



AGENDA
ATHENS CITY COUNCIL
TUESDAY, JANUARY 16, 2024 AT 7:00 PM

e-mail: dwalker@ci.athens.oh.us

Streaming is available at www.ci.athens.oh.us/video

- 1. Establish Quorum**
- 2. Communications**
- 3. Reports and Communications from Other Elected Officials**
- 4. Ordinances for First Reading:**

0-01-24

AN ORDINANCE AMENDING ORDINANCE 123-23 TO UPDATE THE EASEMENT AND RIGHT-OF-WAY AGREEMENT WITH THE OHIO POWER COMPANY (AEP) FOR INSTALLATION OF ELECTRICAL SERVICE TO THE NEW FIRE STATION ON STIMSON AVENUE; AND DECLARING AN EMERGENCY.

Introduced by Council Member McCarey

0-02-24

AN ORDINANCE AMENDING ORDINANCE 05-22 AUTHORIZING A CITY FIBER NETWORK, PROJECT 347.

Introduced by Council Member McCarey

0-03-24

AN ORDINANCE AUTHORIZING EXPENDITURES FOR THE RICHLAND AVENUE PLAYGROUND RENOVATION PROJECT #368.

Introduced by Council Member McCarey

0-04-24

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 9.15, PARKS, OPEN SPACES, AND NATURE PRESERVES, SECTIONS 9.15.02, 9.15.03, AND 9.15.04, AND TITLE 13, GENERAL OFFENSES, CHAPTER 13.07, MISCELLANEOUS OFFENSES, SECTION 13.07.06.

Introduced by Council Member McCarey

0-05-24

AN ORDINANCE AUTHORIZING ENGINEERING DESIGN SERVICES FOR THE

COLUMBUS ROAD SHARED USE PATH PROJECT #365.

Introduced by Council Member Spjeldnes

0-06-24

AN ORDINANCE AUTHORIZING DISPOSAL OF A VEHICLE AND EQUIPMENT NO LONGER NEEDED FOR A MUNICIPAL PURPOSE.

Introduced by Council Member Spjeldnes

0-07-24

AN ORDINANCE AUTHORIZING UNNEEDED OR OBSOLETE MUNICIPAL PERSONAL PROPERTY TO BE SOLD BY INTERNET AUCTION.

Introduced by Council Member Risner

0-08-24

AN ORDINANCE AMENDING ORDINANCE 50-23 AUTHORIZING WASTEWATER REMOTE SITE TELEMETRY IMPROVEMENTS, PROJECT #339.

Introduced by Council Member Risner

0-09-24

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO SUBMIT AN APPLICATION AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT FOR PLANNING, DESIGN, AND/OR CONSTRUCTION; DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN; AND DECLARING AN EMERGENCY.

Introduced by Council Member Risner

0-10-24

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO CONTRACT(S) FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE CITY SEWER SYSTEM IMPROVEMENTS, PROJECT #330; AND DECLARING AN EMERGENCY.

Introduced by Council Member Risner

5. One-Reading Resolution:

- **R-01-24**

A RESOLUTION SUPPORTING THE TENTATIVE AWARD OF CONTRACT(S) FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE CITY SEWER SYSTEM IMPROVEMENTS PROJECT #330.

Introduced by Council Member Risner

6. Announcements & Other Business

7. Opportunity for Citizens to Speak on Legislative Items and City Services Not Covered on the Agenda

8. Adjournment

Sam Crawl
President of Council

The City of Athens supports the Americans with Disabilities Act. Requests for reasonable accommodation may be made with the ADA Coordinator in the City Building or by calling 592-3367.

