

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held OCTOBER 3, 2022

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, OCTOBER 3, 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, Swank, and Ziff.

Also present: President Pro Tem Risner, Acting Mayor Knisely, Auditor Hecht, Law Director Eliason, and Service-Safety Director Stone.

COMMUNICATIONS:

Council Member McCarey reminded the community that the City's 2040 Comprehensive Plan speaks to diversity and inclusion related goals. The University's "Make Respect Visible" campaign launched last year, and this year has more of a community focus. This is a strong Community/University partnership to make respect visible.

Council Member Crowl announced that the Environment & Sustainability Commission will meet Wednesday at 6:00 p.m. in the City Building's 1st floor Conference Room.

Council Member Swank announced a vacancy on the Parks & Recreation Advisory Board. Those interested should contact Brandon Thompson, Chair.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Acting Mayor Knisely announced that the Mayor is representing the City of Athens in Indianapolis as part of the Urban Sustainability Conference, talking about the City of Athens' carbon fee.

The Secretary of State has received and approved the City's application to establish a Community Improvement Corporation.

Service-Safety Director Stone reported the following:

- The City's 2022 Leaf Pickup Schedule is now available and on the City's Website. In addition, the City's yard waste pickup continues at \$2.00 per City-purchased bag.
- Construction is to begin later this week on the City's slip repair project for the Armitage Road to University Estates Boulevard Bikeway Spur.
- The Athens Municipal Arts Commission (AMAC) is seeking applicants for the 2023-2024 Athens Poet Laureate. The deadline is October 7th at 5:00 p.m. AMAC is also seeking applications for new members, with information available on the City's Website.

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- Halloween:
 - Official Trick-or-Treat date is Monday, October 31, from 5:30 to 7:30 p.m.
 - Halloween Block Party, Saturday, October 29, with Court Street activities from 1:00 to 10:00 p.m.
- In partnership with Power Clean Future Ohio, the City Greenhouse Gas Inventory is now available on the City's Website. The City of Athens is one of the lowest producers of greenhouse gases in Ohio and across the U.S. The City continues its emission initiatives to include the major solar array project on the east side, and American Electric Power's conversion of City street lights to LED this year.

ORDINANCES FOR THIRD READING:

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. McCarey moved for Adoption; Grace seconded. Adoption was approved unanimously.

0-115-22

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED. McCarey moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-116-22

AN ORDINANCE AMENDING ORDINANCE 74-21, THE HOURS OF OPERATION FOR THE ATHENS UPTOWN DESIGNATED OUTDOOR REFRESHMENT AREA (DORA). Grace moved for Adoption; Ziff seconded. Discussion: Swank asked if there is any data reflecting the affect the DORA has had on uptown businesses.

Stone is not aware of any collected data; the biggest reason for this change is to provide flexibility for events that occur in the summer months by including Monday, Tuesday and Wednesday as the Cruise-ins typically happen on Monday nights.

McCarey is also curious as to whether the Uptown Business Association (AUBA) or the Chamber of Commerce might have data on DORA's effectiveness.

Adoption was approved unanimously.

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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. Swank moved for Adoption; McCarey seconded. Adoption was approved unanimously.

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. Risner moved for Adoption; Grace seconded. Adoption was approved unanimously.

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 15, 2023; AND DECLARING AN EMERGENCY. Risner moved for Adoption; Grace seconded. Adoption was approved unanimously.

0-120-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE; AND AUTHORIZING THE AUDITOR TO MAKE INTERFUND TRANSFERS. Crowl moved for Adoption; Grace seconded. Adoption was approved unanimously.

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. Risner moved for Adoption; Grace seconded. Discussion: Swank asked about a firm number on the cost.

Stone responded that the appraised value based on the State of Ohio pre-approved appraiser and reviewer is \$202,000.

Adoption was approved by a 5/0/2 vote; with Crowl and McCarey, employed by Ohio University, abstaining.

ORDINANCE FOR SECOND 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.

