

**MINUTES**  
**CITY & SAFETY SERVICES COMMITTEE**  
**MAY 23, 2022**

Members in Attendance:

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

Administrators and  
Other Elected Officials:

President Knisely  
Mayor Patterson  
Service-Safety Director Stone

**ITEMS DISCUSSED:**

- Salt Pit Roof Rehabilitation (Project #354)
  - McCarey – this project will remove and replace the roof slab and beams for the Water Treatment Plant (WTP) Salt Storage areas – this project was noted in the 2015 Needs Assessment for the WTP – the condition of the storage areas has been monitored, and another structural inspection was completed earlier this year – softening salt is used in the drinking water process, and the salt is stored in underground pits, and then delivered to the plant – the pits were constructed in 1958, and a rehabilitation project was completed in 1985 – authorization is needed to appropriate approximately \$215,000, and to advertise, accept bids, and enter into contract(s) for construction and construction engineering
  - S-S Director – in the expenditure Council will need to capture \$20,000 that has already been paid out in engineering, and requested an additional \$20,000 appropriation for contingency – total appropriation of \$235,000 and expenditure of \$255,000
  - McCarey – asked if there are any safety issues or concerns
  - S-S Director – no imminent safety concerns, but the roof needs replaced soon
- Recreation Advisory Board (retitle to Arts, Parks & Recreation Advisory Board)
  - McCarey – would like to clarify charges and responsibilities
  - Swank, Recreation Advisory Board representative for City Council – looking for a clear statement – what makes this unique is that within the Arts, Parks & Recreation (APR) Department the City has a dedicated arts building, ARTS-West, that provides programming – along with the Athens Municipal Arts Commission (AMAC), promote all aspects of art in Athens

-Crowl – questioned whether this request is to change the title, or to change the mission – in the City Code the Board’s mission does not refer to the arts  
-Mayor – summarized the pertinent powers and duties of the Recreation Advisory Board: advise the Administration on matters related to the adoption of programming, policies and procedures for operations, equipment and maintenance of parks, playgrounds, playfields, swimming pools, indoor recreation centers, gymnasiums, for lands or buildings owned by the City not dedicated to public use other than for recreational users – AMAC’s powers and duties: study of current status of arts in Athens, establish policies for juried selections of art presentations, installations, and maintenance, and in cooperation with the APR Department recommend the addition of arts in Athens’ parks, bus stops, gateways, open spaces, municipal properties and buildings, and in cooperation with the Recreation Advisory Board recommend City performance venues, and encourage the development of performance programs  
-- both boards are advisory to the Mayor – would like the Recreation Advisory Board and AMAC to engage quarterly, or at least semi-annually – emphasized that their missions are very different

-McCarey – asked about shared leadership and budget

-Mayor – from an operational standpoint parks and recreation is all budgeted through the Director of APR – AMAC has a separate very small budget

-Grace – the Department of APR has two boards that advise them, one focused on art (AMAC) and the other focused on recreation, the Recreation Advisory Board – seems clear and makes sense

-McCarey – asked if the Mayor would advise changing the title of the Recreation Advisory Board to the Parks & Recreation Advisory Board – questioned whether that would be helpful

-Mayor – the Board does advise on the parks and he would have no issue with adding it should Council feel the need to make that change, however, the parks are part of recreation

-Risner – sees no need to change the title – agrees, the two boards should communicate and come together, quarterly or semi-annually, to exchange views, ideas and programs

-Swank – asked, as liaison to the Board, what message he should take to their next meeting, especially since some of the members volunteered to serve because they thought it had an arts component

-Mayor – again, a quarterly meeting needs to be held with both entities coming together – the Recreation Advisory Board should not have an “arts” item on its agenda without the presence of AMAC members – both can coexist under the APR umbrella

-Rob Delach, Morris Avenue – has attended many meetings of the Recreation Advisory Board, and even attended a collaborative meeting of both boards, so it has happened – agrees, it would be advisable to continue that