0-01-24

Introduced by Micah McCarey, Chair
City & Safety Services Committee

AN ORDINANCE AMENDING ORDINANCE 123-23 TO UPDATE THE EASEMENT AND RIGHT-OF-WAY AGREEMENT WITH THE OHIO POWER COMPANY (AEP) FOR INSTALLATION OF ELECTRICAL SERVICE TO THE NEW FIRE STATION ON STIMSON AVENUE; AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to reroute the electric line;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Ordinance 123-23 is hereby amended to update the easement and right-of-way agreement with the Ohio Power Company, an Ohio corporation and a unit of American Electric Power, for installation of electrical service to the new Fire Station on Stimson Avenue, a copy of the updated easement, right-of-way agreement and plat indicating the new alignment are attached hereto and incorporated herein by reference.

SECTION II: This Ordinance shall be an emergency measure necessary for the preservation of the health, welfare and safety of the residents of the City of Athens, Ohio, in order to continue to provide efficient delivery of services, and it shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor



Eas. _____

Easement & Right of Way

CITY OF ATHENS, a Statutory Municipal Corporation, "Grantor(s)", in consideration of \$1.00, the easement terms, and other good and valuable consideration from Ohio Power Company an Ohio corporation and a unit of American Electric Power, 700 Morrison Road, Gahanna, OH 43230, "Grantee", the receipt and sufficiency of which is acknowledged, grants and conveys with general warranty covenants to Grantee its successors, assigns, lessees, licensees and tenants, a right of way and easement, "Easement" for electric and other current/future energy or communication purposes, overhead and underground, in, on, over, through and across the following described lands situated in ATHENS Township, ATHENS County, Ohio, and being part of Section No(s)9 Township No(s)9, Range No(s)14. Being part of a 10.3685 acre tract of land as described in Official Records Volume 609 Page 66 of the ATHENS County Recorder's Office (Parcel # A027130000200,A027130000201,A027130000100 & A027180001501).

The easement shall be 20 feet wide, lying 10 feet on each side of the underground facilities as constructed. The approximate location of said easement is depicted on Exhibit A, attached hereto and incorporated herein.

This Easement conveys all necessary and convenient rights for the Easement's use, including, without limitation, the rights to: construct, operate, maintain, inspect, protect, repair, replace, enlarge, upgrade, extend and remove utility facilities and relocate within the Easement, all necessary and convenient facilities which include but are not limited to: poles, anchors, guys, supporting structures, conductors, conduits, enclosures, grounding systems, foundations, manholes, transformers, and associated equipment, adding thereto from time to time; perform grading or filling for such facilities; cut, trim, remove and/or otherwise control, with herbicides or by other means, at Grantee's option (without any liability to Grantor), any trees, limbs or branches, brush, shrubs, undergrowth, of whatever size, buildings, structures, or other obstructions that in Grantee's reasonable judgment endanger or interfere with the safety or use of its facilities, both within and adjoining the Easement. Within the Easement, Grantor shall not: place any structures, piles or debris, interfere with lateral support, change the level of the ground by excavation or mounding without Grantee's written consent, allow any construction that would be inconsistent with the National Electric Safety Code or Grantee's design standards, and, for underground lines, permit or cause any excavation, except for other utilities, provided such utilities rights do not conflict with this Easement. This Easement also conveys the right of ingress and egress in and over any reasonable routes at all times. Grantor intends to use a portion of the easement area for future construction of an access road. Grantee agrees to work with

Grantor on future plans and to relocate facilities in conflict at Grantee's cost during the initial construction of the roadway. This does not apply to costs associated with any subsequent roadway improvements.

Grantor may use its property for all purposes not inconsistent with the full enjoyment of the Easement, but Grantor acknowledges high voltage electric lines will be constructed within the Easement and Grantor shall use its property in a manner consistent with all applicable safety rules and regulations for working near electric lines. Safety/required clearance issues may be referred to Grantee's Engineering Group. Grantee shall restore the premises or pay reasonable damages done to fences, drains, seeded lawns (not landscaping), gates, ditches and crops caused by Grantee's use of the Easement. Grantor has authority to grant this Easement. No delay or omission by Grantee in exercising any right hereunder shall operate as a waiver or forfeiture of such right. This Easement grant is effective and binding upon the parties, their successors, assigns, lessees, licensees, heirs and legal representatives, and if any term hereunder is held invalid, the remainder shall not be affected thereby.

