the following:

- The Athens International Film and Video Festival (AIFVF) begins April 10, with Court Street closed at 9:00pm on April 15, celebrating 50 years of AIFVF with a special outdoor screening in front of the Athena for an Animation Night Program.
- Encouraged Council to consider opening City Council meetings with a land acknowledgement that we live and reside on lands that once belonged to the Wyandot, Shawnee, Iroquois, and other indigenous peoples before colonization.

## ORDINANCES FOR THIRD READING:

### **0-26-23**

AN ORDINANCE AUTHORIZING A CONTRACT WITH THE WASHINGTON COUNTY COMMISSIONERS; AND DECLARING AN EMERGENCY. McCarey moved for Adoption; Crowl seconded. Adoption was approved unanimously.

### **0-29-23**

AN ORDINANCE REJECTING ALL BIDS RECEIVED FOR MUNICIPAL REFUSE, RECYCLING AND OPTIONAL COMPOSTING. Ziff moved for Adoption; McCarey seconded. Adoption was approved unanimously.

## ORDINANCES FOR SECOND READING:

### **0-25-23**

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 11, BUSINESS REGULATIONS, TO ADD CHAPTER 11.13, REDUCTION OF SINGLE-USE PLASTIC BAGS. Discussion: Swank moved to amend as follows:

- 1) Section 11.13.02, Carryout Bag Restrictions, change the effective date in (A) to read January 1, 2024, and add a new Section: (D) Citations for violations of this section shall be issued to a store or vendor by code enforcement officers, police officers, sanitarian, litter control officer, and others assigned by the service-safety director;
- 2) Section 11.13.04, Penalty, amend to read: A violation of Section 11.13.02 shall be an administrative offense requiring a fine of \$150.00. Any store or vendor cited with an offense of this section who does not pay the required administrative fine within 30 days shall receive a minor misdemeanor citation into court. Any store or vendor cited with an offense of this section who wishes to appeal the violation shall visit the Athens Police Department and receive a minor misdemeanor citation into court, providing notice and an opportunity to be heard, which shall serve as an

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appeals process. Any store or vendor who persists in such violation after previously receiving an administrative citation shall be guilty of a minor misdemeanor.

A separate offense shall be deemed committed each day during or on which a violation of noncompliance occurs or continues.

Ziff seconded. Discussion: Swank noted that Service-Safety Director Stone believes this amendment will give the Administration enforcement flexibility and will put teeth in the ordinance. Based on information from other cities, they do not think enforcement will be a big issue as many Athens' businesses have already begun the transition from single-use plastic.

Ziff appreciates the penalty being changed to include an administrative fine.

Leo Mohlenkamp, Utah Place, a member of Scout Troop 71, has volunteered at the Athens Food Pantry, indicating that they use some plastic bags for collecting and distributing food. He asked how this ordinance would affect the food pantry operations.

Swank explained that this is a citizen driven initiative, Athens Rethinks Plastic, will provide educational guidance and offer assistance in making this transition.

Law Director added this legislation speaks to stores and vendors that sell goods, offering that the food pantry might be an exception.

Amendment was approved unanimously.

**0-30-23**

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2023 ENERGIZED COMMUNITY GRANT(S) FUNDS.

**0-31-23**

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE 155-22.

**0-33-23**

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY USE PERMIT AT 758 WEST UNION STREET TO SEVEN GENERATIONS LLC, OWNER, TO PLACE A NEW SIGN FACE ON AN EXISTING SIGN POLE. Discussion: Grace asked if the Administration has an answer to the comparative sizes of the old and new signs as requested at first reading

Mayor responded that there is no change in the dimensions of the two signs.

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## **0-35-23**

AN ORDINANCE AUTHORIZING MUNICIPAL PARKING FACILITY IMPROVEMENTS, PHASE III. Risner moved to amend to add a new Section II to appropriate the funding for this project and renumbering the sections accordingly, and to include Speldnes's request to include "bicycle parking spaces" as part of the Whereas; Crowl seconded. Amendment was approved unanimously.

## **0-36-23**

AN ORDINANCE AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING PROGRAM. Risner moved to amend the date in Section VII to read May 1, 2023; Grace seconded. Amendment was approved unanimously.

