

RECORD OF PROCEEDINGS

Minutes of *ATHENS CITY COUNCIL (SPEC. SESS.)*

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held *SEPTEMBER 26, 2022*

ATHENS CITY COUNCIL: SPECIAL SESSION, MONDAY, SEPTEMBER 26, 2022, 7:00 P.M.

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

Also present: President Knisely, Mayor Patterson, Auditor Hecht, and Code Director Riggs.

ORDINANCES FOR THIRD READING:

0-108-22

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 5, PUBLIC UTILITIES, CHAPTERS 5.02, GARBAGE AND RUBBISH AND 5.05, RECYCLING AND ANTI-SCAVENGING REGULATIONS. Swank moved for Adoption; Crowl seconded. Adoption was approved unanimously.

0-109-22

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED. Swank moved for Adoption; Risner seconded. Adoption was approved unanimously.

0-110-22

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO MONTLE, LLC, OWNER OF ATHENS UPTOWN REALTY, 603 WEST UNION STREET, TO ALLOW A PYLON SIGN IN THE CITY'S RIGHT OF WAY. Grace moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-111-22

AN ORDINANCE AUTHORIZING THE ATHENS CITY SHADE TREE COMMISSION TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR), USDA FOREST SERVICE, FOR PARTICIPATION IN THE URBAN CANOPY RESTORATION PROGRAM; AND DECLARING AN EMERGENCY. Ziff moved for Adoption; Crowl seconded. Adoption was approved unanimously.

0-112-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE. Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

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Meeting _____

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ORDINANCES FOR SECOND READING:

0-113-22

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO THE DAIRY BARN ARTS CENTER TO REPLACE AN EXISTING DIRECTIONAL SIGN LOCATED AT THE CORNER OF RICHLAND AVENUE AND DAIRY LANE, IN THE CITY'S RIGHT OF WAY. Discussion: Grace noted that the Code Enforcement Office recommended on the initial application that this sign should be consistent with sign regulations elsewhere in the City. She understands that the proposed sign is approximately 62 sq. ft. and is very nearly the same size as the current sign. According to the Director of the Dairy Barn, it would be beneficial to have a slightly larger sign that can highlight current exhibits in real time.

Dairy Barn Director Leah Magyary explained that with a 50 sq. ft. sign the interchangeable parts highlighting the exhibits would not provide optimum visibility.

Grace moved to Amend Section II to read as follows: This special right-of-way permit is contingent upon the size of the sign being no larger than 63 square feet. Said sign is located in an Open Space Zone, and therefore not subject to the City's maximum area sign regulations. Risner seconded.

Amendment was approved unanimously.

0-114-22

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 3, ADMINISTRATIVE PROVISIONS, CHAPTER 3.10, ALARM SYSTEMS, SECTION 3.10.04 (D), ALARM ACTIVATION AND FEES. Discussion: Swank indicated that the Law Director has confirmed that Athens City Code Section 3.10.04(D) does apply to Ohio University.

0-115-22

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED.

0-116-22

AN ORDINANCE AMENDING ORDINANCE 74-21, THE HOURS OF OPERATION FOR THE ATHENS UPTOWN DESIGNATED OUTDOOR REFRESHMENT AREA (DORA).

0-117-22

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN LPA/STATE PROJECT AGREEMENT (PID NO. 117554) FOR MUNICIPAL BRIDGE INSPECTION PROGRAM SERVICES (2023 RENEWAL); AND DECLARING AN EMERGENCY.

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0-118-22

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO SUSPEND TEMPORARILY, THE FEE FOR PARKING AT METERED SPACES IN THE MUNICIPAL PARKING GARAGE.

0-119-22

AN ORDINANCE SUSPENDING ATHENS CITY CODE SECTION 7.05.03, CONTINUOUS PARKING IN THE SAME LOCATION, FROM, MONDAY, DECEMBER 12, 2022, THROUGH MIDNIGHT ON SUNDAY, JANUARY 8, 2023; AND DECLARING AN EMERGENCY.

0-120-22

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

0-121-22

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A PURCHASE AGREEMENT WITH OHIO UNIVERSITY FOR THE ACQUISITION OF APPROXIMATELY 10.3685 ACRES OF LAND ON STIMSON AVENUE, TO CONSTRUCT A NEW FIRE STATION AND TO PROVIDE PUBLIC RECREATIONAL GREEN SPACE.

Swank moved to Adjourn the Special Session; Ziff seconded. Motion was approved unanimously.

Christopher B. Kowalsky
President of Council

ATTEST:

Debra S. Walker
Clerk of Council

MINUTES
SEPTEMBER 26, 2022
COMMITTEE OF THE WHOLE
7:00 P.M.

Council Members in Attendance:

Sam Crowl
Sarah Grace
Micah McCarey
Jeff Risner
Solveig Spjeldnes
Alan Swank
Ben Ziff

Administrators and/or
Other Elected Officials:

President Knisely
Mayor Patterson
Auditor Hecht
Code Enforcement Director Riggs

Items Discussed:

- Community Relations Commission (CRC) (annual report)
John Schmieding, Chair of the Community Relations Commission, reported that throughout the year the Commission has met with the Racial Equity Coalition of Athens County; the Athens County Foundation, including and particularly the Racial Equity Fund; the Athens Area Mediation Service; Athens City School District, and various folks and departments at Ohio University. He described a particularly successful program “Community Read” where the CRC worked closely with the Athens County Library. This program will continue in the next few months through Ohio University, and the Commission will continue its work with them in making this a community-wide event. The CRC also meets regularly with City Administrators on various community initiatives. Primarily, the CRC’s focus has been working with the local school system. Over the last three years, CRC has had a very successful class/drop-in group weekly at the high school exploring race and antiracism, and has done some training for school personnel on implicit bias and other important issues. Currently, CRC is working with John Rogers, Principal at the Athens Middle School, on programming at the school with hopes of connecting middle school/high school students with the Ohio University Theater Department and Bobcats Lead Change organization. Recently, the CRC has resumed the role of screening, handling, listening to

some citizen concerns. He emphasized that the CRC is not equipped to be an enforcement body, but can be a good mediator and make referrals.

The CRC members have some suggestions to change the Athens City Code (ACC) that created this Commission, and may be returning soon to Council to discuss some clarifying language. He shared that the current mission of the CRC, stated in the ACC, is to promote harmony, and he feels that term could be somewhat misleading. The CRC is actually trying to promote difficult conversations.

Finally, there is much work to be done, particularly for people of color and people from disadvantaged groups. We can, and need, to do better.

McCarey asked about thoughts on whether members of the CRC are adequately trained and prepared to respond to complaints and concerns about such topics as discrimination.

Schmieding responded that some members have a fair amount of experience in that realm, while others have none.

President Knisely suggested the City's new Diversity, Equity, Inclusion and Accessibility (DEIA) Coordinator could help with training members.

Spjeldnes asked about the process of enforcement.

Schmieding responded that the primary goal of the CRC is education, as it is a volunteer Commission, and that the CRC would make a referral for enforcement to the Athens Police Department.

The Mayor suggested the CRC might consider some type of civil discord or de-escalation training for elected officials.

Schmieding indicated that the CRC used to sponsor a "Food for Thought" for community members to come together to discuss issues of diversity.

MINUTES: SEPTEMBER 26, 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
Auditor Hecht
Code Enforcement Director Riggs

ITEMS DISCUSSED:

- Public Defender (2022/2023 contract)
 - Crowl – this contract provides legal representation to indigent persons charged with a violation under the Athens City Code or Ohio Revised Code – the State of Ohio operates on a fiscal calendar year while the City operates under a calendar year which complicates the legislative process just a bit – from July, 2021 through June, 2022, the State of Ohio covered 100% of this contract – the contract fee for the remainder of this year, July to December, 2022, is \$16,910.32 – he questioned whether the January to June fee will return to past higher levels
 - Auditor – that is correct, the City’s 2023 budget will cover the full payment of those costs
- Appropriations
 - (\$5000) to Athens Enhancement Fund for Community Halloween Expenses
 - Crowl – will be used for the “Honey for the Heart” parade
 - Mayor – this was a request by Passion Works Studio – feels this is an appropriate request to make Halloween a more family-friendly community event – the parade is from 5:00-6:00pm – the (adult block party) will be 6:00-10:00pm, with Court Street reopening at 10:00pm
 - Grace – understands that AUBA trick-or treat is just prior to the parade, from 2:30-4:30pm
 - Swank – noted that community neighborhood trick-or-treat will be on Monday, October 31st, from 5:30-7:30pm
 - McCarey – asked about the balance in that fund line
 - Mayor – approximately \$90,000
 - (\$500,000) to General Fund for Fire Wages through year-end
 - Auditor – mid-year Council authorized restructuring the departmental staffing – this appropriation will accommodate that as well as provide for new hires to replace retiring firefighters, and associated costs for overtime and shift pay

- (\$35,000) to DUI Court Fund for Wages through year-end
 - Auditor – additional resources have been certified and need to be appropriated to make payroll through year-end

