

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, SEPTEMBER 19, 2022, 7:00 P.M.

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

Also present: President Knisely, Mayor Patterson, Acting Law Director Branner-Hittle, Service-Safety Director Stone, and Treasurer Thomas.

DISPOSITION OF MINUTES:

Crowl moved approval of the minutes for the Regular Session held September 6, 2022; Grace seconded. Minutes were unanimously approved as presented.

COMMUNICATIONS:

President Knisely is in receipt of a copy of a letter recognizing and thanking Lt. Spear of the Athens Police Department for his service during an incident in the uptown area.

Council Member Crowl reminded the public that this is Pollution Prevention Week. Both the City and the University will hold events throughout week.

Council Member Ziff notified citizens that the Athens City-County Health Department will be holding a free flu shot drive-through tomorrow from 9:00 a.m. until noon at the Athens County Fairgrounds.

Council Member Spjeldnes announced the Athens Pedestrian Accessibility Committee will hold a "Curbside Conversation" on September 27 at 5:30 p.m. at Athens Uncorked, 14 Station Street.

Council Member McCarey acknowledged that with the City and Council's continuing work on diversity and inclusion this is the start of Spanish Heritage month, September 15 to mid-October, and LGBT History month during the month of October.

REPORTS & COMMUNICATON FROM OTHER ELECTED OFFICIALS:

Treasurer Thomas recently submitted the August reports, and he asked that anyone with questions about the reports feel free to contact him. He also credited the efficiency of the City Auditor's Office with streamlining his job.

President Knisely reported Council's receipt of the City's 2021 audit.

Mayor Patterson reported the following:

- A filing extension for City income tax is Monday, October 17th.
- He will be a keynote speaker at the Urban Sustainability Director's Network in Indianapolis on October 2-4, talking about the City's carbon fee. Athens is the only city in Ohio that has a community-choice carbon fee, adopted in 2018.
- Received notice that the National League of Cities Race, Equity and Leadership Council has created an institute, and will be looking for proposals from 13 cities across the nation. A team of three, Mayor Patterson, Council Member McCarey, and DEIA Coordinator Lacey Rogers, will apply to be a charter group to go through this institute.
- The Mayor introduced his new intern, Drew Longaberger, who will be assisting on special projects.

ORDINANCES FOR THIRD READING:

0-102-22

AN ORDINANCE ENACTING ATHENS CITY CODE TITLE 51, ECONOMIC DEVELOPMENT; SECTION 51.01, ATHENS COMMUNITY IMPROVEMENT CORPORATION (ACIC); AUTHORIZING EXECUTION OF NECESSARY DOCUMENTS AND AGREEMENTS TO CREATE AND IMPLEMENT THE ACIC; AND APPROVING THE PLAN AND AUTHORIZING AGREEMENT AND CODE OF REGULATIONS WITH ACIC. Grace moved for Adoption; Ziff seconded. Discussion: A student at Ohio University asked about the benefits of this ordinance.

Mayor responded that a municipality could not directly apply for historic tax credits; however, a CIC can make application. In addition, the CIC can create a different pathway to dispose of challenging municipal held property.

Adoption was approved unanimously.

0-103-22

AN ORDINANCE ACCEPTING A 25-YEAR SANITARY SEWER EASEMENT FROM OHIO UNIVERSITY, LOCATED AT THE CLIPPINGER CENTER. Grace moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-104-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE AND ORDINANCE 72-20; AUTHORIZING DESIGN ENGINEERING OF THE CITY SEWER SYSTEM IMPROVEMENTS PROJECT (#330). McCarey moved for Adoption; Swank seconded. Adoption was approved unanimously.

