

RECORD OF PROCEEDINGS

Minutes of Athens City Council (Reg. Sess.)

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held May 2, 2022

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, MAY 2, 2022, 7:00 P.M.

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

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

DISPOSITION OF MINUTES:

Crawl moved approval of the minutes for the Regular Session held April 18, 2022; Grace seconded. Minutes were unanimously approved as presented.

REPORTS & COMMUNICATON FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported on the Governor's proposal for historic investment in Appalachia; a \$500 million investment in the 32-county Appalachian region. The proposal includes a \$50 million planning phase and \$450 million in implementation grants.

In Chillicothe last week he spoke on behalf of Athens County Veterans and adjoining counties with regard to the potential closing of the Chillicothe VA Hospital, and moving it to Dayton, which would have a significant impact on veterans in our area, especially with transportation.

ORDINANCES FOR THIRD READING:

0-50-22

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACT FOR REPLACEMENT OF THE COMMUNITY CENTER ROOF, PROJECT #353.

Crawl moved for Adoption; Ziff seconded. Discussion: Crawl noted that Community Center, Phase II, Fund, 272, will be closed after this expenditure.

Swank asked about the timelines for the new roof construction and installation of the solar panels.

S-S Director responded that the goal for construction of the new roof is completion during this calendar year. The solar panels are contingent upon passage of a Power Purchase Agreement by City Council that should be presented in the next several weeks. Installation of the solar panels will likely be an early 2023 project.

Spjeldnes asked about the life expectancy of the roof.

S-S Director responded 25-30 years.

Adoption was approved unanimously.

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0-51-22

AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME) LOCAL 2403 (1), OHIO COUNCIL 8, AFL-CIO (UNION). Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-52-22

AN ORDINANCE AMENDING THE 2022 STAFFING LEVELS AND PAY GRADES AUTHORIZED BY ORDINANCE 141-21. Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-53-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE. Crowl moved for Adoption; Grace seconded. Adoption was approved unanimously.

0-54-22

AN ORDINANCE AUTHORIZING THE MAYOR TO PAY THE 2022 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. Crowl moved for Adoption; Grace seconded. Adoption was approved unanimously.

0-55-22

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE APPLICATION AND ENTER INTO A PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES. McCarey moved for Adoption; Risner seconded. Adoption was approved unanimously.

0-56-22

AN ORDINANCE AUTHORIZING CONSTRUCTION OF TENNIS AND PICKLEBALL COURTS, PROJECT #350. McCarey moved for Adoption; Risner seconded. Discussion: Risner requested clarification on the funding structure for this project.

S-S Director responded that (\$250,000.00) is coming from APR Income Tax Fund, 273, and (\$50,000.00) from ARPA Fund, 286.

Swank understands that Council cedes control to the Administration of what this project will look like after this legislation is adopted. He believes there is a disconnect between the plans that have been reviewed and what the pickleball community is saying that is needed. The pickleball community has said they don't need lights, yet there are lights in the plans. Ideally, the pickleball

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community would like the tennis courts and pickleball courts in one complex, but they are not. Pickleball has been discussed as a way to increase tourism by holding tournaments, yet because we are not going to construct tournament ready pickleball courts because of space limitations, we won't be able to bring those people to Athens. He sincerely requests that before this project is shovel ready that the Administration listen very closely to those most affected by this. Let's try to align the finished product with the needs of the community.

Adoption was approved by a vote of 6/1; with Spjeldnes voting in opposition.

ORDINANCES FOR SECOND READING:

0-57-22

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO CLOSE UNION STREET, BETWEEN COURT AND COLLEGE, FOR THE ATHENA RIDE FOR WOMEN, AND TO CHANGE OR CANCEL THE REQUESTED DATE AS NECESSARY.

0-58-22

AN ORDINANCE AUTHORIZING THE 2022 STREET PAVING AND REPAIRS PROJECT (#352).

0-59-22

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, TO ADD SECTION 7.05.03.1 (D), APPLICATION FEE FOR RESIDENTIAL PARKING PERMIT.

0-60-22

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO DEVELOPMENT SERVICES AGENCY FOR ANY ELIGIBLE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FUNDS FOR PROGRAM YEAR 2022.

0-61-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE, AND AMENDING ORDINANCE 17-22, TO INCREASE THE AUTHORIZED EXPENDITURE FOR STRUCTURAL REPAIRS TO THE ATHENS FIRE DEPARTMENT HEADQUARTERS, PROJECT #343.