-Beth Braun, Pleasantview Drive, Vice-Chair of AMAC – AMAC was created in 2002, prior to the time Arts was included in the Title of the APR Department – AMAC shares the Mayor’s concern about changing the name of the Recreation Advisory Board – there are plenty of opportunities for better communication and AMAC welcomes that – believes adding “Arts” to the title creates confusion

-Chelsea Morahan, Watt Street – representing as Chair of AMAC – AMAC has a lot of concerns about the proposed name change – believe that if “arts” is added to a different advisory board, at the very least, AMAC should have been notified in order to provide communication and needed collaboration – clarified that while AMAC makes recommendations to the City on public art matters, it has been working with ARTS-West since 2005 when AMAC was a partner and founder of ARTS-West – most recently, with the help of new APR Director Jordan and ARTS Program Specialist Beveridge AMAC has recently started a concert series called “Third Thursdays Musical Park” – the first annual event kickoff was last Thursday at the pool parking lot, a testament to the dedication that the new Director as well as the Program Specialist and AMAC have in serving their community through the arts – the proposed title change could have lasting implications on AMAC – AMAC is celebrating its 20<sup>th</sup> anniversary this year and their concern is that a newly named Arts, Parks & Recreation Advisory Board could change the charge of each entity, essentially erasing the accomplishments that AMAC has achieved through collaboration with the APR Department and the citizens of Athens for two decades – while on the surface it may seem like just a title change, but there are underlying issues that could result with this change – she is open to better communication and a quarterly combined meeting

-McCarey – summing up, the Mayor is fine with changing the title to Parks & Recreation if the Council deems it necessary to do so – holding combined meetings of the Recreation Advisory Board and AMAC would be helpful – there is a need for better communication and collaboration

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

1. Salt Pit Roof

**MINUTES**  
**MAY 23, 2022**  
**COMMITTEE OF THE WHOLE**  
**7:00 P.M.**

Council Members in Attendance:

Sam Crowl  
Sarah Grace  
Micah McCarey  
Jeff Risner  
Solveig Spjeldnes  
Alan Swank  
Ben Ziff

Administrators and/or  
Other Elected Officials:

President Knisely  
Mayor Patterson  
Service-Safety Director Stone

**Items Discussed:**

- Veterans' Administration Medical Center in Chillicothe, OH (support to remain open)
  - President – this clinic sees approximately 20,000 vets a year – contributes to the Chillicothe local economy, employing 1400+ folks in the community – most important is the service provided to the veterans – to suddenly face having to drive to Dayton for these services would be stressful to the veterans and their families
  - Swank – many veterans are dependent upon the services provided by the Veterans Administration – the thought of our vets having to drive an additional hour or two hours, in many cases not being able to drive that distance, to get the services they need is appalling – he very much supports a resolution to keep the VA Medical Center in Chillicothe open, as it is so vital to so many – would like to include a block signature for each Council Member to sign
  - Grace – this clinic provides a high level of care that is essential and critical to many veterans throughout southeast Ohio – transportation to medical services in southeast Ohio is already an issue, and to increase that barrier would be reprehensible – she is strongly opposed to closing the facility and would support a resolution to keep the Chillicothe clinic open

-Mayor – attended two meetings in Chillicothe, one with Senator Brown and the most recent with the Secretary of the Veterans Administration, listening to veterans' voice the impact this closing will have on them – to have to travel, in some case 3 ½ hours to get to a clinic, where currently it is only 1 ½ is way too far for a lot of them

-Spjeldnes – shocked that this is happening – asked about the justification

-Mayor – it is a realignment to strategically place the clinics – again, the impact of this added burden to commute, and the conditions of many veterans, makes them fearful of traveling to a big city, and they likely won't get the treatment they need

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

1. VA Medical Center (resolution)

# MINUTES: MAY 23, 2022

## FINANCE & PERSONNEL COMMITTEE

Members in Attendance:

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

Administrators and/or  
Other Elected Officials:

