

# RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held April 18, 2022

## **ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, APRIL 18, 2022, 7:00 P.M.**

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

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

### **DISPOSITION OF MINUTES:**

Ziff moved approval of the minutes for the Regular Session held April 4, 2022; Crawl seconded. Minutes were unanimously approved as presented.

### **COMMUNICATIONS:**

**Council Member Crawl** thanked community members and Ohio University students who volunteered to help with the Athens Beautification month projects. He also thanked the Mayor and Commissioner Chmiel for attending and speaking at the Ohio University Earth Day celebration this week.

As we celebrate Earth Day on Friday, April 22, he encouraged participation in the Earth Day parade that will start on the South Green in front of Pickering Hall at noon, and end at Baker Center at 12:45 p.m.

### **REPORTS & COMMUNICATON FROM OTHER ELECTED OFFICIALS:**

**Auditor Hecht** updated Council on City tax refunds. In the annual appropriation ordinance (\$350,000) was appropriated for tax refunds, (\$100,000) more than previous years. To date, the City has processed (\$380,000) in refunds, with an additional (\$200,000) appropriation approved by Council, totaling (\$550,000) for the year. Last year at the end of April the City had only processed about (\$80,000) in refunds, and in June that total went up to (\$180,000). She's anticipating that she may need to request an additional appropriation yet this year for refunds.

**Mayor Patterson** shared that Fire Chief Rymer and firefighters were recently called for mutual aid in Pomeroy, Ohio, where three individuals were trapped on a cliff side. He acknowledged the expert technical training our fire personnel have received and equipment the department had to offer that helpful in safely extracting these individuals.

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## ORDINANCES FOR THIRD READING:

### 0-43-22

AN ORDINANCE AUTHORIZING DISPOSAL OF CERTAIN VEHICLES NO LONGER NEEDED FOR A MUNICIPAL PURPOSE. Risner moved for Adoption; Ziff seconded. Adoption was approved unanimously.

### 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. Swank moved for Adoption; Risner seconded. Discussion: Swank believes this amendment will establish equity in rates, and users will now pay for the number of containers they place at the curb for pickup. This will encourage customers to generate less trash, and this change will have no negative impact on the City's financials under the current contract. This legislation increases user rates by a modest \$.20 cents per month.

Grace understands the objectives of this amendment, however, she doesn't think now is the time to make this change. She believes it is important that changes in fees paid by residents should be planned, coordinated and predictable. She was one of the members of Council who specifically asked our City Administration to really work to provide Council with projections and estimates of costs in advance, in a coordinated manner, so Council could look at fees and adjust them one time a year. She thinks this change creates some unpredictability as far as what individual's trash fees can be, and that even though it is a small increase, she feels it is better to make increases all at one time. We know there is a high likelihood that there will be significant changes next year when a new contract is negotiated with our garbage hauler. Again, rates need to be adjusted one time in a coordinated manner in order to keep them predictable and sustainable. She cannot support this ordinance.

Crowl appreciates that this ordinance makes rates more equitable and offers a "pay as you throw" concept. While he will be supporting this ordinance he, too, would like rate to be on a regular schedule, once a year, that will help residents prepare their annual budgets accordingly.

McCarey asked again about unpredictable consequences these changes may present.

Service-Safety Director believes the outcome will be minimal, and is not concerned at this time that many residents will switch to the single container rate. This legislation is timely, as our student residents are signing new leases and may want to opt for the one container rate.

Adoption was approved by a 6/1 vote, with Grace voting in opposition.

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**0-45-22**

AN ORDINANCE AMENDING THE 2022 STAFFING LEVELS AND PAY GRADES AUTHORIZED BY ORDINANCE 141-21. Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

**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. Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

**0-47-22**

AN ORDINANCE ACCEPTING A GRANT FROM THE KLEINPENNY EDUCATIONAL FUND TO ARTS/WEST. Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

**ORDINANCES FOR SECOND READING:**

**0-50-22**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACT FOR REPLACEMENT OF THE COMMUNITY CENTER ROOF, PROJECT #353.

**0-51-22**

AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME) LOCAL 2403 (1), OHIO COUNCIL 8, AFL-CIO (UNION).

**0-52-22**

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

**0-53-22**

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE.

**0-54-22**

AN ORDINANCE AUTHORIZING THE MAYOR TO PAY THE 2022 MEMBERSHIP FEE FOR THE OUTDOOR RECREATION COUNCIL OF APPALACHIA (ORCA), TO PROVIDE FINANCIAL SUPPORT FROM THE CITY'S TRANSIENT GUEST TAX FOR THE BAILEYS TRAIL SYSTEM ALONG WITH OTHER RECREATIONAL ACTIVITIES.

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## **0-55-22**

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE APPLICATION AND ENTER INTO A PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES.

## **0-56-22**

AN ORDINANCE AUTHORIZING CONSTRUCTION OF TENNIS AND PICKLEBALL COURTS, PROJECT #350.

## **ORDINANCES FOR FIRST READING:**

## **0-57-22**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO CLOSE UNION STREET, BETWEEN COURT AND COLLEGE, FOR THE ATHENA RIDE FOR WOMEN, AND TO CHANGE OR CANCEL THE REQUESTED DATE AS NECESSARY.

## **0-58-22**

AN ORDINANCE AUTHORIZING THE 2022 STREET PAVING AND REPAIRS PROJECT (#352). Discussion: Swank asked about any increase in the cost of asphalt.

S-S Director responded that he is not aware of any significant change in the cost of materials, but that construction prices are higher, adding that a significant amount of contingency has been added to this request.

## **0-59-22**

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, TO ADD SECTION 7.05.03.1 (D), APPLICATION FEE FOR RESIDENTIAL PARKING PERMIT. Discussion: Spjeldnes questioned a statement made at the last meeting that this permit is only available to homeowners.

Grace confirmed that this residential parking permit is not limited to owner-occupied housing, and noted that there can be only one permit granted per street address so some duplexes would both be eligible.

## **0-60-22**

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO DEVELOPMENT SERVICES AGENCY FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ALLOCATION PROGRAM FUNDS FOR PROGRAM YEAR 2022.

McCary moved to amend the Title and Section I to add "any eligible" before the word "community" and to remove the word "allocation"; Grace seconded.

Amendment was approved unanimously.

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**0-61-22**

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE, AND AMENDING ORDINANCE 17-22, TO INCREASE THE AUTHORIZED EXPENDITURE FOR STRUCTURAL REPAIRS TO THE ATHENS FIRE DEPARTMENT HEADQUARTERS, PROJECT #343.

**0-62-22**

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 3.03, FIREWORKS, EXPLOSIVES AND INFLAMMABLES, SECTION 3.03.03, SALE AND USE OF FIREWORKS.

Discussion: Swank asked if fireworks for sale in retail stores, i.e. sparklers, etc., would still permitted.

Mayor responded that they will be.

**0-63-22**

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 3.03, FIREWORKS, EXPLOSIVES AND INFLAMMABLES, SECTION 3.03.03, SALE AND USE OF FIREWORKS.

**0-64-22**

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY USE PERMIT TO ROXTAR, LLC, OWNER, C/O BRENT HARTMAN, 67 COLUMBUS ROAD, TO ALLOW (27) PARKING SPACES FOR USE BY THE OHIO VALLEY MUSEUM.

**0-65-22**

AN ORDINANCE ACCEPTING A CERTIFICATE OF REGISTRATION FROM WINDSTREAM KENTUCKY DATA LINK FOR USE OF THE CITY'S RIGHT-OF-WAY.

**0-66-22**

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE 150-21; AND AUTHORIZING THE AUDITOR TO MAKE AN INTERFUND TRANSFER.

**0-67-22**

AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME) LOCAL 3351, OHIO COUNCIL 8, AFL-CIO (UNION), AMENDING ARTICLE 24, COMMAND PAY.

**0-68-22**

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

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## 0-69-22

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE 142-21, THE 2022 FRINGE BENEFITS PACKAGE FOR NON-UNION PERSONNEL WITHIN THE CITY OF ATHENS.

## 0-70-22

AN ORDINANCE AUTHORIZING THE AUDITOR TO CONDUCT AN AMNESTY PROGRAM TO ENCOURAGE THE PAYMENT OF DELINQUENT INCOME TAX ACCOUNTS; AND DECLARING AN EMERGENCY.

## 0-71-22

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE CITY OF CLEVELAND, OHIO, FOR SERVICES RELATING TO THE COLLECTION OF INCOME TAX.

## **ANNOUNCEMENTS & OTHER BUSINESS:**

Risner moved to Accept the March, 2022, Financial Reports; Ziff seconded. Motion was approved unanimously.

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

McCarey moved to Reappoint Vanessa Morgan-Nai to serve an additional 3-year term on the Community Relations Commission; Grace seconded. Reappointment was approved unanimously.

## **OPPORTUNITY FOR CITIZENS TO SPEAK ON LEGISLATIVE ITEMS AND CITY SERVICES NOT COVERED ON THE AGENDA:**

Andrew Guidarelli, River Park Apartments, 44 N. McKinley Avenue, spoke again about the lack of off-campus recycling. He understands this is a common problem with landlords using a third party waste provider. He hopes the City can make changes that will mandate that third party waste haulers provide recycling services.

Resident, 48 East Green Drive, will be living in an off-campus apartment next year and hopes recycling will be mandated throughout the City.

