

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held MARCH 21, 2022

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, MARCH 21, 2022, 7:00 P.M.

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

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

DISPOSITION OF MINUTES:

Ziff moved approval of the minutes for the Regular Sessions held February 21 and March 7, 2022, and the Special Session held February 28, 2022; Crawl seconded. Minutes were unanimously approved as presented.

COMMUNICATIONS:

Council Member Swank reported from the Recreation Advisory Board on the tennis/pickleball courts. The cost will be greater than \$250,000; the estimated cost is \$380,000. Alternative locations were reviewed in order to reduce the cost by taking advantage of using the old Ohio University airport runway running east/west behind the Community Center, as less excavation work would bring down the cost. A further update will be forthcoming.

Council Member McCarey received a communication from Jordon Pazol regarding a concern about monitoring COVID variants, specifically BA2, and expressing a desire for Council to not only look to the CDC's guidelines, but to communicate regularly with the public and to be proactive in response and monitoring of pandemic health conditions.

ORDINANCE FOR THIRD READING:

0-20-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE 150-21; AND AUTHORIZING THE AUDITOR TO MAKE INTERFUND TRANSFERS. Crawl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

0-35-22

AN ORDINANCE APPROVING PARTICIPATION IN THE REGION 10 GOVERNANCE STRUCTURE UNDER THE ONEOHIO MEMORANDUM OF UNDERSTANDING.

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0-36-22

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO LEONARD AND MEGAN MEYER, OWNERS, 89 SOUTH MAY AVENUE, TO ALLOW AN AIR-CONDITIONING COIL, A SIDEWALK, AND PARKING IN THE CITY'S RIGHT OF WAY IN THE UNMAINTAINED ALLEY TO LINCOLN AVENUE.

0-37-22

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO MONTLE, LLC, OWNER, 70 SOUTH SHANNON AVENUE, FOR USE OF THE CITY'S RIGHT OF WAY TO ALLOW ACCESS VIA THE UNMAINTAINED ALLEY TO LINCOLN AVENUE.

0-38-22

AN ORDINANCE AUTHORIZING A CONTRACT WITH THE WASHINGTON COUNTY COMMISSIONERS; AND DECLARING AN EMERGENCY.

0-39-22

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 3, ADMINISTRATIVE PROVISIONS, CHAPTER 3.07, ADMINISTRATIVE DEPARTMENTS; BOARDS AND COMMISSIONS, SECTION 3.07.42 (A), ESTABLISHMENT OF THE ATHENS RECREATION ADVISORY BOARD.

0-40-22

AN ORDINANCE AMENDING THE 2021 APPROPRIATION ORDINANCE.

0-41-22

AN ORDINANCE AMENDING ORDINANCE 04-22, THE 2022 APPROPRIATION ORDINANCE 150-21; AND AUTHORIZING THE AUDITOR TO MAKE INTERFUND TRANSFERS.

0-42-22

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$140,000 OF NOTES BY THE CITY OF ATHENS, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF RENEWING NOTES PREVIOUSLY ISSUED TO PAY PART OF THE COSTS OF ACQUIRING NEW PARKING METERS, AND DECLARING AN EMERGENCY.

ORDINANCES FOR FIRST READING:

0-43-22

AN ORDINANCE AUTHORIZING DISPOSAL OF CERTAIN VEHICLES NO LONGER NEEDED FOR A MUNICIPAL PURPOSE.

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0-44-22

AN ORDINANCE AMENDING ORDINANCE 0-102-21, ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, SOLID WASTE, RECYCLING AND OPTIONAL COMPOSTING RATES. Discussion: Swank explained that this amendment will make the cost of residential pickup more equitable, it incentivizes putting out less garbage, and will continue to allow the fund to remain revenue neutral.

McCarey asked about any potential limitations or weaknesses of this change, variables that cannot be controlled.

Swank responded that there would be concern if every customer now on the 2-container rate should switch to the 1-container rate, but doesn't believe that will happen. However, should that occur, there is a built-in escalator clause.

