

**ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, NOVEMBER 21, 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, Law Director Eliason, and Service-Safety Director Stone.

Swank moved to appoint Council Member Grace to serve as Acting Clerk of Council for this meeting; Crowl seconded. Appointment was approved unanimously.

**COMMUNICATIONS:**

**Council Member McCarey** shared highlights from attending the National League of Cities Institute on the history of racism and its impacts, acknowledging November as Indigenous Peoples Heritage month. A strong takeaway from the institute is thinking about equity practices while budgeting.

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

**Mayor Patterson** reported the following:

- As part of the National League of Cities Institute he is considering bringing forward a Resolution to City Council acknowledging the City's commitment to racial equity, and to include within the Resolution that future Council's reaffirm that commitment.
- Friday, December 2<sup>nd</sup>, uptown Athens will enjoy a holiday event, noting Athens' recognition in the 2023-2024 Ohio Magazine.

**ORDINANCES FOR THIRD READING:**

**0-133-22**

AN ORDINANCE AMENDING ORDINANCE 50-22; AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACT FOR REPLACEMENT OF THE COMMUNITY CENTER ROOF, PROJECT #353. Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

**0-134-22**

AN ORDINANCE AMENDING ORDINANCE 32-22; 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. Grace moved for Adoption; Ziff seconded. Adoption was approved unanimously.

**ORDINANCES FOR SECOND READING:**

**0-129-22**

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 29, HOUSING REGULATIONS, CHAPTER 29.03, RENTAL DWELLING, SHORT TERM RENTAL, AND HOUSING PERMIT, SECTION 29.03.01, RENTAL PERMIT REQUIRED.

**0-135-22**

AN ORDINANCE RETAINING EXISTING WARD BOUNDARIES IN THE CITY OF ATHENS IN ACCORDANCE WITH THE 2020 FEDERAL CENSUS.

**0-136-22**

AN ORDINANCE AUTHORIZING THE MAYOR AND SERVICE-SAFETY DIRECTOR TO ENTER INTO A MUTUAL AID AGREEMENT WITH THE ATHENS COUNTY SHERIFF'S OFFICE FOR PARTICIPATION OF ATHENS POLICE OFFICERS IN A SPECIAL RESPONSE AND TACTICS UNIT.

**0-137-22**

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO MICHELLE WILSON, OWNER, 264 EAST STATE STREET, FOR USE OF AN UNNAMED ALLEY TO ALLOW PARKING FOR ATHENS IMPACT.

**0-138-22**

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ATHENS CITY CODE, TITLE 7, TRAFFIC; AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH.

**0-139-22**

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ATHENS CITY CODE, TITLE 13, GENERAL OFFENSES; AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH.

**0-140-22**

AN ORDINANCE AUTHORIZING DISPOSAL OF VEHICLES NO LONGER NEEDED FOR A MUNICIPAL PURPOSE.

**0-141-22**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN LPA FEDERAL LOCAL-LET PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENT OF WEST UNION STREET, PROJECT (#322); AND DECLARING AN EMERGENCY. Discussion: Service-Safety Director Stone noted that he and the EPW staff spoke with Ohio Department of Transportation (ODOT), District 10, officials and made a case to grant additional money through the Small Cities Program, if available, given that the original grant request was made about five years ago, and project costs have increased significantly. ODOT has notified the City of an additional \$500,000 that is now available for this project. This additional funding may require amending the West Union Street Improvements legislation.

**0-142-22**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE WEST UNION STREET IMPROVEMENTS PROJECT (#322).

**0-143-22**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT FOR A STATE INFRASTRUCTURE BANK (SIB) LOAN FOR THE WEST UNION STREET IMPROVEMENTS PROJECT (#322); AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN. Discussion: Spjeldnes asked if the loan amount would be affected with the additional \$500,000 Small Cities Grant.

Stone responded that it is affected as far as the loan amount can be reduced by that amount.

**0-144-22**

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE. Crowl moved for Suspension of the Rules in order to make timely income tax refunds; Ziff seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Ziff seconded. Discussion: Swank asked about the total amount of income tax refunds made this year.

Auditor Hecht responded the appropriated amount is \$850,000.

Adoption was approved unanimously.

**0-145-22**

AN ORDINANCE AUTHORIZING THE AUDITOR TO REDUCE 2022 YEAR-END APPROPRIATIONS.

**0-146-22**

AN ORDINANCE AMENDING ORDINANCE 51-22 THE MEMORANDUM OF UNDERSTANDING WITH THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME) LOCAL 2403(1), OHIO COUNCIL 8, AFL-CIO (UNION). Crowl moved for Suspension of the Rules for budget purposes; Grace seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Risner seconded. Adoption was approved unanimously.

**0-147-22**

AN ORDINANCE AUTHORIZING 2023 STAFFING LEVELS AND NON-UNION COMPENSATION; REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

**0-148-22**

AN ORDINANCE ADOPTING A FRINGE BENEFITS PACKAGE FOR NON-UNION PERSONNEL WITHIN THE CITY OF ATHENS AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

**0-149-22**

AN ORDINANCE ACCEPTING RECEIPT OF THE CITY'S CARBON FEE FOR THE CITY OF ATHENS SEWER SOLAR PROJECT.

**0-150-22**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SOLAR POWER PURCHASE AGREEMENT (SPPA) WHICH INCLUDES A SOLAR LICENSE AGREEMENT (SLA) FOR PHOTOVOLTAIC SOLAR ENERGY INSTALLATIONS TO BE SITED IN THE CITY OF ATHENS.

**ORDINANCES FOR FIRST READING:**

**0-151-22**

AN ORDINANCE GRANTING A VARIANCE FROM THE ATHENS CITY SUBDIVISION REGULATIONS TO DAVID AND ERIN CARTER FOR PROPERTY LOCATED ON PLEASANT HILL ROAD, OUTSIDE THE CORPORATE LIMITS BUT WITHIN THE 3-MILE JURISDICTION, TO ALLOW A LOT SPLIT.

**0-152-22**

AN ORDINANCE CONVEYING THE CITY OF ATHENS ARMORY, LOCATED AT 2 WEST CARPENTER STREET, TO THE ATHENS COMMUNITY IMPROVEMENT CORPORATION (ACIC), AN OHIO NON-PROFIT CORPORATION.

**0-153-22**

AN ORDINANCE AUTHORIZING THE CITY TO ACT AS THE LEAD APPLICANT AND FISCAL AGENT FOR AN APPALACHIAN DEVELOPMENT GRANT THROUGH THE APPALACHIAN COMMUNITY GRANT PROGRAM; TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ORGANIZE, MANAGE, AND SUBMIT AN APPLICATION FOR A REGIONAL INITIATIVE THAT WOULD FUND MULTIPLE REMOTE/CO-WORKING SPACES SUCH AS THE ATHENS ARMORY PROJECT, TO EXECUTE SUBRECIPIENT AGREEMENTS; AND DECLARING AN EMERGENCY.

**0-154-22**

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE.

**0-155-22**

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ATHENS, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023. Discussion: Spjeldnes has requested additional information from the Administration and Auditor, and would appreciate answers to those prior to second reading.

Swank also has questions and asked who he should submit those to.

The Mayor would like questions directed to him.

Swank is interested in seeing the beginning and end of year balances, and carryover as a measure of the fiscal health of the City.

Spjeldnes will share her questions with the full Council so they are not duplicated.

**0-156-22**

AN ORDINANCE AMENDING ORDINANCE 21-21; REALLOCATING REVENUES FROM THE CITY INCOME TAX; AND DECLARING AN EMERGENCY. Discussion: Spjeldnes asked if the new land use agreement relocating the Farmers Market to City-owned land will help with the funding stream of the struggling Recreation budget.

Patterson responded that it will help in a miniscule way; it is not a lot of money. He hopes the Farmers Market will bring more people to the area who may see recreational programming of interest to them. He noted that the change in the income tax mix (1%) will bring in approximately \$140,000 next year, however, that will likely be used to cover hourly pay increases, approved by City Council, for part-time and seasonal staffing.

**0-157-22**

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 17, MUNICIPAL INCOME TAX, CHAPTER 17.01, IN GENERAL, SECTION 17.01.013, ALLOCATION OF FUNDS.

**0-158-22**

AN ORDINANCE AMENDING ORDINANCE 150-18 AND THE ATHENS CITY CODE, ESTABLISHING SALARIES FOR CERTAIN ELECTED OFFICIALS.

**ONE-READING RESOLUTION:**

**R-06-22**

A RESOLUTION ENCOURAGING THE MAYOR TO DE-PRIORITIZE THE ENFORCEMENT OF LAWS THAT CRIMINALIZE ACCESS TO SAFE REPRODUCTIVE HEALTHCARE PROCEDURES AND SERVICES. Grace moved for Adoption; Ziff seconded. Discussion: McCarey acknowledges the limits of City Council's authority, and appreciates Council's careful consideration of citizen input.

Adoption was approved unanimously.

**ANNOUNCEMENTS & OTHER BUSINESS:**

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

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

Risner moved to confirm the Mayor's Appointments of Stephanie Snider, David Telega, and Nancy Epling to the Athens Municipal Arts Commission; Grace seconded. Appointments were approved unanimously.

McCarey announced that yesterday was Transgender Day of remembrance. Instances such as the recent violent shooting in Colorado Springs weigh heavily on those who recognize the need for greater advocacy and justice for all Trans and LGBTQ community members. He shared that resources such as United Campus Ministry, 18 N. College Street, on Tuesdays from 5-6:30pm is open for individuals who might wish to process in-community, and the Ohio University LGBT Center is open to the public 8:00am to 5:00pm, Monday through Friday, with the exception of holidays and University closures, offering opportunities for education, and to recognize the need to work proactively instead of reactively.

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

---

President of Council

ATTEST:

---

Acting Clerk of Council