0-105-22

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 3. ADMINISTRATIVE PROVISIONS, CHAPTER 3.07, ADMINISTRATIVE DEPARTMENTS; BOARDS AND COMMISSIONS, SECTION 3.07.41, ATHENS RECREATION ADVISORY BOARD; DEFINITIONS. Member McCarey moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-107-22

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

ORDINANCES FOR SECOND READING:

0-108-22

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 5, PUBLIC UTILITIES, CHAPTERS 5.02, GARBAGE AND RUBBISH AND 5.05, RECYCLING AND ANTI-SCAVENGING REGULATIONS.

0-109-22

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

0-110-22

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO MONTLE, LLC, OWNER OF ATHENS UPTOWN REALTY, 603 WEST UNION STREET, TO ALLOW A PYLON SIGN IN THE CITY'S RIGHT OF WAY.

0-111-22

AN ORDINANCE AUTHORIZING THE ATHENS CITY SHADE TREE COMMISSION TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR), USDA FOREST SERVICE, FOR PARTICIPATION IN THE URBAN CANOPY RESTORATION PROGRAM; AND DECLARING AN EMERGENCY.

0-112-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE.

ORDINANCES FOR FIRST READING:

0-113-22

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO THE DAIRY BARN ARTS CENTER TO REPLACE AN EXISTING DIRECTIONAL SIGN LOCATED AT THE CORNER OF RICHLAND AVENUE AND DAIRY LANE, IN THE CITY'S RIGHT OF WAY. Discussion: Swank asked the reason for a reduction in the size of the sign.

Service-Safety Director Stone responded that 50 sq.ft. is the size that would be allowed if it were an on-site sign under the Zoning Code.

Grace added that it was also a recommendation from the Code Enforcement Office to be consistent with other sign allowances.

0-114-22

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 3, ADMINISTRATIVE PROVISIONS, CHAPTER 3.10, ALARM SYSTEMS, SECTION 3.10.04 (D), ALARM ACTIVATION AND FEES. Discussion: McCarey asked for clarification on whether Ohio University pays the City for these false alarm fees.

Service-Safety Director Stone responded that it is not typical for the City to receive these fees from Ohio University.

Swank has asked Law Director Eliason to report on this at second reading.

Risner reminded Council that the City receives \$50,000 a year from the University as a cost share for the purchase of fire trucks/equipment.

Mayor noted that the lion's share of our general revenue comes from taxpayers working at Ohio University, our largest employer, helping to support fire operations.

0-115-22

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED. Discussion: Swank asked whether Section 11.12.03, Shared Transportation, applies to Uber and Lyft.

Service-Safety Director Stone responded that this shared transportation is very specific to micro-mobility, scooters, bikes, not Uber and Lyft.

0-116-22

AN ORDINANCE AMENDING ORDINANCE 74-21, THE HOURS OF OPERATION FOR THE ATHENS UPTOWN DESIGNATED OUTDOOR REFRESHMENT AREA (DORA).

0-117-22

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN LPA/STATE PROJECT AGREEMENT (PID NO. 117554) FOR MUNICIPAL BRIDGE INSPECTION PROGRAM SERVICES (2023 RENEWAL); AND DECLARING AN EMERGENCY.

0-118-22

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO SUSPEND TEMPORARILY, THE FEE FOR PARKING AT METERED SPACES IN THE MUNICIPAL PARKING GARAGE.

0-119-22

AN ORDINANCE SUSPENDING ATHENS CITY CODE SECTION 7.05.03, CONTINUOUS PARKING IN THE SAME LOCATION, FROM, MONDAY, DECEMBER 12, 2022, THROUGH MIDNIGHT ON SUNDAY, JANUARY 8, 2023; AND DECLARING AN EMERGENCY. Discussion: Swank asked the reason for ending the suspension on January 8th since Ohio University classes don't begin until January 17th.

Mayor Patterson noted that, historically, this is to accommodate guests visiting Athens or residents leaving the area during the holiday season, and wasn't necessarily designed with the student body in mind.

Swank suggested that Ohio University faculty and staff might be leaving for that time period and not returning until later, knowing that classes don't begin until the 17th. He would like to extend it until January 15th.