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ORDINANCES FOR FIRST READING:

0-122-22

AN ORDINANCE AMENDING ORDINANCE 08-22; AUTHORIZING PRELIMINARY ENGINEERING SERVICES FOR THE UPTOWN IMPROVEMENTS PROJECT, PROJECT (#329).

0-123-22

AN ORDINANCE CLOSING A PORTION OF EAST STATE STREET ON SATURDAY, DECEMBER 31, 2022, AND SUNDAY, JANUARY 1, 2023, FOR THE NEW YEAR'S EVE PASSION WORKS STUDIO COMMUNITY FESTIVAL. Discussion: Swank reiterated concern about any impact to Domino's.

Stone ensured that Dominos would not be inconvenienced during the street closure.

0-124-22

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE SECTION 13.04.10, UNNECESSARY NOISE, TO ACCOMMODATE THE NEW YEAR'S EVE PASSION WORKS STUDIO COMMUNITY FESTIVAL.

0-125-22

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING, TO ALLOW VENDING IN A DESIGNATED AREA ON DECEMBER 31, 2022 AND JANUARY 1, 2023, DURING THE NEW YEAR'S EVE PASSION WORKS STUDIO COMMUNITY FESTIVAL.

0-126-22

AN ORDINANCE AMENDING ORDINANCE 90-22; AUTHORIZING CONSTRUCTION AND CONSTRUCTION ENGINEERING FOR THE WATER TREATMENT PLANT SALT STORAGE ROOF SLAB AND BEAM REPLACEMENT PROJECT (#354).

0-127-22

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO, OR TO EXTEND THE AGREEMENT WITH THE BOARD OF ATHENS COUNTY COMMISSIONERS, FOR THE PURPOSE OF OBTAINING THE SERVICES OF THE PUBLIC DEFENDER'S OFFICE THROUGH DECEMBER 31, 2023.

0-128-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE.

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0-129-22

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 29, HOUSING REGULATIONS, CHAPTER 29.03, RENTAL DWELLING, SHORT TERM RENTAL, AND HOUSING PERMIT, SECTION 29.03.01, RENTAL PERMIT REQUIRED.

0-130-22

AN ORDINANCE AMENDING ORDINANCE 134-17; TO REZONE THE MADISON HEIGHTS MINOR SUBDIVISION, PROPERTY LOCATED ON THE CORNER OF EAST STATE STREET AND MADISON AVENUE.

0-131-22

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$300,000 OF NOTES BY THE CITY OF ATHENS, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF RENEWING NOTES PREVIOUSLY ISSUED FOR THE PURPOSE OF PAYING PART OF THE COSTS OF ACQUIRING A NEW FIRE TRUCK AND RELATED EQUIPMENT, AND DECLARING AN EMERGENCY. Discussion: Crawl noted that the City would be paying down \$100,000 on this pumper truck note, \$50,000 by the City and \$50,000 by the University.

Auditor reported that the interest rate from last year has increased from 0.75% to 3.65% on the rollover.

ANNOUNCEMENTS & OTHER BUSINESS:

Ziff moved to Remove 0-85-22; from the Table 0-85-22; Swank seconded. Motion was approved unanimously.

0-85-22: 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 for Adoption; McCarey seconded. Discussion: Due to additional information, Swank would like to refine the language of this Ordinance. He agrees that the City needs to protect renters. He understands there may be a mediation process that would keep this out of the courts.

Alan McMillan, a medium-size landlord, mostly renting in the uptown area, asked the Council to vote "no" on this Ordinance. Landlords want both parties on a lease to fulfill their obligations. If an eviction is sought, that means one of the parties did not hold up their end of the bargain. He sees no reason the City of Athens needs this law. Safeguards are already in place to protect both parties; the courts are very fair in eviction proceedings. "It's easier to cure than to replace."

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Ann Edwards, speaking on behalf of the United Athens County Tenants Association (UACTA), believes that by providing tenants another tool to protect against eviction, City Council will save many families from homelessness.