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. Public Defender
2. Appropriations

MINUTES

PLANNING & DEVELOPMENT COMMITTEE

SEPTEMBER 26, 2022

Members in Attendance:

Sarah Grace, Chair
Sam Crowl, Member
Micah McCarey, Member
Solveig Spjeldnes, Member

Administrators and/or Other Elected Officials:

President Knisely
Mayor Patterson
Auditor Hecht
Code Enforcement Director Riggs

ITEMS DISCUSSED:

- Sunday Creek Horizons (amend 0-32-22)
 - Grace – explained the City has a remote work agreement with Sunday Creek Horizons – the current agreement is scheduled to end on September 30 – Administration has requested Council approve an extension to December 31, to enable Sunday Creek Horizons to continue their current work, along with some additional responsibilities – the additional authorized expenditure through the end of this year would be \$22,500 for the remote work portion
 - Mayor – would like to add to Sunday Creek Horizons to do list: continue to work with the City for an Ohio Builds grant allocated by the State for Appalachian counties; EV infrastructure planning; Historic Tax Credit work under the Community Improvement Corporation (CIC); and to assist with the City Planner workload – added that Sunday Creek Horizons was instrumental in getting the Armory Project into the State Capital budget
 - President – asked about a Scope of Work
 - Mayor – will provide an addendum and detailed work agreement
- Rental Permit (amend ACC 29.03.01)
 - Grace – plans to move forward with just the removal of “for a period of more than six months during any single calendar year” with regard to requiring a rental permit

-Rob Delach, Morris Avenue – concerned that this language does not provide any flexibility for a one-time situation, which would require a Code Enforcement rental inspection – seems a bit onerous

- Title 7, Traffic Code and Title 13, General Offenses (updates)

-Grace – this is a request from Law Director Eliason to update the traffic and general offense codes to bring Athens City Code (ACC) into alignment with the State Ohio Revised Code

-Spjeldnes – questioned including the towing language – would like some clarification

-Grace – towing is included as it is a part of ACC Title 7 – it is beneficial when these two codes align so that there is no contradiction when the City's law enforcement officers file charges

-McCarey – noticed gendered language in 7.03.02 – this section might also benefit from an updated title to include more current language -- suggested this lengthy document be discussed again in committee to give time for additional review and questions

-Swank – agrees that additional time is needed for review – requested this return to committee on October 10, and to invite the Law Director to attend

-Grace – encouraged Council Members to submit their questions to the Law Director prior to October 10, as she may be able to answer them prior to committee, and give her time to prepare a response to deliver during the next meeting

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. Amend Rental Permit

MINUTES TRANSPORTATION COMMITTEE SEPTEMBER 26, 2022

Members in Attendance: Jeff Risner, Chair
Sarah Grace, Member
Alan Swank, Member
Ben Ziff, Member

Administrators and/or
Other Elected Officials: President Knisely
Mayor Patterson
Auditor Hecht
Code Enforcement Director Riggs

ITEMS DISCUSSED:

- Passion Works (street closing)
 - Mayor – this is a request from the Passion Works Studio for a New Year’s Eve event – the request is to close that portion of East State between College and the Passion Works parking lot during the event
 - Risner – early festivities will be kid-friendly, followed by a band and food truck, dancing in the parking lot, and a passion flower “drop” at midnight, ala the Times Square ball, to ring in the New Year
 - Swank – questioned whether the street closure would impact the Domino’s drive-through
 - Mayor – the City will work with Domino’s to be sure they have vehicular access to and from their business
- Uptown Improvements Project #329 (amend 0-08-22)
 - Mayor – explained that Buckeye Hills has awarded the City \$91,727 in funds to be used on the engineering for this project – these funds will be administered through ODOT – requests amending 0-08-22 to appropriate and authorize this additional funding
 - Risner – asked the Mayor to outline the project area
 - Mayor – this project will redo the streetscape on State Street, between College and Congress; Mill Street between College and Court; and Washington Street between College and Congress – this work will be similar to the work done on Union Street, between Court and Congress – it will include a facelift, new light posts and benches, and will address ADA issues

-Swank – asked if this work would include roadways

-Mayor – roadways can be weaved into the project, as well as the possibility of stamped concrete at the crosswalks, as they are challenging and ADA corrections are warranted

-Crowl – believes this project will include placing electric lines underground

-Mayor – the Administration is hopeful – AEP has a new program in place to put utility lines underground – Council recalls that this was to be part of the recent Stimson Avenue project, but it was not cost effective, \$1.5 million for two blocks

-Crowl – understands the cost considerations

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. Passion Works
2. Project #329