Grace agrees that it makes sense to align this with the University semester break, and she moved to amend the ordinance to extend the date to January 15, 2023; Swank seconded. Amendment was approved unanimously.

0-120-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE; AND AUTHORIZING THE AUDITOR TO MAKE INTERFUND TRANSFERS.

0-121-22

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A PURCHASE AGREEMENT WITH OHIO UNIVERSITY FOR THE ACQUISITION OF APPROXIMATELY 10.3685 ACRES OF LAND ON STIMSON AVENUE, TO CONSTRUCT A NEW FIRE STATION AND TO PROVIDE PUBLIC RECREATIONAL GREEN SPACE. Discussion: Swank asked about the appraisal process.

Service-Safety Director Stone has an initial appraisal that is substantially less than the authorized \$600,000. The approximate appraisal cost is \$202,000 due to the covenants placed on the property by the Ohio University Board of Trustees, restricting a great deal of the use. The additional appropriated funds

will be needed for site preparation. He added the Ohio Department of Administrative Services (DAS) requires both an appraisal by a pre-qualified appraiser by the State of Ohio, and an appraisal review by the State of Ohio.

ANNOUNCEMENTS & OTHER BUSINESS:

President Knisely announced a Special Session on Monday, September 26th at 7:00 p.m. in order to move forward the purchase of the land for the fire station.

Crowl moved to Accept the August 2022, Financial Reports; Grace seconded. The motion was approved unanimously.

Grace moved to Accept the August 2022, Credit Card Transactions; Crowl seconded. The motion was approved unanimously.

- Reconsideration of Ordinance 85-22: AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 29, HOUSING REGULATIONS, CHAPTER 29.36, PROHIBITED ACTONS, TO ADD SECTION 29.36.02, TENANT'S RIGHT TO PAY TO STAY.

Ziff moved to Reconsider Ordinance 85-22; Swank seconded. Discussion: Rusty Rittenhouse, Attorney, has sent multiple letters of concern to the Council Members about this Ordinance, and he appreciates their reconsideration. One of his concerns is with capping the legal fees at \$125. It is not uncommon for a landlord to incur \$1000 in legal fees to pursue an eviction. He believes a more equitable outcome for all parties involved would be to remove the \$125 cap and replace it with "reasonable attorney's fees." He has also expressed to the Council through email his belief that the recent changes in the Ohio Revised Code preempt municipalities from passing this legislation. Forcing the landlord to accept the back rent invalidates the eviction notice and thereby divests the court of jurisdiction, and it is simply beyond the powers of the municipality.

Reconsideration was approved by a 4/2/1 vote, with Risner and Spjeldnes voting in opposition and Grace abstaining.

Ziff moved to Table until the next Regular Session of Council to allow a citizen unable to be at tonight's meeting to attend and speak to the Ordinance under Reconsideration; Swank seconded. Discussion: Swank believes there are two pieces missing: 1) a conversation with the Judge, as to the process and cost of an eviction action, and 2) hearing from landlords as to the frequency of the problem, and how landlords are currently handling tenants who miss paying their rent.

Tabling was approved by a 4/2/1, with Risner and Spjeldnes voting in opposition, and Grace abstaining.

EXECUTIVE SESSION:

At approximately 8:45 p.m. Grace moved to go into Executive Session for the purpose of considering Collective Bargaining, Firefighters Local 3351, and invited the Mayor, Service-Safety Director, Auditor, and Assistant Law Director to attend; Ziff seconded. A roll call vote was taken as follows: Spjeldnes, aye; Risner, aye; Crawl, aye; Swank, aye; aye; Grace, aye; Ziff, aye; and McCarey, aye.

At approximately 9:25 p.m., Ziff moved to come out of Executive Session; Swank seconded. Motion was approved unanimously.

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

President of Council

ATTEST:

Clerk of Council