## **ORDINANCES FOR FIRST READING:**

## **0-37-23**

AN ORDINANCE ACCEPTING A LAND DONATION AND EASEMENT FROM THE SHELTERING ARMS HOSPITAL FOUNDATION, INC., A NONPROFIT CORPORATION, FOR THE WEST UNION STREET IMPROVEMENTS, PROJECT #322.

## **0-38-23**

AN ORDINANCE AUTHORIZING THE MAYOR, OR THEIR DESIGNEE, TO ENTER INTO AGREEMENTS WITH AN ELECTRICITY GENERATION PROVIDER AND NEW PRICING, FOR A TERM NOT TO EXCEED THREE (3) YEARS; AND DECLARING AN EMERGENCY. Crowl moved for Suspension of the Rules in order to lock-in the lowest pricing; Swank seconded.

Crowl moved for Adoption; Ziff seconded. Discussion: Swank spoke with SOPEC representatives today and was provided with three pricing options: 10 months at 6.46 cents per kilowatt-hour, 22 months at 6.51 cents, and for 34 months at 6.87 cents. He went on to explain that every penny difference for the average home using 1000-kilowatt hours a month costs \$120 annually. While this legislation does not deal with residential rates, they will soon follow and the current SOPEC rate is 5.84 cents for residential. Moving on this ordinance quickly is very important.

Adoption was approved unanimously.

## **0-39-23**

AN ORDINANCE AUTHORIZING THE MAYOR TO PAY THE 2023 MEMBERSHIP FEE FOR THE OUTDOOR RECREATION COUNCIL OF APPALACHIA (ORCA), TO PROVIDE FINANCIAL SUPPORT FROM THE CITY'S TRANSIENT GUEST TAX FOR THE BAILEYS TRAIL SYSTEM ALONG WITH OTHER RECREATIONAL ACTIVITIES. Discussion: Spjeldnes expressed concern that the setting of benchmarks and progress toward goals for this project is not very clear. She is comfortable supporting the fee this year, but would like clearer benchmarks and progress goals moving forward.

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Swank is still interested in receiving a copy of the study from the Voinovich School, and requested it prior to second reading.

Rob Delach, Morris Avenue, commented that the metrics being requested should be easily attainable.

**0-40-23**

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE 155-22.

**0-41-23**

AN ORDINANCE AMENDING SECTION 5, RETIREMENT, OF ORDINANCE 148-22, THE 2023 FRINGE BENEFITS PACKAGE FOR NON-UNION PERSONNEL WITHIN THE CITY OF ATHENS.

**0-42-23**

AN ORDINANCE ACCEPTING A 25-YEAR SANITARY SEWER LINE EASEMENT FROM OHIO UNIVERSITY, LOCATED IN THE DAIRY LANE AREA, FOR THE CITY/COUNTY SEWER EXPANSION, PROJECT #317.

**0-43-23**

AN ORDINANCE ACCEPTING A LIMITED SEWER AND WATER LINE EASEMENT FROM CATHERINE JANE CHAGNOT AND KERRI J. GRIFFIN, NORTH BLACKBURN ROAD, FOR THE CITY/COUNTY SEWER EXPANSION, PROJECT #317.

**ANNOUNCEMENTS & OTHER BUSINESS:**

Crowl moved to reappoint Ed Newman and Aimee Delach to the Environment & Sustainability Commission; Swank seconded.

The Mayor announced that Take Back the Night is scheduled this week on Thursday, April 6, and the International Street Festival will be taking place on Union Street on Saturday, April 8.

**EXECUTIVE SESSION:**

At approximately 8:05 p.m., Ziff moved to go into Executive Session for the purpose of considering Pending Litigation, and invited the Mayor and Law Director to attend; Swank seconded. A roll call vote was taken as follows: Spjeldnes, aye; Risner, aye; Crowl, aye; Swank, aye; Grace, aye; Ziff, aye; and McCarey, aye.

At approximately 8:20 p.m., Ziff moved to come out of Executive Session; Grace seconded. Motion was approved unanimously.

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The Regular Session was reconvened and Ziff moved to adjourn the meeting; McCarey seconded. Motion was approved unanimously.

Christian B. Kinsely  
President of Council

ATTEST:

Debra G. Walker  
Clerk of Council