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0-62-22

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 3.03, FIREWORKS, EXPLOSIVES AND INFLAMMABLES, SECTION 3.03.03, SALE AND USE OF FIREWORKS.

0-63-22

AN ORDINANCE OPTING-OUT OF H.B. 172 AND REAFFIRMING THE BAN ON DISCHARGING, IGNITING OR EXPLODING FIREWORKS IN THE CITY OF ATHENS, AS SET FORTH IN ATHENS CITY CODE CHAPTER 9.03, FIREWORKS EXPLOSIVES AND INFLAMMABLES.

0-64-22

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY USE PERMIT TO ROXTAR, LLC, OWNER, C/O BRENT HARTMAN, 67 COLUMBUS ROAD, TO ALLOW (27) PARKING SPACES FOR USE BY THE OHIO VALLEY MUSEUM.

0-65-22

AN ORDINANCE ACCEPTING A CERTIFICATE OF REGISTRATION FROM WINDSTREAM KENTUCKY DATA LINK FOR USE OF THE CITY'S RIGHT-OF-WAY.

0-66-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE 150-21; AND AUTHORIZING THE AUDITOR TO MAKE AN INTERFUND TRANSFER.

0-67-22

AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME) LOCAL 3351, OHIO COUNCIL 8, AFL-CIO (UNION), AMENDING ARTICLE 24, COMMAND PAY.

0-68-22

AN ORDINANCE AMENDING THE 2022 STAFFING LEVELS AND PAY GRADES AUTHORIZED BY ORDINANCE 141-21; AND DECLARING AN EMERGENCY. Discussion: Service-Safety Director would like to add a temporary provision increasing the number of firefighters from 15 to 17, and upon the promotion of two lieutenants, sunsets back to 15 firefighters in order to hire additional firefighters to backfill those being promoted. Crowl moved to amend to add two firefighter positions to current staffing, from 15 to 17, to sunset back to 15 upon the promotion of two lieutenants; Grace seconded. Amendment was approved unanimously.

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0-69-22

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE 142-21, THE 2022 FRINGE BENEFITS PACKAGE FOR NON-UNION PERSONNEL WITHIN THE CITY OF ATHENS.

0-70-22

AN ORDINANCE AUTHORIZING THE AUDITOR TO CONDUCT AN AMNESTY PROGRAM TO ENCOURAGE THE PAYMENT OF DELINQUENT INCOME TAX ACCOUNTS; AND DECLARING AN EMERGENCY.

0-71-22

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE CITY OF CLEVELAND, OHIO, FOR SERVICES RELATING TO THE COLLECTION OF INCOME TAX.

ORDINANCES FOR FIRST READING:

0-72-22

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND ACCEPT BIDS FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE CITY/COUNTY SEWER EXPANSION, PROJECT (#317); AND DECLARING AN EMERGENCY.

Discussion: Spjeldnes asked if this project is wholly within the City.

S-S Director responded that all construction with this project is for City Sewer inside the City limits to support expansion to accept the County sewage as well as for use by our City facilities.

0-73-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE 150-21 AND ORDINANCE 54-21; AUTHORIZING WASTEWATER REMOTE SITE TELEMTRY IMPROVEMENTS, PROJECT #339.

0-74-22

AN ORDINANCE AUTHORIZING CONSTRUCTION AND CONSTRUCTION ENGINEERING OF SLIP REPAIR ON THE BIKEWAY SPUR BETWEEN ARMITAGE ROAD AND UNIVERSITY ESTATES BOULEVARD, PROJECT (#348). Discussion: Spjeldnes shared some pictures of the extensive bikeway slippage. She is concerned that there continues to be hillside seepage, possibly through some natural springs. She questioned if the City has enough information at this time to repair this problem, and to make an informed decision about the cost of the project. She has reviewed information she received from the Service-Safety Director that includes the original contract and geotechnical report and, based on that, will prepare some questions that will hopefully give us a better idea of what really happened and how the City should proceed.

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Crowl noted that the Ordinance only mentions the bikeway spur, and would like to confirm that this authorized expenditure of funds will also protect a waterline and underground electricity at the site.

S-S Director explained that the precipitating event that led to this particular slip was a break in the waterline that feeds the tank at University Estates. As part of that repair, the waterline was moved into the bikepath. Any further slipping of the path will jeopardize not only the path itself, but also the waterline. Additionally, there is high voltage electric nearby that shares this space, providing the power supply to University Estates. While the City is not responsible for the electric utility, this repair will protect that underground utility as well, should there be a catastrophic slip that were to continue on that hillside.