WITNESS, Grantor(s) signed this Easement on the ____ day of _____, 20__.

CITY OF ATHENS, a Statutory Municipal Corporation

By: _____

Print Name: _____

Title: _____

STATE OF OHIO, }

COUNTY OF _____ }

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____, by _____.
[Name], _____ [Title of officer], of City of Athens, a Statutory Municipal Corporation, on behalf of the corporation.

Notary Public

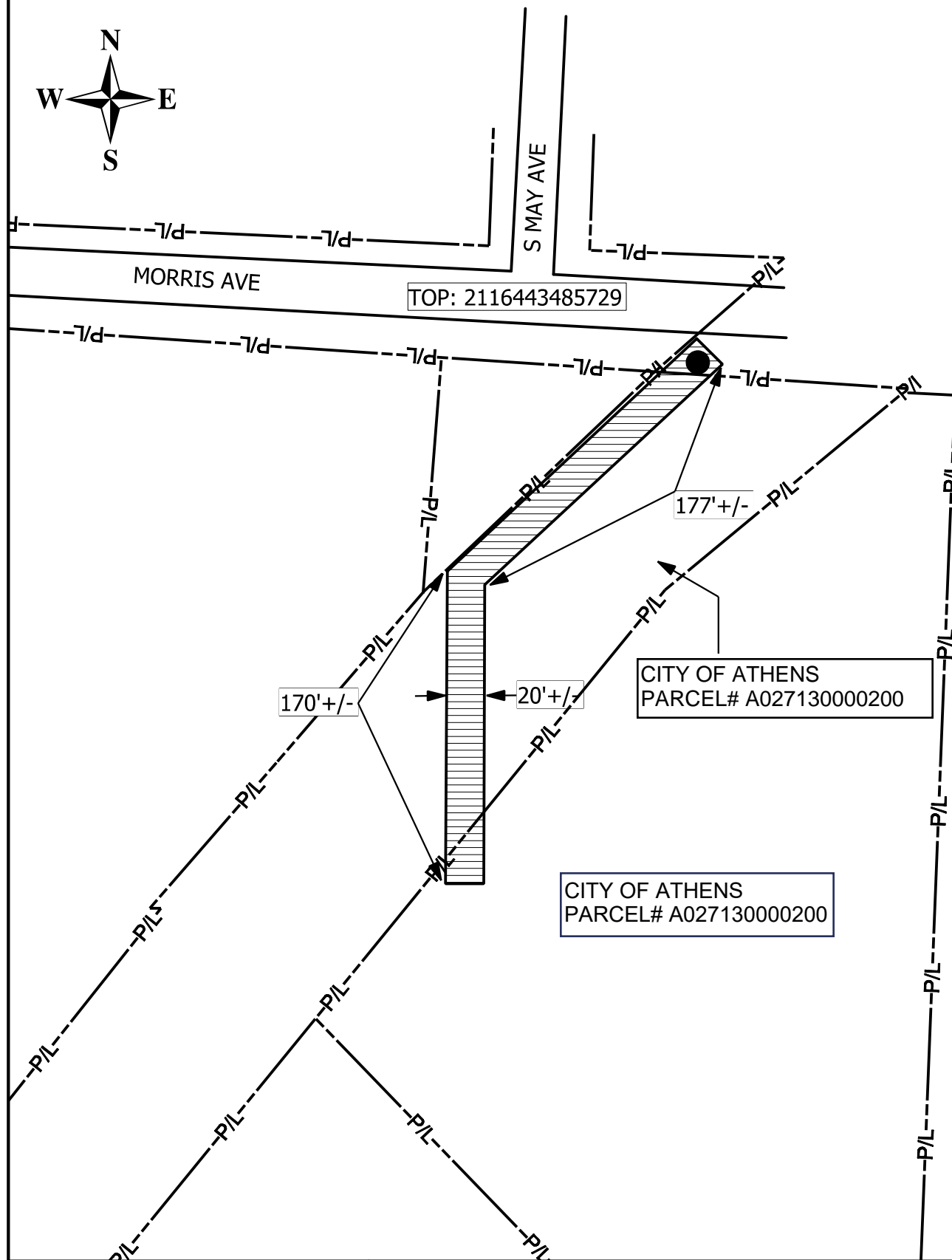
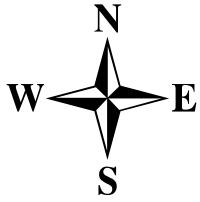
Printed Name

