

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held MARCH 7, 2022

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

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

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

COMMUNICATIONS:

President Knisely announced the following:

- Receipt of a letter from former Athens resident John Spofforth, documenting his continued concern for the runoff that is occurring on the property that he previously owned at 7 Brown Avenue and adjacent properties (see attached).

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson mentioned he recently attended the Cities and Counties Fees and Fines Justice Conference. He plans to share the information he learned at the conference with Council in upcoming discussions.

ORDINANCES FOR THIRD READING:

0-28-22

AN ORDINANCE AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING PROGRAM. Risner moved for Adoption; Ziff seconded. Discussion: Risner questioned how much salt the City will be purchasing.

Service-Safety Director responded that in any given year the City purchases about 2000 tons of road salt.

0-29-22

AN ORDINANCE AUTHORIZING DESIGN SERVICES AND CONSTRUCTION OF TENNIS AND PICKLEBALL COURTS, PROJECT #350. McCarey moved to Refer to Committee; Swank seconded. Discussion: Service-Safety Director explained that the initial cost estimate for this project has increased substantially from \$250,000 to \$375,000 for the current layout.

Crowl questioned the procedural difference between the current motion and a motion to Table. He believes Tabling it affords more flexibility to the Director of Arts, Parks & Recreation to consult the Recreation Advisory Board and to explore other options, and he is unclear on the need for a specific time table that is outlined by a motion to refer to committee.

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Swank understands that referring to committee will simply allow time for the Recreation Advisory Board to discuss priorities and the layout of the project, and that it would return to committee on March 28th. He questioned a specific time table.

Crowl read from the Rules of Council: Rule 30 states the following: If any matter referred from Council to any committee or public official is not reported upon within two weeks of the time of such reference, such matters shall be brought by the Clerk of Council to the attention of Council; and if no report is made by such committee or public officials within four weeks after such reference the Council shall take such further action as it may deem best. Response times may be extended at the discretion of the President of Council.

He understands that referring the legislation back to committee starts the process over again, and significantly delays the process.

Swank suggested changing the motion to Postpone to Date Certain, which would take preference over referring to committee.

President asked the Law Director, if it is referred back to committee, whether the readings would begin over again after discussion at the committee level.

Law Director explained that a motion to Lay on the Table would allow it to go back to committee and then to be Removed from the Table at third reading. If amended, that would then return it to first reading.

President asked if it is her opinion that to Lay on the Table would be a cleaner mechanism.

Law Director responded that to Lay on the Table would have the same result as the motion on the floor but, again, would then come back off the Table at third reading, and the legislative process would not need to begin again. She believes it is Member McCarey's intent to Lay on the Table so that it can be discussed further in committee, and to then Remove it from the Table at a later date.

McCarey indicated that is correct, and questioned whether he would need to rephrase that, so there would be no timetable.

President acknowledged that the intent is to Remove it from the Table as soon as there is a plan with accurate information.

Mayor clarified that there is no intent to slow down this project, but to move forward once a plan and cost estimate are finalized.

Swank thinks referring to committee is cleaner because it definitively states the process. It sends a message that Council is going to look into this, and it will return to committee discussion on March 28th, after the Recreation Advisory Board meets and a report can be given.

Motion to Refer to Committee was approved by a 4/1 vote; with Crowl voting in opposition.

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0-30-22

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 9.02, FIRE PREVENTION, SECTION 9.02.01, CODE ADOPTED. McCarey moved for Adoption; Crowl seconded. Adoption was approved unanimously.

0-31-22

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO MARIETTA MEMORIAL HEALTHCARE, INC., 206 COLUMBUS ROAD, TO ALLOW PARKING AND A MONUMENT SIGN IN THE CITY'S RIGHT OF WAY. Crowl moved for Adoption; Risner seconded. Adoption was approved unanimously.

0-32-22

AN ORDINANCE AUTHORIZING THE MAYOR TO EXTEND THE AGREEMENT WITH SUNDAY CREEK HORIZONS, A CONSULTING FIRM, TO CONTINUE WORK ON A REMOTE WORK SYSTEM FOR THE CITY OF ATHENS. Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-33-22

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 33, SHADE TREE COMMISSION, SECTION 33.01.01, COMMISSION MEMBERSHIP. Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-34-22

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

ORDINANCE FOR SECOND READING:

0-20-22

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

ORDINANCES FOR FIRST 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. Discussion: Swank asked if provisions are in place that will indicate the actual placement of the parking space.

Service-Safety Director will ensure that the parking accommodation works for all parties accessing this alley.

0-37-22

Discussion: Swank indicated that the way this legislation is written it implies that the proposed new structure will be in the City's right-of-way.