President Knisely  
Mayor Patterson  
Service-Safety Director Stone

### ITEMS DISCUSSED:

- Accepting Amounts & Rates as Determined by the Budget Commission, and Authorizing the Necessary Tax Levies (resolution)
  - Crowl – this is an annual (3-reading) resolution for the City to receive inside millage for property taxes in Athens Township (2.6 mills) and Canaan Township (2.4 mills) – needs to be returned to the County Auditor by October 1<sup>st</sup> – will go into effect 1/1/23
- Capital Recovery Services Agreement & Specialty Docket Grants (Municipal Court)
  - Crowl – the Court would like to use this Columbus-based service as an option to collect on outstanding fines and fees incurred by defendants – the Court is currently in a similar agreement with the Attorney General's (AG) Office for the same, although this would allow lower level outstanding debt to be collected – a 30% collection fee could be added to offset the cost of the Capital Recovery Services
  - Tonya Dye, Clerk of Court – this is another alternative to collect outstanding debt – Capital Recovery Services has been successfully used by other Ohio courts
  - Crowl – asked if this ties into Judge Grace's other plans for fines and fees
  - Dye – it does – the Judge continues to look at the Court's fines and fees structure – again, utilizing this company along with the AG's Office will be a big benefit
  - Crowl – understands the Court will actually submit the cases that will go to collection
  - Dye – that is correct, she reviews those
  - Spjeldnes – asked about a sense of recovered dollars
  - Dye – the majority of the success through the Attorney General's Office comes around tax time because they can reclaim tax refunds – Capital Recovery will process collections year-round – doesn't know the success rate off-hand, but can provide it as far as collections around the State
  - Spjeldnes – asked if 30% is standard

-Dye – yes, it is a standard rate among collection agencies – the AG’s Office does have a lower rate – the Court can also use vehicle registration blocks as a means of collection

Crowl – explained that the 30% is added for the collection agency, the City still receives 100% of monies collected

Dye – confirmed that the AG’s Office adds their fee, and the Court gets the full requested amount

-Swank – asked about the amount of the Court’s debt

-Dye – it is a sizable amount – approximately \$800,000 has been sent to the AG’s Office

-Dye – Specialty Dockets – need to be able to allocate funds as they come in for both the SAMI Grant - \$25,000, and the DUI Grant - \$35,000 while Council is on July recess

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

1. Amounts & Rates (resolution)
2. Capital Recovery Services (agreement)
3. Specialty Docket Allocations

# MINUTES

## PLANNING & DEVELOPMENT COMMITTEE

### MAY 23, 2022

Members in Attendance:

Sarah Grace, Chair  
Sam Crowl, Member  
Micah McCarey, Member  
Solveig Spjeldnes, Member

Administrators and/or Other Elected Officials:

President Knisely  
Mayor Patterson  
Service-Safety Director Stone

### Items Discussed:

- Special Use of City Right-of-Way Permits (public alley between Shannon & May)
  - President – a formal request has been received from Megan and Lenny Meyer for reconsideration of ordinances 36-22 and 37-22, granting special use right-of-way permits
  - Grace – asked for input from the community
  - Megan McElliot Meyer, 89 S. May Avenue – presented an informational packet (see attached)
  - Leonard Meyer, 89 S. May Avenue – see letter (attached)
  - Kelly Madewell, owner of 85 S. May Avenue since 2003 – the alley behind her home has been a calm and quiet space shared by neighbors, with very little traffic – surprised to learn of the proposed permit that would significantly change the use of the alley – the City Code states that the criteria for a special use of the right-of-way permit is that it will contribute to the public, health, safety, or welfare in the City – it would be difficult to argue that this change would meet this criteria, as it will clearly have an impact on the safety in this area – she is opposed to granting access to the alleyway to a new structure at 72 S. Shannon
  - Art Oestrike, 91 South May – would prefer the alley not be used as an access road – a neighborhood meeting was scheduled with a City official present, and walking away from that meeting he understood this access would not be allowed, that it would need a curb cut – is confused that a permit was granted for use as an access road – would appreciate Council's reconsideration

-resident and property manager, 73 May Avenue – in addition to safety concerns – questioned who will maintain the alleyway – it is currently a dirt path with grass and gravel – alley will not support additional vehicular traffic

