

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held MAY 16, 2022

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, MAY 16, 2022, 7:00 P.M.

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

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

DISPOSITION OF MINUTES:

Risner moved approval of the minutes for the Regular Session held May 2, 2022; Crowl seconded. Minutes were unanimously approved as presented.

REPORTS & COMMUNICATON FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reminded Council that the Ohio Municipal League will be holding a Regional Conference at the Ohio University Inn and Conference Center on Friday, May 20th. He strongly encouraged Council Members to attend this conference. Conference program items include a legislative update and the following programs: ethics, public records management, home rule and local control, cyber security, and economic development.

Also, the International Town/Gown Association's Conference will be held June 6-8 at Clemson. He and the Director of Arts, Parks & Recreation will be attending, again, suggesting Council Members consider attending.

ORDINANCES FOR THIRD 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. Risner moved for Adoption; Crowl seconded. Adoption was approved unanimously.

0-58-22

AN ORDINANCE AUTHORIZING THE 2022 STREET PAVING AND REPAIRS PROJECT (#352). Risner moved for Adoption; Ziff seconded. Discussion: Swank asked, in general, how "best" bid is defined, and specifically what would constitute a "best" bid.

Mayor responded "best" bid would be a contractor that can capture all bid specifications with the "lowest" bid as part of their bid package.

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Swank asked if there is a scoring system used.

Mayor responded, yes, in terms of the documents that are required by the City, and those provided by the contractor.

Adoption was approved unanimously.

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. Risner moved for Adoption; Ziff seconded. Discussion: Swank hopes the City will expand its efforts in making information about this residential parking permit program more widely available to the public.

Mayor will see that this information is given better visibility and be more accessible to residents on the City's Website.

Spjeldnes hopes the permit process can be streamlined; it is currently convoluted.

Adoption was approved unanimously.

0-60-22

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO DEVELOPMENT SERVICES AGENCY FOR ANY ELIGIBLE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FUNDS FOR PROGRAM YEAR 2022. McCarey moved for Adoption; Ziff seconded. Adoption was approved unanimously.

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

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

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0-63-22

AN ORDINANCE OPTING-OUT OF H.B. 172 AND REAFFIRMING THE BAN ON DISCHARGING, IGNITING OR EXPLODING FIREWORKS IN THE CITY OF ATHENS, AS SET FORTH IN ATHENS CITY CODE CHAPTER 9.03, FIREWORKS EXPLOSIVES AND INFLAMMABLES. McCarey moved for Adoption; Ziff seconded. Adoption was approved unanimously.

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. Grace moved for Adoption; Ziff seconded. Discussion: Swank asked about the timeline for the opening of the museum.

Mayor responded that there is no firm timeline, but hopefully soon.

Adoption was approved unanimously.

0-65-22

AN ORDINANCE ACCEPTING A CERTIFICATE OF REGISTRATION FROM WINDSTREAM KENTUCKY DATA LINK FOR USE OF THE CITY'S RIGHT-OF-WAY. Grace moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-66-22

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

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

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

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

0-71-22

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE CITY OF CLEVELAND, OHIO, FOR SERVICES RELATING TO THE COLLECTION OF INCOME TAX. Crowl moved for Adoption; Risner seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

0-68-22

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

0-72-22

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND ACCEPT BIDS FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE CITY/COUNTY SEWER EXPANSION, PROJECT (#317); AND DECLARING AN EMERGENCY.

0-73-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE 150-21 AND ORDINANCE 54-21; AUTHORIZING WASTEWATER REMOTE SITE TELEMETRY IMPROVEMENTS, PROJECT #339.

0-74-22

AN ORDINANCE AUTHORIZING CONSTRUCTION AND CONSTRUCTION ENGINEERING OF SLIP REPAIR ON THE BIKEWAY SPUR BETWEEN ARMITAGE ROAD AND UNIVERSITY ESTATES BOULEVARD, PROJECT (#348). Discussion: Swank requested clarification on a series of timeline questions based on the principal of trying to establish responsibility for the current situation. He asked what year the endangered water and electric lines were first installed.

Mayor responded that it was part of the University Estates development, so a long time ago.

Swank asked, when first installed, if they were basically on this current path.

Mayor responded they were, but then needed to be moved.

Swank asked when they were moved.

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Mayor believes they were moved within the last couple of years. He can provide a firm date.

Spjeldnes is so concerned about the deterioration of this path that she has spent time with the EPW staff, along with Council Member Risner, touring the area. She has documentation showing the timeline that she can share. The initial test borings were okay, but at the time the bike path was constructed there was hillside seepage, which is not unusual in this area. As problems occurred, various methods were used in making repairs. Repairs were made to be cost beneficial at the time, even moving the water lines aboveground, and then buried again on the other side of the bike path. Unfortunately, those efforts have not alleviated the slippage problem. Now, it is in such bad that more drastic measures must be taken in order to make the bike path whole, and hopefully long term, which is costly. She spoke with EPW Director Eldabaja about mistakes made, was told that there were a variety of issues, and the City cannot ascertain exactly what went wrong.

Risner agreed that, unfortunately, slippage is common in Athens County and within the City limits. Other slips have occurred due to unstable soil.

Swank understands that during construction these types of things occur, but \$650,000 is a lot of money and he is having a great deal of difficulty voting in favor of this expenditure without first exploring, through conversation and perhaps negotiation with the contractor, a concept called shared responsibility. He is inclined to make a motion to Table this tonight until a conversation can be had with the contractor who executed the latest repairs.

Mayor passed along that in discussions with the Director of EPW, they have scoured through seven years of documentation, reviewed the geotechs for this project, and they are not seeing any error with the work done at this location.