Service-Safety Director clarified that the use of the City right-of-way is just for access to the proposed new structure.

Crowl moved to Amend Section I to read as proposed by Swank, and to correct the Title accordingly: Having satisfactorily met the regulations established pursuant to Title 49, Management, Administration, and Control of the Use of the City's Public Rights-of-Way, Montle, LLC, owner, 70 South Shannon Avenue, is hereby granted a special right-of-way use permit to allow access, via the unmaintained alley to Lincoln Avenue, as indicated on the application attached hereto and incorporated herein by reference. Ziff seconded. Amendment was approved unanimously.

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.

Discussion: Swank suggested changing the name of the Board from Recreation Advisory Board to the Arts, Parks & Recreation Advisory Board.

Crowl questioned any art projects coming to this Board. He believes the Athens Municipal Arts Commission (AMAC) handles art projects, wondering whether there is some duplication of these duties.

Mayor contends that AMAC is all things in art. The powers and duties of each of these will remain intact, and he questioned the need to change the title to one that would include arts.

McCarey noted that ACC Section 3.07.43, Powers and Duties, of the Recreation Advisory Board does not refer to art.

Law Director believes this discussion should be continued in committee.

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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.

ANNOUNCEMENTS & OTHER BUSINESS:

Swank asked if the tentative date of April 13th, mentioned last week, as the date for the next public meeting on the new Fire Station Headquarters has been confirmed.

Service-Safety Director responded that the date is correct, but the Administration is still working on the time and location.

At approximately 8:00 p.m. Ziff moved to Adjourn the meeting; McCarey seconded, and the meeting was adjourned.

Christine B. Kmizely
President of Council

ATTEST:

Dan G. Walker
Clerk of Council

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February 11, 2022

• Athens City Mayor Steve Patterson, and City Council:

As you elected City Officials of the City of Athens know, 38 years ago, I first reported to City Council that ground water from Miller Street behind my hillside property was running off and down into my property. It was also running off into my neighbors' property adjacent to mine at 9 Brown Avenue and 44 North Shaper Street.

~~As a result~~ (confusion from morphine medicine for pain at my new assisted living quarters at the VA Medical Center in Chillicothe as of April 1, 2021.)

As a result of my new "home," I sold my house on December 20, 2021. I shall remain at the Veterans affairs until I die. I am age 90.

I am bipolar, which intensifies my periods of sadness and ideation of suicide from which the City's 38 years of runoff ^I suffers from. Me.

I write this as one more letter on this runoff matter, and of the City's adamant refusal to end its runoff that accompany the several more letters on this matter in the Minutes of Council.

The number of my protest letters is several on the runoff issue alone since 1984. I shall continue to

address the runoff issue as long as I can.

My protest in this matter is also known to my State Representative Jay Edwards, AG Dave Yost, the Governor Mike DeWine, and the Ohio Ethics Commission. To ~~meets~~ no avail, as only the Ethics Commission ~~is~~ has replied to my requests for help in this matter.

In other words, the City of Athens and the State have denied my right of representation as a citizen.

These entities are obviously operating outside and above the law. Yet nobody is above the law, but these officials are because they don't care. They - you all - refuse to do your duty to (1) end the the runoff; (2) remove the landslide your runoff has caused; and compensate me money that is due to me under the 5th Amendment to the U.S. Constitution.

All of you know this, yet refuse to grant a procedural due process hearing in this matter. 237 U.S. 309, Law Dictionary 2d, by Steven H. Gifis. and 341 U.S. 123, 162-163, Gifis.

By your refusal to act in accordance with the law and your Oath of Office, you act as a conspiracy as an actionable tort, with criminal intent that has caused me damages and losses, as I have outlined before to you.

In my letter to Council on April 4, 2020, I offered to the City, I would require \$90,000 in compensation to satisfy the City's debt to me. That offer still stands.

Now, my former property at 7 Brown Avenue is owned by a person with whom I have made known via realtor Russell Chamberlain at the Athens Real Estate company on West Union Street.

I have encouraged them to follow my three decades' lead to seek justice in this matter.

The City's carrying on its malfeasant act in everything concerning the facts of this case is a ~~major~~ majority of wrong-doing in Athens' city history.

The City's behavior since 1984 is a major expression of nuisance per se

The City's behavior in this matter ~~has~~ caused me such clinical depression that if I had still had my former handgun, I would have killed myself as a result.

Nothing I have written about this history of a citizen's battle against his poorly government tells the whole history of this matter, but I shall continue to try to make it legible to the public. Nobody is above the law, especially those elected to govern.

Sincerely, John Spofforth