-Grace – appreciates and understands the comments and concerns – the City should be contacted about any maintenance concerns – purpose of City alleys is to provide access to all properties that abut the City right-of-way – understands from the opinion provided to City Council by Code Director Riggs was that two property owners applied for permits to use the right-of-way, and Council must consider the rights of both owners – if increased access is the primary purpose, then to allow what is already in existence closer to one end of the alley and to prohibit access further down the alley does not seem like a fair application of use of the public right-of-way

-McCarey – understands the conflict and safety concerns – asked what action would be required to reverse this, and when it would happen

-Grace – a Council Member could choose to introduced legislation at the next Council meeting to revoke one or both of the special use permits that were granted in April

-Crowl – questioned whether a vehicle could be towed from a “paper” alley

-S-S Director – yes, however, they would be complaint driven

-Crowl – a curb cut was mentioned – asked about any safety concerns

-S-S Director – City Code requires an “opening” permit for a curb cut – an application is submitted to the Code Enforcement Office for review, and must be approved by the Service-Safety Director

-Swank – due to a lack of information, believes City Council erred in approving these special right-of-way use permits, an honest mistake in communication – referring to bullet point (6) of Code Director Riggs’s memo of May 9th (see attached), Swank suggested the City vacate a portion of the alley – allowing vehicular traffic on a regular basis is probably not in the best interest of anybody – owner of 70 S. Shannon could make application for a curb cut for access to a proposed new structure

-Grace – before consideration of vacating a portion of the alley she would like opinions from S-S Director and Code Director as to whether this same plan could be accomplished through adjusted right-of-way use permits

-S-S Director – will review both reissuance of the permits in a different manner, and vacation of the alley

-Curt Montle, owner of 70 S. Shannon – owns adjacent Shannon Street property that abuts the alley – would like a fair and equitable decision for all property owners that adjoin this alleyway – fully supports rescinding the two granted special use permits and vacating the alley from his property line

-Attorney Beth Ferrier, 490 Richland Avenue – her review of the documentation found a number of disturbing items – a good portion of the alley at the other end was vacated by an ordinance in 1982 – City should tread very carefully – she will provide the Law Director with additional information

- Leases (City & Ohio University)

-Grace – Administration has proposed project locations for collaborative leases – for the City: obtain land from Ohio University for a new fire station headquarters on Stimson Avenue, and soccer fields located at the University's driving range on West State Street – for the University: Dairy Lane property for proposed development at The Ridges

-S-S Director – provided information on mutually beneficial leasing of lands between the City and Ohio University (see attached) – these are not leases for monetary value, but for the public good

STIMSON lease is for an initial 40-year term with an option for the City to extend by an additional 10-years and 3 additional 10-year extension options by mutual agreement, noting that 40 years is the extent that Ohio University is permitted by State Law to lease a parcel, and the additional option for 10 years equals 50 years that is the design life of the new fire station building – the land that was identified just north of this area for a solar array (between the river and the Library) has been removed from the upcoming solar array power purchase agreement due to subsequent concerns

DAIRY LANE lease will be for the same terms as Stimson – until such time as the University would decide to utilize the space, the City will continue to maintain and operate Dairy Lane Park as is – the playground, shelter, bathroom, and parking lot will remain under the control of the City – should the University ever have a need to utilize this area, City Council would need to approve modifications at that time – Ohio University has conveyed that they currently have no development plans for the Southside Park, however, The Ridges Advisory Committee has been working with Buckeye Hills on redevelopment

WEST STATE STREET lease will be for a shorter term, possibly 20 years, for soccer fields in an area to the east of the driving range – there is a current administrative right of entry agreement in place to allow short-term use in the spring

-Crowl – there are a few details that are not ideal for the soccer fields on West State Street – need to look at the size of the space for the fields – there are places that you cannot put soccer fields because of infrastructure (including a raised manhole cover) – two fields are needed for the adult soccer community – concerned that there is only space for one field – ideally, need to have exact measurements of the available space and not just ballpark it, so that it really does work