My Commission Expires _____

Easement prepared by Ohio Power Company BAA

CALL BEFORE YOU DIG !!! Address 120 E Stimson Dwg. No. 85577603 W003496401

"EXHIBIT A"



DRAWN BY: Blake Lindner

COUNTY: ATHENS

WR#:85577603

CITY/TWP:ATHENS

DATE: 12/28/2023

STATE: Ohio

SCALE: NTS

0-02-24

Introduced by Micah McCarey, Chair
City & Safety Services Committee

AN ORDINANCE AMENDING ORDINANCE 05-22 AUTHORIZING A CITY FIBER NETWORK, PROJECT 347.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Sections II and III of Ordinance 05-22 are hereby amended to read as follows:

Section II: The 2022 Appropriation Ordinance 150-21, is hereby amended by appropriating from the unappropriated balance the sum of Five Hundred Thousand Dollars (\$500,000.00) to ARPA Fund, 286, T.C. 500, **and the 2024 Appropriation Ordinance 130-23 by One Hundred Ten Thousand Dollars (\$110,000.00) to ARPA Fund, 286, T.C. 500,** and increasing the total appropriations by said amount.

Section III: The Service-Safety Director is hereby authorized to expend up to ~~Five Hundred Thousand Dollars (\$500,000.00)~~ **Six Hundred Ten Thousand Dollars (\$610,000.00)** from ARPA Fund, 286, T.C. 500, for said project.

SECTION II: This Ordinance shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-03-24

Introduced by Micah McCarey, Chair
City & Safety Services Committee

AN ORDINANCE AUTHORIZING EXPENDITURES FOR THE RICHLAND AVENUE PLAYGROUND RENOVATION PROJECT #368.

WHEREAS, this project will offer a new accessible playground and related accessible features; and

WHEREAS, this equipment is being purchased through Sourcewell, a cooperative purchasing program, and competitive bidding is not required; and

WHEREAS, a \$50,000 T-Mobile grant application has been submitted, and if awarded, would reduce the cost to the City;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The 2024 Appropriation Ordinance, 130-23, is hereby amended by appropriating from the unappropriated balance the sum of One Hundred Seventy Thousand Dollars (\$170,000.00) to APR Income Tax Fund, 273, T.C. 500, to support the Richland Avenue Playground Renovation Project #368, and increasing the total appropriations by said amount.

SECTION II: The Service-Safety Director is hereby authorized to expend up to One Hundred Seventy Thousand Dollars (\$170,000.00) from APR Income Tax Fund, 273, T.C. 500, for said Project #368.

SECTION III: This Ordinance shall be in full force and effect upon passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-04-24

Introduced by Micah McCarey, Chair
City & Safety Services Committee

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 9.15, PARKS, OPEN SPACES, AND NATURE PRESERVES, SECTIONS 9.15.02, 9.15.03, AND 9.15.04, AND TITLE 13, GENERAL OFFENSES, CHAPTER 13.07, MISCELLANEOUS OFFENSES, SECTION 13.07.06.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Athens City Code Title 9, General Regulations, Chapter 9.15, Parks, Open Spaces, and Nature Preserves, Sections 9.15.02, 9.15.03, and 9.15.04, and Title 13, General Offenses, Chapter 13.07, Miscellaneous Offenses, Section 13.07.06 to read as follows:

9.15.02. - Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

"Use of any form of tobacco" means all uses of tobacco, including inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, other lighted smoking device or papers for burning tobacco, or any other plant; chewing tobacco, snuff, or any other matter or substances that contain tobacco, including but not limited to vaping.