Crowl commented that the Zero Waste initiative at the Voinovich School is working on this issue, and thanked Mr. Guidarelli and others interested in improving our City's recycling efforts.

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**EXECUTIVE SESSION:**

At approximately 8:40 p.m. Grace moved to go into Executive Session for the purpose of considering the purchase of property for public purposes and sale of property at competitive bidding, or the sale or other disposition of unneeded, obsolete or unfit for use property, and invited the Mayor, Service-Safety Director, Auditor, and Law Director to attend; Crowl seconded. A roll call vote was taken as follows: Spjeldnes, aye; Risner, aye; Crowl, aye; Swank, aye; aye; Grace, aye; Ziff, aye; and McCarey, aye.

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

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

Christ B. Kinsely  
President of Council

ATTEST:

Duff G. Walker  
Clerk of Council

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**ATHENS CITY COUNCIL: PUBLIC HEARING, MONDAY, APRIL 18, 2022,  
7:00 P.M. – COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM  
FUNDS (1<sup>st</sup> hearing).**

Council Members in Attendance: Crowl, Grace, McCarey, Risner, Spjeldnes, Swank, and Ziff.

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

Attendance by the Public: (see attached list)

President Knisely opened the first of two Public Hearings to discuss the Community Development Block Grant (CDBG) Programs. She explained that these funds come from the Department of Housing and Urban Development (HUD) and are distributed through the Ohio Development Services Agency, Office of Community Development. Our local Athens Hocking Perry Community Action Programs (HAPCAP) will be administering these program funds for the City.

The City has received both Allocation and Critical Infrastructure Project funding, and recapped the following previous year projects: Grosvenor Street slip; Columbus Road/Lancaster Street improvements; Richland house rehabilitation (using universal design) as a low-moderate income rental; Depot Lift Station improvements; Franklin Avenue and West Union Street improvements; Kimes Reservoir rehabilitation; safety improvements on West Washington Street; and most recently the dewatering project at the Wastewater Treatment Plant.

A number of projects are being considered for the 2022 Program funds. She noted that the non-competitive Allocation Program, a smaller grant program (\$150,000), is being phased out; this will likely be the final year for this type of funding. Competitive programs are: Critical Infrastructure, designed to assist communities with high priority, single purpose improvements, (\$500,000); Downtown Revitalization, to improve central business districts (\$250,000); Residential Infrastructure, used to improve water and sanitary systems (\$750,000); and Economic Development, for economic development loans and public infrastructure projects (\$500,000).

Mayor indicated that the City can have two open projects within a two-year funding cycle, and that the City has successfully received CDBG funding for many years. The City has been extremely effective in utilizing these grant funds over the years.

Service-Safety Director Stone noted that rarely do the CDBG program funds pay for the entire project; local funds pay the balance. These projects, for the most part, must happen within the low to moderate census block areas, explaining further that



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that the majority of the City is low to moderate income, and any improvement benefiting the entire City would be eligible.

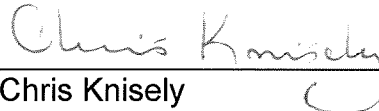
Service-Safety Director reported that currently the City has three open projects, two critical infrastructure projects about to wrap up (Kimes Reservoir upgrade and the Wastewater Treatment Plant improvements), and one allocation project (West Washington Street improvements, currently in design).

Risner encourages continuing to make application for these funds, as they have been well utilized.

Rob Delach, Morris Avenue, asked if at the second hearing there will be specific project(s) identified.

President responded that at the second public hearing there will be a list of eligible projects provided.

President Knisely opened the meeting to hear comments from the public. Hearing no questions or comments from the public, the hearing was adjourned at approximately 7:15 p.m.



Chris Knisely  
President of Council

ATTEST:

  
Clerk of Council

**ATTENDANCE SHEET**

**PUBLIC HEARING: Community Development Block  
Grant, 1<sup>st</sup> Hearing**

**Monday, April 18, 2022,  
7:00 p.m.**

**NAME:**

- |                             |           |
|-----------------------------|-----------|
| 1. <u>David O. McEay</u>    | 16. _____ |
| 2. <u>Robert Delach</u>     | 17. _____ |
| 3. <u>Paul Hillard</u>      | 18. _____ |
| 4. <u>Alexandra Wells</u>   | 19. _____ |
| 5. <u>Molly Finucane</u>    | 20. _____ |
| 6. <u>Andrew Guidarelli</u> | 21. _____ |
| 7. <u>Walter Simons</u>     | 22. _____ |
| 8. _____                    | 23. _____ |
| 9. _____                    | 24. _____ |
| 10. _____                   | 25. _____ |
| 11. _____                   | 26. _____ |
| 12. _____                   | 27. _____ |
| 13. _____                   | 28. _____ |
| 14. _____                   | 29. _____ |
| 15. _____                   | 30. _____ |