

**ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, SEPTEMBER 20, 2021, 7:00 P.M.**

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

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

**DISPOSITION OF MINUTES:**

Grace moved approval of the minutes of the Regular Session held September 7, 2021; Ziff seconded. Minutes were unanimously approved as presented.

**COMMUNICATIONS:**

**President Knisely** is in receipt of the following:

- Correspondence from John Spofforth, resident, to Mayor Patterson, Law Director Eliason and herself, regarding the water run-off from Miller Avenue onto his property on Brown Avenue.
- Memorandum from the City Planning Commission requesting an extension of time to respond to City Council's request to consider amending the City's Off-Street Parking requirements.

**Council Member Crowl** announced that this week is "Pollution Prevention Week." Ohio University, the Soil & Water Conservation District, and the City of Athens collaborate on a week of events to include: Wednesday, noon at the Alumni Gate, tap water vs bottled water challenge; Thursday evening, a rain barrel workshop at the Fairgrounds; and on Saturday, the Hocking River Sweep. Information about these activities is available on the Athens County Soil & Water Conservation website.

**REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:**

**Auditor Hecht** reported that the City's State Audit is now complete. No management letter was issued; this was a clean audit. This year a prescription drug audit was completed, again, with no issues or challenges. She recognized our third party administrator, Employee Benefits Services, for their assistance in this clean prescription drug audit.

The American Rescue Plan Act (ARPA) money has been received and deposited. City Council will need to approve appropriating these funds for designated expenditures.

**Mayor Patterson** reported the following:

- The EPA has responded to the City's report of bypasses/overflows at the Wastewater Treatment Plant caused by several heavy rain/high water events in 2020/21. The EPA has accepted the City's report. He will provide that document to City Council.
- Opening of Harvest of Ohio, LLC, the medical marijuana dispensary.
- Letter from the Soil & Water Conservation District celebrating 75 years of conservation excellence here in Athens County. An event will be held on Saturday, October 9.
- Proclamation declaring September 20-24, 2021, as National Clean Energy Week in the City of Athens. He encouraged Ohio University, all businesses, and citizens to implement the cleanest, lowest emitting, cost effective energy technologies available.

#### **ORDINANCES FOR THIRD READING:**

##### **0-97-21**

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 7, TRAFFIC CODE, CHAPTER 7.05, PARKING REGULATIONS, SECTION 7.09.99(L), PENALTIES. Risner moved for Adoption; Crawl seconded. Adoption was approved unanimously.

##### **0-98-21**

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT A SOUTHEAST OHIO PUBLIC ENERGY COUNCIL (SOPEC) COMMUNITY GRANT; AND DIRECTING SAID GRANT TO HAPCAP. Crawl moved for Adoption; Fahl seconded. Discussion: Crawl noted that this grant will be used toward the purchase of an electric bus.

Fahl is pleased, as this complements the City's 2020 climate emergency declaration.

Adoption was approved unanimously.

##### **0-99-21**

AN ORDINANCE AMENDING THE 2021 APPROPRIATION ORDINANCE. Crawl moved for Adoption; Fahl seconded. Adoption was approved unanimously.

## **ORDINANCES FOR SECOND READING:**

### **0-100-21**

AN ORDINANCE AUTHORIZING THE MAYOR TO HIRE A DIRECTOR OF ARTS, PARKS, AND RECREATION AT A PAY RATE OF 34% THROUGH THE ASSIGNED PAY GRADE. Discussion: Smedley requested additional information on the candidate be forwarded to City Council prior to third reading.

The Mayor can provide that, but he would like City Council to Suspend the Rules this evening, so the candidate does not have to wait longer for the hiring process to move forward.

Crowl moved for Suspension of the Rules in order to hire into this position in a timely manner in order to continue moving forward with the business of Arts, Parks & Recreation; Grace seconded.

Risner doesn't believe the rules should be suspended for simply hiring into a position; no need to rush.

Smedley agrees.

Suspension of the Rules received a 4/3 vote with Risner, Smedley and Ziff voting in opposition. The motion failed as it did not receive the required six votes necessary for passage.