Zach Eckles, Policy Advocate with the Ohio Poverty Law Center, and former practicing attorney in Athens, primarily representing low-income residents of southeastern Ohio with evictions, urged City Council to adopt this Pay to Stay Ordinance. It both strengthens and clarifies a common law equity defense that already exists in Ohio. This is not a dramatic departure from the law, as it currently exists. Once passed, this Ordinance will make it more difficult for property owners with discriminatory intent to use non-payment as a pretext to evict a tenant. It will also give low-income families, experiencing an unexpected expense, an additional opportunity to get back on track financially, without losing their housing. As well, this Ordinance will encourage property owners to work with their tenants and exhaust every possible option, including outside resources such as those available at Community Action, in order to prevent the filing of an eviction ever occurring and thus avoiding attorney fees. He assured the Council that the new law does not preempt this Ordinance.

Further, if the cap of \$125 is removed from attorney fees, it will become extremely difficult for tenants or community action agencies to know how much money they will need to have available at the eviction hearing. It will prevent tenants from being able to utilize the Ordinance, and slow down the process of meeting their obligation to landlords.

Spjeldnes agrees with Swank. She has some reservations as to whether this Ordinance is as good as it could be, thinking that maybe the Council should take one last look at the proposed language.

Swank moved to return this Ordinance back to Committee for further discussion; Spjeldnes seconded. Discussion: Today, Swank shared that Members of Council received a document from Athens County Municipal Court that lays out, in detail, all of the eviction proceedings that took place between January 1, 2019 and February 19, 2020, the onset of COVID and the moratoriums associated with it. There were 100 such actions. He would like additional time to review some of these cases in order to better understand the nature of the problems. The Council could then bring back a good, solid ordinance that not only protects the tenants, but the interests of those owning the properties.

Law Director Eliason pointed out that the documents from the Court include the entire County, not just the City of Athens. She pointed out that if the motion on the floor is passed, there is no mechanism to bring the Ordinance back from Committee outside of starting a new ordinance.

Katherine King, Member of UACTA, explained that it is so difficult to find housing for families who have been evicted. Often it takes months. She urged the Council to pass this Ordinance tonight, and not send it back to committee.

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If needed, this legislation could be revised later. She would like to see this Ordinance implemented sooner rather than later, the situation is dire.

Risner sees no advantage to sending this back to Committee, agreeing, this Ordinance could be amended.

Motion to Refer back to Committee was defeated by a 4/2/1 vote; with McCarey, Risner, Spjeldnes, and Ziff voting in opposition, and Grace abstaining.

Swank moved to Amend all sections in this Ordinance that refer to the \$125 cap for attorney fees, to read as follows: in an amount not to exceed \$125 or a higher fee approved by the Court; McCarey seconded. Discussion: Swank believes that just because a tenant cannot pay their rent on time should not cost the business owner money. He does not want timing and procedure to trump approving good legislation.

Spjeldnes would like to do what is in the best interest of those being served, and even though this legislation may be flawed in some minor respects, she thinks overall it is good legislation and should be passed tonight. She agrees that amendments could be made later to improve on what will, hopefully, be adopted tonight.

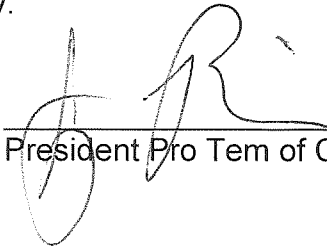
McCarey agrees with Spjeldnes and will be most comfortable approving this Ordinance tonight, and coming back later with any needed refinements.

Swank believes this amendment will allow the Council time to receive input, to analyze the data.

Motion to Amend was defeated by a 5/1 vote; with Crowl, McCarey, Risner, Spjeldnes, and Ziff voting in opposition, and Grace abstaining.

Motion to Adopt was approved by a 6/0/1 vote; with Grace abstaining.

At approximately 8:35 p.m., Ziff moved to Adjourn, Swank seconded. Adjournment was approved unanimously.



 President Pro Tem of Council

ATTEST:



 Clerk of Council