"Use of any form of recreational marijuana" includes inhaling, exhaling, burning, edibles, liquid, vapes, other lighted smoking device of papers for burning marijuana, or any other matter or substance that contains marijuana, including but not limited to vaping.

9.15.03. - Use of tobacco, recreational marijuana, tobacco products, recreational marijuana products, or tobacco or recreational marijuana derivatives prohibited.

(A) No person shall use any form of tobacco or recreational marijuana at or on any city-owned or operated outdoor recreational facilities, including parking areas, restrooms, spectator, and concession areas, Outdoor recreation facilities include playgrounds, athletic fields, aquatic areas, parks, pavilions, shelters, and walking/hiking trails or paths.

9.15.04. - Posting of signs.

(A) City-owned or operated outdoor recreational facilities shall cause to be conspicuously posted "tobacco/**recreational marijuana**-free", "no smoking", or "smoking prohibited" signs at the entrance to each such facility.

13.07.06. - Littering public ways.

No person shall place or dispose of in any manner any garbage, waste, or peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil, tobacco products, **marijuana**, **marijuana paraphernalia**, or anything else of an unsightly or unsanitary nature along or near or on any public road, street, parkway, park, drive, highway, ditch, or any land adjoining any public road or highway or ditch, except on land provided by a zoning commission, city ordinance, or other governmental authority, unless directed to do so by public officials on special cleanup days. Citations for violations of this section may be issued by code enforcement officers, police officers, meter attendants, sanitarian litter control officer, and others assigned by the service-safety director.

SECTION II: This Ordinance shall be in effect and full force upon its passage and approval by the Mayor.

President of Council

ATTEST:

Clerk of Council

APPROVED:

Mayor

0-05-24

Introduced by Solveig Spjeldnes, Chair
Transportation Committee

AN ORDINANCE AUTHORIZING ENGINEERING DESIGN SERVICES FOR THE COLUMBUS ROAD SHARED USE PATH PROJECT #365.

WHEREAS, ODOT has awarded the City safety funds for 90% of the eligible construction costs up to a cap of \$1,032,881;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The Service-Safety Director is hereby authorized to enter into contract for engineering design services for the Columbus Road Shared Use Path Project #365.

SECTION II: The 2024 Appropriation Ordinance 130-23 is hereby amended by appropriating from the unappropriated balance the sum of One Hundred Sixty Thousand Dollars (\$160,000.00) to Street Fund, 220, T.C. 500, and increasing the total appropriations by said amount.

SECTION III: The Service-Safety Director is further authorized to expend up to One Hundred Sixty Thousand Dollars (\$160,000.00) from Street Fund, 220, T.C. 500 for said Project (#365).

SECTION IV: This Ordinance shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-06-24

Introduced by Solveig Spjeldnes, Chair
Transportation Committee

AN ORDINANCE AUTHORIZING DISPOSAL OF A VEHICLE AND EQUIPMENT NO LONGER NEEDED FOR A MUNICIPAL PURPOSE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Athens City Council hereby declares the following vehicle and equipment no longer needed for a municipal purpose:

<u>VEHICLES</u>	<u>SERIAL/VIN #</u>	<u>FIXED ASSET#</u>
2016 City Bus #1602	1FD4E4FS8GDC54937	850329
<u>EQUIPMENT</u>	<u>SERIAL/VIN #</u>	<u>FIXED ASSET#</u>
(Fire) Ventilation Fan	1WC200K23N1056259	801357

SECTION II: The above-listed vehicle has reached its useful life (273,559 miles) and will be sold for scrap, and the equipment will be an even trade with the Waterloo Volunteer Fire Department, and are hereby authorized for disposal.