Crowl understands this repair is costly, but it is a repair that requires the building of a flood wall.

S-S Director stated that this flood wall (drilled pier) is a 100% solution to the hillside slippage, based upon the borings associated with the geotechnical report.

Swank pointed out that this (\$650,000.00) project is more than just a repair to the bikeway spur, and emphasized the need to describe it as an infrastructure project.

0-75-22

AN ORDINANCE AUTHORIZING FINAL DESIGN OF PROJECT #313, RENOVATION OF THE ARMORY.

0-76-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE.

Discussion: Swank asked about an earlier inquiry on whether the Community Center gym floor could be done in a matte as opposed to gloss finish.

S-S Director responded that feedback from the vendor is to use a commercial grade, gloss finish. For a commercial grade use, a matte finish is not as durable for wear and cleaning purposes.

0-77-22

AN ORDINANCE AUTHORIZING RETROACTIVE PAY FOR THE CHIEF DEPUTY CLERK IN ATHENS COUNTY MUNICIPAL COURT.

0-78-22

AN ORDINANCE AMENDING THE AUDITOR'S 2022 STAFFING LEVELS, AND COMPENSATION FOR THE SEASONAL POOL MANAGER; AUTHORIZED BY ORDINANCE 141-21.

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AN ORDINANCE AUTHORIZING A PAY INCREASE DUE TO ADDITIONAL DUTIES ASSIGNED TO THE POSITION OF EXECUTIVE ADMINISTRATOR IN THE AUDITOR'S OFFICE.

ONE-READING RESOLUTION:

R-02-22

A RESOLUTION EXPRESSING SUPPORT FOR THE ATHENS COUNTY MUNICIPAL COURT TO APPLY TO PARTICIPATE IN THE CITIES & COUNTIES FOR FINE AND FEE JUSTICE 2022-2023 COHORT. Discussion: Swank understands that the Judge already has the power to waive, suspend or modify the payment of cost.

Mayor Abel, Strathmore Blvd., agrees with Swank, the Judge already has the authority to mitigate these costs. She asked for clarification on, since the authority is already in place, what impact this Resolution will have. She also understands there could be financial implications for the City as previously pointed out by Auditor Hecht.

Crowl, too, understands that the Judge has a lot of leeway to regulate these fees. However, this Resolution simply supports him making application to this program. City Council is not approving and supporting the Judge in making changes to the costs. This Resolution will provide support to make the application stronger. He appreciates the Auditor's concern that Council not only think about the financial stability of the individuals who come before the court, but of the City of Athens as well. This could have a profound impact on how the court is budgeted.

Spjeldnes believes the Judge is being judicious and responsible in determining best practices moving forward for the Court, while considering the City's budgetary concerns.

Grace clarified that, as the Judge is her spouse, an opinion issued by the Ohio Ethics Commission clearly states that she does not have a conflict of interest because neither she nor her husband would financially benefit from this legislation. She commented that while judge's do have the authority to set court costs, this legislation is more about setting the social justice impact, ways to adjust and moderate those costs in a more equitable manner, and to better ascertain how to make those adjustments in the most sustainable and fair way. Another important thing to keep in mind is that while Judge Grace is the current Municipal Judge and could make the decision to increase, decrease, or eliminate court costs, he will not be the judge forever. To have the support of City Council and the research that will come from being a part of this cohort will create a record of the value of what is done for future judges and administrations about

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how to, in the most equitable way, determine court costs. Rather than the judge unilaterally making decisions, it brings in the voices of the community, as there is a cost to maintaining the court, adding that the City was advised to participate in this program by the Chief Justice of the Supreme Court.

Mayor believes participation in this cohort is a communitywide effort that will bring stakeholders together, and to better understand the structure of court's fines and fees.

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

ANNOUNCEMENTS & OTHER BUSINESS:

McCarey oved to confirm the Mayor's appointments of Andrea Lewis, Ash Allanson, and Rebecca Dillion to a 3-year term on the Recreation Advisory Board; Grace seconded. Appointments were approved unanimously.

At approximately 8:15 p.m. Risner moved to Adjourn the meeting; Grace seconded, and the meeting was adjourned.



President of Council

ATTEST:



Clerk of Council