-S-S Director – agrees, there needs to be a level of clarity – has directed the APR Director to hire a design firm to do a metes and bounds survey and to include a topography survey, laying out the soccer fields, the netting, and identifying any obstructions that will need to be mediated, along with a grading plan

-Spjeldnes – asked why leases as opposed to acquisition, questioning risk – again, expressed concern that the fire station headquarters is in the floodplain – need to be very careful that geotechnical analyses and engineering has been done to fully determine the City will not have another collapsing structure

-S-S Director – it is common for Ohio University to lease land on a long-term basis as opposed to disposing of it – Ohio laws for disposal of State property sets a high bar vs laws associated with leasing – the lease is appropriate for the lifetime of the building – there is a design review, in addition to geotechnical borings (to look at bearing capacity of the soil) to be sure it can support the slab necessary for the foundation as well as the live load inside the building, and the fill necessary to get not only above the 100-year floodplain, but the 500-year floodplain which is necessary for an emergency services building

-Crowl – has heard concerns about water displacement that may go into homes on the near eastside

-S-S Director – the City Code has flood damage prevention regulations that allows for development in the floodplain – a significant portion of Athens is in the floodplain – the first finished floor must be one foot above the 100-year floodplain – he does not believe that building this fire station will cause flooding anywhere else in the City of Athens than is currently experienced

-Swank – asked if the City will be responsible for maintaining all of the acreage as part of the lease agreement on Stimson

-S-S Director – under the terms negotiated the City will maintain the entire area

-Swank – with the Stimson and West State leases the City will be adding more recreational maintenance and asked whether the maintenance of the East State soccer fields will be minimized

-S-S Director – do not want the East State soccer fields to go back to nature, but when they are lesser programmed they will likely be mowed less frequently and that will offset the new fields on West State – idea is to have the firefighters mow the Stimson land since it is adjacent to the headquarters, not unlike what they currently do at the existing fire stations

-Swank – it will be important to maintain the height of the grass on the soccer fields

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

1. Lease Agreements

# MINUTES

## TRANSPORTATION COMMITTEE

### MAY 23, 2022

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

Administrators and/or

Other Elected Officials: President Knisely  
Mayor Patterson  
Law Director Eliason  
Service-Safety Director Stone  
Police Chief Pyle

- Parking & Towing Regulations (amend City Code)
  - Law Director – issued a 2009 legal opinion regarding towing charges – explained there are two types of tows, ORC 4513.60, a tow ordered by law enforcement from a private residential or private agricultural property; and ORC 4513.601, private tow away zones (parking lots) – ORC 4921.25, tow companies are regulated by the PUCO, setting the charges for towing from private tow away zones – however, the City could set a charge for tows ordered by APD – currently, the City Code, Chapter 7.06, Tow Regulations, sets the charge for towing and private tow away zones at \$50.00 – the ORC and Administrative Code states that the charge must not exceed \$129 – City has not regulated towing for about 25 years – City has no provision in the Code that would state what would happen if a tow company charged more than the \$50.00, so the City has no way of enforcing tow truck charges – it is a civil matter between the person towed and the towing company through a small claims action – understands that the Center for Legal Services did file a couple of cases in Municipal Court, but those were never decided on the specific issue of charges
  - Police Chief Pyle – Ohio Legislature passed a law putting towing regulations and charges under the PUCO in the mid-2000's – that law essentially stripped municipalities of regulations and setting charges – this act nullified the City's Code, but it was never repealed – around 2015 there was a court case deciding that municipalities could regulate towing if they chose to do so – by that time the City had 8-10 years of allowing tow truck operators, for both private tows and public tows ordered by law enforcement, to follow the PUCO guidelines as far as charges – recommends that the City Code be amended to reference those charges already set for private tow away zones as established by the PUCO regulations – there appears no valid reason to continue City towing regulations when those are already in place per the PUCO as established by the State of Ohio – it's a clean way of handling the business – nothing changes, the tow companies are already charging the rates set by the PUCO