SECTION III: This Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-07-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AUTHORIZING UNNEEDED OR OBSOLETE MUNICIPAL
PERSONAL PROPERTY TO BE SOLD BY INTERNET AUCTION.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Athens City Council, in accordance with Ohio Revised Code Section 721.15(D), hereby authorizes the Service-Safety Director, or their designee, to enter into an agreement with a government auction service to conduct Internet Auctions for the selling of unneeded or obsolete municipal personal property, and shall require the bidder to pay all fees, taxes, and charges. Auction items will be advertised for no less than ten (10) days, including Saturdays, Sundays, and legal holidays.

SECTION II: This Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-08-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AMENDING ORDINANCE 50-23 AUTHORIZING WASTEWATER
REMOTE SITE TELEMETRY IMPROVEMENTS, PROJECT #339.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Section II of Ordinance 50-23 is hereby amended to read as
follows:

Section II: The Service-Safety Director is hereby authorized to expend up to ~~One
Million Seventy-Five Thousand Dollars (\$1,075,000.00)~~ **One Million One Hundred Fifty
Thousand Dollars (\$1,150,000.00)**, from Sewer Plant Fund, 750.637, T.C. 500, for said
~~purchase~~ **project**.

SECTION II: This Ordinance shall be in effect and full force upon its passage
and approval by the Mayor.

President of Council

ATTEST:

Clerk of Council

APPROVED:

Mayor

0-09-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO SUBMIT AN APPLICATION AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT FOR PLANNING, DESIGN, AND/OR CONSTRUCTION; DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Athens intends to apply for Water Pollution Control Loan Funds to complete critical improvements to the City infrastructure that would allow for future growth; and

WHEREAS, this updates the authorization provided by Ordinance 144-19, adopted December 16, 2019, for Project #330;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The Service-Safety Director is hereby authorized to submit an application and enter into a Water Pollution Control Loan Fund Agreement for planning, design, and/or construction, through the Ohio Environmental Protection Agency (EPA) and, once approved, administered through the Ohio Water Development Authority (OWDA), to complete critical improvements to City infrastructure that would allow for future growth (Project #330).

SECTION II: The dedicated source of the loan repayment will be the Sewer Fund, derived from sewer fees.

SECTION III: This Ordinance shall be an emergency measure necessary for the preservation of the health, welfare and safety of the residents of the City of Athens, Ohio, in order to meet the loan application timeline, and it shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-10-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO CONTRACT(S) FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE CITY SEWER SYSTEM IMPROVEMENTS, PROJECT #330; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The 2024 Appropriation Ordinance, 0-130-23 is hereby amended by appropriating from the unappropriated balance the sum of One Million Seven Hundred Thousand Dollars (\$1,700,000.00) to Sewer Fund, Plant 750.637, T.C. 500, and increasing the appropriations by said amount.

SECTION II: The Service-Safety Director is hereby authorized to expend up to One Million Seven Hundred Thousand Dollars (\$1,700,000.00) from Sewer Fund, Plant, 750, T.C. 500, for said Project #330.

SECTION III: This Ordinance shall be an emergency measure necessary for the preservation of the health, welfare and safety of the residents of the City of Athens, Ohio, in order that bids can be accepted as soon as the City receives OEPA approval to do so, and it shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

R-01-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

A RESOLUTION SUPPORTING THE TENTATIVE AWARD OF CONTRACT(S) FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE CITY SEWER SYSTEM IMPROVEMENTS PROJECT #330.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Athens City Council does hereby support the tentative award of a contract(s) for construction and construction engineering of the City Sewer System Improvements Project #330, contingent upon the City of Athens receiving funding from the Ohio Environmental Protection Agency (OEPA), Division of Environmental and Financial Assistance (DEFA).

SECTION II: This Resolution shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor