

# RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held AUGUST 1, 2022

## **ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, AUGUST 1, 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, Auditor Hecht, and Law Director Eliason.

### **DISPOSITION OF MINUTES:**

Risner moved to approve the minutes of the Regular Session of City Council held June 21, and the Special Session held June 28, 2022; Grace seconded. The minutes were unanimously approved as presented.

### **COMMUNICATIONS:**

**President Knisely** is in receipt of a notice from the Ohio Division of Liquor Control for the transfer of a TREX (used for economic development) D1, D2, and D3 permits **FROM** Tranquil Lady, Inc., 4263 E. Main Street, Whitehall, Ohio, **TO** Ohio University, dba Athena Cinema, 20 S. Court Street. Any concerns with this transfer must be postmarked no later than August 15, 2022.

There will be a recycling event on October 1<sup>st</sup> at the Athens County Fairgrounds from 9:00 a.m. to 1:00 p.m. for tires, scrap metal, e-waste, or items in need of shredding.

### **REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:**

**Law Director Eliason** reported on City Council's request for a hearing before the State Liquor Control Board regarding a permit for the Athens Community Drive Thru on East State Street. On June 24<sup>th</sup>, the Court of Common Pleas issued a decision and found in favor of Mithril, the owner. Based on that decision, she made a decision to withdraw the City's request for a hearing.

**Mayor Patterson** reported the following:

- Court Street closure on Saturday, August 6<sup>th</sup>, for Bounty on the Bricks
- West Union closure on August 13<sup>th</sup>, for the Athens Arts & Music Festival
- In June, the Business View publication, showcased Athens
- A New York Times article cited the City of Athens for its de-carbonization efforts and the carbon fee enacted by our citizens
- Athens has been chosen, as one of five cities, as one of the Best Hometowns in Ohio Magazine, and will be showcased in the fall and again in the spring of 2023. The other cities chosen are Bellefontaine, Kent Perrysburg, and Versailles.

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Minutes of \_\_\_\_\_

Meeting \_\_\_\_\_

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held August 1, 2022 (Page 2 of 6)

**Auditor Hecht** provided the following update on tax refunds:

The City started 2022 with \$350,000 appropriated for tax refunds for the year (\$100,000 more than previous years) with the need for an additional mid-year appropriation of \$400,000. Currently, \$567,486 has been refunded. Of these, 200 are considered "normal" refunds totaling \$137,000, and 428 "work from home" refunds totaling \$429,000. Her office expects to see an additional approximately \$50,000 in refunds through year-end. She added that total collections are down about \$126,000, mostly in withholdings due to those working from home.

President asked for clarification on whether these higher than usual refunds are due to a change in the State law.

Auditor responded that the majority of them are, as many are working from home and do not live in the City.

## **ORDINANCES FOR THIRD READING:**

### **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 to amend to include ""not to exceed \$125.00" in each section that refers to reasonable attorney's fees; Crowl seconded. Discussion: Swank asked if the \$125.00 is per occurrence.

Ziff responded that it is.

Amendment was approved by a 6/1 vote; with Grace abstaining.

### **0-86-22**

AN ORDINANCE AMENDING CHAPTERS 7.05, PARKING REGULATIONS, AND 7.06, TOW TRUCK REGULATIONS, IN ATHENS CITY CODE TITLE 7, TRAFFIC CODE. Risner moved for Adoption; Grace seconded. Discussion: Citing Council's Rule #16, Swank moved to refer Ordinance 86-22 back to committee for further review to include local control, where possible; McCarey seconded.

Spjeldnes has reviewed towing regulations for comparable cities in Ohio, and many have towing regulations with provisions to protect the public. She, too, would like additional time for review.

Damon Krane, Hudson Avenue, does not believe the City needs to relinquish all local authority. Other cities regulate and enforce towing, locally. This would be good public policy.

Motion to Refer back to Committee was approved unanimously.

RECORD OF PROCEEDINGS

Minutes of Athens City Council (Reg. Sess.)