### **0-101-21**

AN ORDINANCE AMENDING THE 2021 APPROPRIATION ORDINANCE. Crowl moved to amend Section I to change the appropriation in General Fund, Police, from (\$1,000) to (\$2,500), and to add the purchase of ActivePure technology air purifiers for marked cruisers; amend Section II to add T.C. 300, and increase the dollar amount from (\$17,000) to (\$47,000), to include the conceptual design services for a new Fire Headquarters, Project #346, and reduce T.C. 500 from (\$43,000) to (\$17,000); and to add decreasing Garbage Fund, 760, T.C. 500, by (\$65,000); and, finally, to amend Section IV to increase the appropriation to the Community Center from (\$50,000) to (\$140,000) for payroll; Fahl seconded. Discussion: Grace asked the reason for increasing the appropriation in the Community Center payroll line.

Auditor Hecht acknowledged that revenue has been down due to the pandemic. It is beginning to improve and adjustments have been made. This amount is needed to cover payroll through the end of the year.

McCarey asked about the length of time it will take for the conceptual design of the Fire Station, and whether a firm has been identified.

Mayor Patterson is unsure if a firm has been hired, but will certainly convey the design to City Council upon completion.

McCarey questioned whether the cost is based on an estimate or past experience.

Mayor Patterson believes it is based upon past experience.

Amendments were approved unanimously.

**0-102-21**

AN ORDINANCE AMENDING ORDINANCE 80-20, ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, SOLID WASTE, RECYCLING AND OPTIONAL COMPOSTING RATES. Discussion: President Knisely has received a request from the Administration to add an emergency clause in order to maintain the City's fiscal integrity. Crowl moved to Amend to add an emergency clause; Fahl seconded. Amendment was approved unanimously.

**ORDINANCES FOR FIRST READING:**

**0-103-21**

AN ORDINANCE AMENDING ORDINANCE 88-21; AUTHORIZING THE 2021 STREET PAVING AND REPAIRS PROJECT (#337).

**0-104-21**

AN ORDINANCE AMENDING ORDINANCE 92-21; AUTHORIZING THE PURCHASE OF A DUMP TRUCK FOR THE ENGINEERING & PUBLIC WORKS DEPARTMENT. Grace moved for Suspension of the Rules in that this purchase was approved in August, and to ensure availability of a vehicle; Fahl seconded. Suspension of the Rules was approved unanimously. Grace moved for Adoption; Fahl seconded. Adoption was approved unanimously.

**0-105-21**

AN ORDINANCE AMENDING ORDINANCE 93-21 THE 2021 APPROPRIATION ORDINANCE; AND AUTHORIZING THE AUDITOR TO MAKE AN INTERFUND TRANSFER.

**0-106-21**

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY USE PERMIT TO NATHAN RATH, OWNER, 333 EAST STATE STREET, TO PLACE A SIGN ON AN EXISTING SIGN POLE.

**0-107-21**

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY USE PERMIT TO JAMES COADY, OWNER, 21 WEST WASHINGTON STREET, TO PLACE AN AWNING OVER A GARAGE DOOR.

**RESOLUTION FOR THIRD READING:**

**R-12-21**

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION; AUTHORIZING THE NECESSARY TAX LEVIES, AND CERTIFYING THEM TO THE COUNTY AUDITOR. Crowl moved for Adoption; Risner seconded. Adoption was approved unanimously.

**ANNOUNCEMENTS & OTHER BUSINESS:**

Grace moved to Accept the Service Plan as presented by the Special Improvement District (SID) with no recommendations for change; Fahl seconded. Motion was approved unanimously.

Fahl moved to Accept the August, 2021 Credit Card Transactions; Ziff seconded. Discussion: Auditor Hecht clarified that this is required by the State in an effort to reduce fraudulent use. Motion was approved unanimously.

Fahl moved to provide an October 8<sup>th</sup> extension to the City Planning Commission regarding the off-street parking requirements; Grace seconded. Motion was approved unanimously.

At approximately 7:50 p.m. Fahl moved for Adjournment; Grace seconded. Motion was approved unanimously.

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President of Council

ATTEST:

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Clerk of Council