Rob Delach, Morris Avenue, believes this is a risky rate reduction for renters that will likely have a significant impact on the current rates of other customers. He is concerned that this will allow landlords to opt all of their eligible rental properties to the 1-container rate, a savings to them. There are 2,259 qualifying accounts. The precedent for such a change is the City's compost program that was implemented with an opt-out option, and virtually all of the landlords opted out. If landlords change their accounts to the 1-container rate it could increase the cost to customers by approximately \$4.50 more per month, not \$.20 cents, and would be another significant rate increase for the second time this year. He suggested tabling this ordinance until the contract is renewed next year.

Spjeldnes pointed out that if landlords/tenants request the one 32-gallon container rate and have additional garbage, they will be charged \$5.25 for each additional bag, costing them more.

McCarey asked for some perspective from the Administration on how frequently the extra bag fee is charged.

Service-Safety Director does not have that information at this time, but will get back with him on how frequently that occurs.

0-45-22

AN ORDINANCE AMENDING THE 2022 STAFFING LEVELS AND PAY GRADES AUTHORIZED BY ORDINANCE 141-21.

0-46-22

AN ORDINANCE AUTHORIZING COMPENSATION OF GREATER THAN 25% THROUGH THE ASSIGNED PAY GRADE FOR A NEW HIRE INTO THE POSITION OF ASSISTANT LAW DIRECTOR/PART TIME PROSECUTOR.

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0-47-22

AN ORDINANCE ACCEPTING A GRANT FROM THE KLEINPENNY EDUCATIONAL FUND TO ARTS/WEST.

0-48-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE.

Crowl moved for Suspension of the Rules in order to ensure an adequate balance is available to pay income tax refunds, and to pay a prior year bill; Grace seconded. Discussion: Swank acknowledged, that according to the Auditor, there is a need for suspension of this ordinance in order to continue to process City income tax refunds.

Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-49-22

AN ORDINANCE AUTHORIZING THE PAYMENT OF A PRIOR YEAR EXPENSE; AND DECLARING AN EMERGENCY. Crowl moved for Suspension of the Rules; Grace seconded. Discussion: Swank understands this is a 2019 bill, but is unclear about the reason it was not paid.

President responded that this is a bill paid by the City's HR Department. Both years 2020 and 2021 bills were paid. She explained there was a change of staff in the HR Department that allowed this mistake, on our end, to happen.

Auditor added that the error was likely discovered at the time there was a change in companies, and the City continues to be in arrears. Mistakes happen, and this one is over two years old. CareWorks Comp provides an important program management service to the City.

Swank asked if the City recently received this bill.

Auditor responded that the bill was initially received in 2019, and that the invoice for this past due payment was received February 15, 2022, and the payment due date is upon receipt.

Crowl does not see any purpose in waiting to pay this bill that we know we owe.

Grace concurs, the company is working with us in good faith. This is an error on our part and should be remedied as quickly as possible.

Swank explained that it isn't a matter of paying or not paying the bill, but rather how soon that payment needs to happen. City Council should not suspend the 3-reading rule unless there is an emergency and it is absolutely necessary. The City has an obligation to pay this bill, but he is uncertain whether a 3-4 week delay will make a difference.

Crowl understands Swank's concern for Suspension of the Rules, but this is a classic example of when suspending the rules is a good idea and is necessary.

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Suspension of the Rules was approved unanimously.
Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

ANNOUNCEMENTS & OTHER BUSINESS:

Grace moved to Accept the February, 2022, Financial Reports; Crowl seconded. Motion was approved unanimously.

Grace moved to Accept the February, 2022, Credit Card Transactions; Ziff seconded. Motion was approved unanimously.

Solveig moved to Appoint Dr. Tee Ahmed-Ford to the Housing Appeals Board, replacing Wesley Ratko, for a term ending November 4, 2024; McCarey seconded. Appointment was approved unanimously.

Grace moved the Reappointment of Molly Fitzgerald to the Affordable Housing Commission; McCarey seconded. Reappointment was approved unanimously.

At approximately 7:50 p.m. Ziff moved to Adjourn the meeting; Grace seconded, and the meeting was adjourned.

Christine P. Knisley
President of Council

ATTEST:

Debra G. Walker
Clerk of Council