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held August 1, 2022 (PAGE 3 OF 6)

**ORDINANCES FOR SECOND READING:**

**0-94-22**

AN ORDINANCE AUTHORIZING THE MAYOR TO RE-DESIGNATE HOCKING ATHENS PERRY COMMUNITY ACTION (HAPCAP) TO ADMINISTER THE ATHENS PUBLIC TRANSIT BUS SYSTEM.

**0-95-22**

AN ORDINANCE AUTHORIZING THE MAYOR TO RE-DESIGNATE HOCKING ATHENS PERRY COMMUNITY ACTION (HAPCAP) AS CONTRACT ADMINISTRATOR FOR THE OHIO RURAL INTERCITY BUS PROGRAM (GoBUS).

**0-96-22**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A MUTUAL ASSISTANCE AGREEMENT WITH THE SOUTH CENTRAL OHIO MAJOR CRIMES UNIT

**ORDINANCES FOR FIRST READING:**

**0-98-22**

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE.

Discussion: Spjeldnes requested additional information on the childcare stabilization grant.

Mayor will provide the information.

**0-99-22**

AN ORDINANCE AUTHORIZING RETROACTIVE PAY FOR THE POOL MANAGER.

**0-100-22**

AN ORDINANCE AMENDING THE 2022 STAFFING LEVELS AND COMPENSATION, AUTHORIZED BY ORDINANCE 141-21, TO ADD A PART-TIME RECEPTIONIST IN THE MAYOR'S OFFICE.

**0-101-22**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACT(S) FOR DESIGN AND CONSTRUCTION OF CITY HALL RENOVATIONS, PROJECT #356, PHASE I, CONFERENCE ROOMS. Discussion: Swank asked about the threshold that triggers the bidding of a project.

S-S Director responded that it is when a design professional's probable cost is greater than \$50,000.

# RECORD OF PROCEEDINGS

Minutes of \_\_\_\_\_

Meeting \_\_\_\_\_

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held August 1, 2022 (PAGE 4 of 6)

## **RESOLUTION FOR THIRD READING:**

### **R-03-22**

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. Crowl moved for Adoption; Grace seconded. Adoption was approved unanimously.

## **ONE-READING RESOLUTION:**

### **R-05-22**

A RESOLUTION OF SUPPORT TO UPDATE THE ATHENS CITY CODE TO REFLECT GENDER-NEUTRAL LANGUAGE. McCarey moved for Adoption; Ziff seconded. Adoption was approved unanimously.

## **ANNOUNCEMENTS & OTHER BUSINESS:**

Swank moved to Accept the May and June 2022, Financial Reports; Ziff seconded. Motion was approved unanimously.

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

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

A Meadow Lane resident, employed by the United Campus Ministry Center, and affiliated with Athenians for Bodily Autonomy (ABA) spoke (see attached).

Amber Summer, Athens County resident and member of ABA, spoke about Ohio's criminalization of abortion post six weeks into pregnancy; the impacts are enormous. In 2021, alone, Ohio's Children's Advocacy Centers saw 6,717 cases of sexual abuse of children, ranging in age from zero to 18 years old. In 2020, 52 girls under the age of 15 had abortions in Ohio, when abortion was still accessible to them; now it is not.

Louise Stewart, College Street, member of ABA, is already looking for employment opportunities in states that are not criminalizing abortions.

Agnes, Marietta Avenue, member of ABA, asked that local officials pledge to protect abortion patients, provide practical support networks and to be advocates against criminalization of abortion. Enforcing abortion bans runs counter to their sworn obligation to protect the safety and well-being of their

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Form 6101

Held August 1, 2023 (PAGE 5 OF 6)

communities. Ohio's abortion ban makes no exception for rape. It is time Athens' officials guarantee pro-choice legislation.

Madeline Moore, Lancaster Street, member of ABA, would like Athens to become an abortion sanctuary city because our laws have real consequences to real people. We must all collaborate, talk and listen to each other. She came to Athens and Ohio University because she loved our message of diversity, inclusion, and the power of community. Ohio University students need to know that Ohio University and City officials really do support them. Continuing to make abortion inaccessible will cause students to leave this community.

Madeline, Avon Place, an EMT and firefighter, shared the story of a 15-year-old self-induced abortion that put her in the hospital. She believes the fear of prosecution will result in delayed medical care. Abortion bans do not stop abortions; they only create barriers to healthcare. As a healthcare provider, she advocates for bodily autonomy.