-Swank – regulating is for the public good – ORC 4513.601(B2), Private tow away zones, states, “If a municipal corporation requires tow trucks and tow truck operators to be licensed, no owner of a private property located within the municipal corporation shall cause the removal and storage of any vehicle pursuant to division (B) of this section by an unlicensed tow truck or unlicensed tow truck operator.” – he cannot imagine having unlicensed tow trucks hooking up and hauling away high priced vehicles – the additional revenue and local control seems a logical choice

-Pyle – you’re describing something that hasn’t taken place for 18+ years

-Swank – spoke with the Director of Towing, Mr. Long, at the PUCO and was told that they get a number of complaints about Athens City tow truck operators – would have a better opportunity for control if regulated at the local level – he would like to license, if possible, and regulate locally -- revoke licenses that are abused

-Pyle – APD is unaware of any complaints received by the PUCO, and would be interested to know what the PUCO does with those complaints since they are regulating towing – added, this is akin to municipalities not being able to regulate Lyft and Uber – questioned why towing is any different

-Swank – would be happy to follow up with Mr. Long on PUCO’s process upon receiving a complaint

-Law Director – questioned, when talking with Mr. Long, if Swank asked his opinion on the City charging rates that were less than PUCO rates

-Swank – yes, he made it very clear that the City cannot regulate private tow-away zones

-Law Director – clarified that Mr. Long agreed that private tow-away zones were charges set by the PUCO

-Swank – yes

-Ziff – agrees, with Swank, would like to regulate for the good of the people

-Spjeldnes – irrespective of the charges, regulating is important to protect the citizenry

-McCarey – asked what would have to change in order for the City to have the capacity to regulate this, locally

-Pyle – the Service-Safety Director would need to assign regulatory duties to a department

-Damon Krane, Hudson Avenue – for the past several years APD and City Administrators have requested City Council repeal the City Code towing regulations – the Administration’s justification is that the Council has no legal authority, and Law Director stating that enforcement can only be handled through civil law suits – referred to the City of Cleveland v. State (2014), 138 Ohio St. 3d

232, the Ohio Supreme Court severed a part of ORC 4921.25 which set out regulations for towing entities – urged the Council not to repeal these regulations

- Municipal Bridge Projects (application)

- Risner – this ODOT program provides federal funds for bridge replacement or bridge rehabilitation projects open to vehicular traffic – the funding limit per project is up to \$2 million – if awarded, ODOT’s contribution would be 95% of construction costs for a project constructed during State Fiscal Years 2024-2025 – the application period opens July 1st and is due August 15<sup>th</sup> – the annual bridge evaluations are being completed this week, and two bridges are expected to be eligible for funding (Stimson and Dairy Lane) – once the inspection reports are received, they will be reviewed with ODOT, and the most promising application will be submitted

- S-S Director – this program has been used in the past for the Richland Bridge, Carriage Hill Drive Bridge, and the Union Street Bridge – a general appraisal of the City’s bridges will be completed and the qualifying bridges eligible for the Municipal Bridge Fund – Stimson Bridge will likely be the project that will be applied for

- Rob Delach, Morris Avenue – asked if this would be a rebuild or rehabilitation

- S-S Director – anticipates re-decking

- Delach – asked if there is a possibility that the bridge can be made safer for pedestrians to cross

- S-S Director – yes, that would be a goal

- Ohio Public Works Commission (Issue I funding application)

- S-S Director – successful in past years, Stimson Avenue Project being the most recent – grant awards are up to \$400,000 – recent award from OPWC were used for the Stimson Avenue and East State Street projects – City has not selected a project yet – this application is due August 31<sup>st</sup>

- West Washington Sidewalk & Safety Improvements (Project #335)

- Risner – this project includes spot sidewalk repairs on West Washington Street between Shafer and Lancaster – also includes, vegetation management (remove vegetation impeding the sidewalk and the visibility of street lights, and lighting improvements are also being reviewed

- S-S Director – focus will be on the north side – there is some slippage on private property that will need to be managed – will provide better ADA accessibility appropriation and authorized expenditure are already in place, just need to authorize to advertise, accept bids, and enter into contract

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

1. Bridge (application)
2. OPWC (application)
3. W. Washington Improvements