Spjeldnes noted that there is a \$2 million liability insurance as part of the contract, along with provisions that should problems occur it is the responsibility of the City and the contractor to find mitigating strategies to address the problems, and she is aware of multiple conversations over this period of time to try repeatedly to fix the problems. She added that she is deeply disappointed with the results, but based on everything she has heard, she will be voting to move forward with this "final" repair.

Crowl agrees with moving forward. City engineers working on this project have seen nothing showing negligence on the part of the contractor working on this project. This project needs to happen in order to protect the City's water line and electric lines to the University Estates development.

0-75-22

AN ORDINANCE AUTHORIZING FINAL DESIGN OF PROJECT #313, RENOVATION OF THE ARMORY.

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0-76-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE.

0-77-22

AN ORDINANCE AUTHORIZING RETROACTIVE PAY FOR THE CHIEF DEPUTY CLERK IN ATHENS COUNTY MUNICIPAL COURT.

0-78-22

AN ORDINANCE AMENDING THE AUDITOR'S 2022 STAFFING LEVELS, AND COMPENSATION FOR THE SEASONAL POOL MANAGER; AUTHORIZED BY ORDINANCE 141-21.

0-79-22

AN ORDINANCE AUTHORIZING A PAY INCREASE DUE TO ADDITIONAL DUTIES ASSIGNED TO THE POSITION OF EXECUTIVE ADMINISTRATOR IN THE AUDITOR'S OFFICE.

Mayor asked for reconsideration of Ordinance 0-68-22. The Fire Chief had requested Suspension of the Rules at second reading in order to proceed with the timeline for administering the already scheduled testing for the Lieutenant's positions.

0-68-22

AN ORDINANCE AMENDING THE 2022 STAFFING LEVELS AND PAY GRADES AUTHORIZED BY ORDINANCE 141-21; AND DECLARING AN EMERGENCY. Crawl understands the necessity to maintain the City's fire staffing levels, and moved for Suspension of the Rules; Swank seconded. Suspension of the Rules was approved unanimously. Crawl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

ORDINANCES FOR FIRST READING:

0-80-22

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR SMALL CITY PROGRAM FUNDS FOR THE 2022 SOLICITATION CYCLE; AND DECLARING AN EMERGENCY. Discussion: Mayor reported that the proposed Columbus Road improvements will be completed in three phases. Under this Small City Program funding the City will be making application for approximately \$700,000 to \$800,000 in this round of funding.

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0-81-22

AN ORDINANCE AUTHORIZING THE DISPOSAL OF A MOWER AT THE WATER TREATMENT PLANT.

0-82-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE.

Discussion: Law Director Eliason explained that her budget can cover all but the requested \$500 needed for a computer that can process bodycam footage.

0-83-22

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$9,000,000 OF BONDS BY THE CITY OF ATHENS, OHIO, FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING A NEW FIRE STATION, MAKING SITE IMPROVEMENTS, AND ACQUIRING FURNITURE, EQUIPMENT AND FURNISHINGS AND A SITE THEREFOR, AND MATTERS RELATED THERETO; AND DECLARING AN EMERGENCY. Discussion:

Swank asked about the cost of the land for the new Fire Station Headquarters.

Mayor responded that negotiations are underway with Ohio University.

Spjeldnes reiterated concerns that she is hearing about this structure being built in the floodplain and would appreciate information and a public statement that building in the floodplain is not a concern, and this is a reasonable space for the facility.

0-84-22

AN ORDINANCE AUTHORIZING FINAL DESIGN ENGINEERING AND CONSTRUCTION SERVICES FOR A NEW FIRE HEADQUARTERS, PROJECT #346.

ANNOUNCEMENTS & OTHER BUSINESS:

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

Grace moved to Accept the April Credit Card Transactions; Risner seconded. Motion was approved unanimously.

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

Lenny Meyer, 89 South May, resident since 2012, spoke on behalf of himself, his wife, and neighbors regarding recent approval of a special use permit granted to he and his wife by the City for use of the public right-of way in the unmaintained alley to Lincoln Avenue to allow an existing air-conditioning coil, a

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sidewalk, and parking. Access to this alley had been closed decades prior to their purchase of the property. They never thought opening up this alley would ever be a potential.

He requested clarification on an additional approval by City Council offering use of the right of way to Mr. Montel, owner of 70 S. Shannon Avenue, for the same plot of land to be used to access a proposed new building. Mr. Meyer and his wife have spoken to Code Enforcement Director Riggs and Council Member Swank several times. There was a meeting, on December 13, 2021, in the alley with all neighbors adjacent to this property, everyone expressing that they did not want this to happen (a signed statement is available). Both Mr. Montle and Director Riggs knew that the neighbors did not want this to happen. Granting access to Mr. Montle's property will allow vehicles to travel on a sidewalk just a few feet from the front door of the Meyers' rear apartment. More concerning is that this would be unsafe and disruptive. They were only made aware of Mr. Montle's intention because a crew showed up, before any of this was planned or approval was sought, and removed a barrier shrub that was in the City's right-of-way. Because interested parties were unaware of the permit sought by Mr. Montle, and moving through City Council, it appeared there was no opposition to granting use of the right-of-way. He asked about next steps since City Council has already approved the permit.

President Knisely indicated that for this matter to be reconsidered, it would have to come back through the City Council's Planning & Development Committee as an item for discussion, noting that a memo has been received from the Director of Code Enforcement, after again reviewing the site, and maintaining that there is room in the alley for both uses to be accommodated.

As written, Mr. Meyer does not see how both parties can be accommodated with this piece of land. He questioned the precedent this could be establishing in continued development of this alley.

At approximately 8:20 p.m. Swank moved to Adjourn the meeting; Grace seconded, and the meeting was adjourned.


President of Council

ATTEST:


Clerk of Council