Heather, Garfield Avenue, member of ABA, would like to see Athens become an abortion sanctuary city.

McKenzie Price, Palmer Street, would also like legislation establishing Athens as a sanctuary city for reproductive rights, an agreement to not use valuable resources to seek out and prosecute those who provide or attain a safe medical abortion. She urged Council to step up and define a safe space to grant our citizens the autonomy to make decisions that will affect their safety, privacy, and overall livelihood. It is in the best interest of Athens to decriminalize abortion.

A United Lane resident believes that if our leaders do not use their power to address this issue right now, then our community becomes part of the problem. Those speaking tonight want to make a difference.

A board member of United Campus Ministries, working with ABA, understands that abortion is a multi-layered issue, but would like to focus on Athens becoming a sanctuary city. He believes this is a huge opportunity for City Council to market our City, as one people would like to live in.

RECORD OF PROCEEDINGS

Minutes of \_\_\_\_\_

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held August 1, 2022 (Page 6 of 6)

At approximately 8:45 p.m. Ziff moved to Adjourn the meeting; McCarey seconded, and the meeting was adjourned.

Chryl B. Kinsely  
President of Council

ATTEST:

Dana G. Walker  
Clerk of Council

As elected leaders in our community we, the residents of Athens, ask you to vow to refrain from using limited criminal legal system resources to criminalize personal medical decisions.

We ask you to formally, and in writing, pledge to the residents of Athens County the following:

1. You will decline to use resources to criminalize reproductive health decisions;
2. The Athens legal system will refrain from prosecuting those who seek, provide and/or support abortions;
3. You will uphold your ethically bound commitment to protect the well-being and safety of all members of our community;
4. You will pass a resolution to deprioritize enforcement of abortion laws and depenalize abortion.

As elected officials, you have a responsibility to ensure that your limited resources, backed by the Athens County residential taxpayer, are focused on efforts to prevent and address serious crimes rather than enforce abortion bans that divide our community, create untenable choices for patients and healthcare providers, and erode trust in the justice system.

Athens City Code 9.06.20, Cannabis Laws and Penalties, sets precedent law in Athens to decrease penalties, including fines and court costs, for misdemeanor marijuana offenses.

Columbus City Council President Pro Tem Elizabeth Brown said "no one is free and no one is equal without control over their own bodies, lives, and futures," before reading an ordinance de-penalizing abortion that was <sup>enacted</sup> enacted in Columbus. The ordinance was voted on last Monday, July 25th, and was adopted unanimously.

Please take into consideration that to best promote public safety, prosecutors must be perceived by their communities as trustworthy, legitimate, and fair. These are values that would be undermined by the enforcement of laws that criminalize deeply personal decisions, harm those most in need of our help, and force unnecessarily difficult and traumatizing decisions on many in our community.



# MINUTES: AUGUST 1, 2022

## FINANCE & PERSONNEL COMMITTEE

Members in Attendance:

Sam Crowl, Chair  
Jeff Risner, Member  
Solveig Spjeldnes, Member  
Ben Ziff, Member

Administrators and/or  
Other Elected Officials:

President Knisely  
Mayor Patterson  
Service-Safety Director Stone

### ITEMS DISCUSSED:

- City Hall Renovations (Project #356)
  - Phase 1: Conference Rooms – reorganizing staff accommodations and updating the space
  - Phase 2: Hebe Statue – relocating to City Hall from the Water Treatment Plant
  - Phase 3: Bell Tower – returning the bell to the top of the building as a working bell
  - Phase 4: Tuck-pointing Brick Exterior

-Crowl – noted that City Hall is approaching 150 years – Administration is recommending this four-phase project – this project will be funded from the Capital Fund, 580 – estimated cost for these phases is \$300,000 -- \$75,000 is being requested at this time for the design of all four phases – the cost of phase I, approximately \$45,000

-Mayor – would like to return the bell to the top of City Hall, with a four-sided functional clock as it appeared 150 years ago – Hebe originally stood in a fountain in front of the County Courthouse, and he would like to display her in City Hall, also in recognition of 150 years

-Spjeldnes – asked about the priority of the phases

-Mayor – started with the easiest, being the conference rooms – Hebe is fragile and will take some planning, as well as planning for the weight of the bell to return to the tower, and while the tuck-pointing needs to happen, there is no rush

-Risner – asked if the conference room size would be expanded

-Mayor – no, the footprint will stay the same – plan to get a better-sized conference table that will seat 14, that will create additional space in the room
- Solar Project (update)
  - Crowl – AEP transformer will need upgraded to receive and transfer the solar power to the Wastewater Treatment Plant – AEP will upgrade the transformer for (\$79,000)
  - S-S Director – this \$79,000 is the difference in cost from the replacement of the transformer, to upsizing it – will request a disbursement through SOPEC to fund this through the City's enacted carbon fee for solar projects – also noted that since the time the City selected and awarded the design-build firm for this project, Third Sun Solar has merged with Kokosing and is now a much larger company – upon initiating the project the idea was to enter into a power purchase agreement (PPA) where an investor would build the solar array, the City would then purchase the power from the investor, and have the option to buy the array after the tax credit provision is realized, which is approximately 6-7 years – there

may be the option that Kokosing, an Ohio company, could build it and lease it to the City with an option to buy – currently working on the numbers to decide which would be more financially beneficial to the City – legislation should come forward later this month

-Swank – asked about the timeline on the project

-S-S Director – would like to see construction yet this year, but it is more likely that it will happen next spring

- Staffing (add permanent part-time receptionist, Mayor's Office)
  - Crowl – this position will be kept under 30 hours per week, and will report to the HR Assistant – it will hopefully alleviate some of the issues of incoming telephone calls and visitor inquiries to the Mayor's Office that are not HR related – this is a pay grade 1 position
  - S-S Director – this will be extremely helpful to continue to provide a personal level of service to the public, and allow work in other areas to continue without disruption
- Pool Manager (retroactive pay)
  - Crowl – Council approved increasing the hourly rate for the pool manager with the intention of paying at the increased level from the manager's start date, however, the legislation did not address the retroactive pay – this payment would be for approximately six weeks and be about \$200
- Appropriations
  - (\$11,500) to General Fund, Lands & Buildings, 101.112, T.C. 200-300; (\$6500) for citywide natural gas increased costs; (\$5000) for citywide custodial supplies;
  - (\$31,500.00) to General Fund, Other Administrative, 101.120, T.C. 300; (\$30,000) for COVID sewage testing; and (\$1500) grant received from NOPEC to support the Athens Arts and Music Festival;
  - (\$84,200.00) to the following funds for fuel costs: (\$5000) to Lands & Buildings, 101.112.524100; (\$24,000) to Police, 101.207.524100; (\$8500) to Fire, 101.208.524100; (\$500) to Code Enforcement, 101.351.524100; (\$800) to Parking Enforcement, 101.718.524100; (\$19,000) to Street Maintenance, 220.717.524100; (\$9000) to Recreation, 270.940.524100; (\$8500) to Water Maintenance, 740.635.524100; (\$5500) to Sewer Maintenance, 750.635.524100; (\$2500) to WWTP, 750.637.524100; (\$400) to Litter Control, 760.636.524100; and (\$500) to Internal Service Mechanics, 865.645.524100;
  - (\$15,300.00) to Recreation Fund, 270, T.C. 200-300, (\$12,500) to cover expected year-end costs due to inflation, pool and soccer expenses; (\$800) grant received from the Athens County Convention & Visitors Bureau for the ARTS/West Fun Home production, and a (\$2000) donation by Fiona Avocado, artist, to support the PRISM afterschool program at ARTS/West;
  - (\$8,300.00) to Recreation Fund, 270, T.C. 500, for survey and legal description for soccer lease;

- (\$5,715.00) to Community Center, 271, T.C. 300, receipt of a childcare stabilization grant from the State

-Swank – asked if the City contracts annually for vehicle fuel

-S-S Director – fuel for the City fleet is purchased from Ohio University who purchases their fuel in bulk – it is not a locked-in price for the year – the University passes their cost along to the City, plus a 2% management fee – it is a lower cost than we see at the retail fuel pumps, probably 15-20% lower