

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held JANUARY 3, 2023

**ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, JANUARY 3, 2023, 7:00 P.M.**

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

Also present: President Knisely, Mayor Patterson, and Law Director Eliason.

**DISPOSITION OF MINUTES:**

Risner moved approval of the minutes from the following meetings: Regular Session of Council held November 7, 2022; Regular Session of Council held November 21, 2022; Special Session of Council held December 5, 2022; Special Session of Council held December 7, 2022; and Special Session of Council held December 12, 2022; McCarey seconded. Minutes were unanimously approved as presented.

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

Law Director Eliason presented her 2022 annual report (see attached). She noted that she did not ask for an increase from the Athens County Commissioners this year since the criminal caseload has dropped.

Risner asked whether our City Code would need to be amended to include sports betting, as it is now legal statewide.

Eliason responded that our City Code already states that if it is allowed by the State then it will be allowed in the City.

Risner questioned whether that statement should be removed since it is now legal.

Eliason will review the language and report back.

McCarey asked for clarification on the Seaman's Downtown Redevelopment District (DRD).

Eliason responded that information was needed to update some of the property taxes in this DRD prior to State review. That has been done, and it is now being reviewed for approval at the State level.

**Mayor Patterson:**

- Announced that Service-Safety Director Stone has been nominated and received confirmation by the U.S. Senate, to be a Brigadier General at the time of a vacancy within the Ohio Army National Guard.
- Presented a brief Mayor's Office 2022 Year in Review (see attached). McCarey asked about the City's progress in being "Plastic Free by 2023".

RECORD OF PROCEEDINGS

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

Meeting \_\_\_\_\_

BARRETT BROTHERS - DAYTON, OHIO

Form 6103

Held JANUARY 3, 2023

The Mayor is confident the City will attain that this year. Organizers of all City sanctioned special events will be informed that they are not to use plastic containers or cutlery; it all must be compostable.

McCarey suggested that in the Mayor's State of the City address he might include reports from departments showing any progress that is in line with the goals of the City's 2040 Comprehensive Plan.

The Mayor appreciates the idea, and he will highlight some of those objectives.

**ORDINANCES FOR FIRST READING:**

**0-01-23**

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE.

**0-02-23**

AN ORDINANCE AUTHORIZING THE PAYMENT OF PRIOR YEAR EXPENSES; AND DECLARING AN EMERGENCY.

**ANNOUNCEMENTS & OTHER BUSINESS:**

Grace moved to accept the November 2022, Financial Reports; Crowl seconded. Motion was approved unanimously.

Grace moved to accept the November 2022, Credit Card Transactions; McCarey seconded. Motion was approved unanimously.

Crowl moved to reappoint Sarah Conley-Ballou to the Environment & Sustainability Commission; Grace seconded. Reappointment was approved unanimously.

At approximately 7:30 p.m. Grace moved to Adjourn the meeting; Crowl seconded, and the meeting was adjourned.

Chuck B. Komisaly  
President of Council

ATTEST:

Debra G. Walker  
Clerk of Council

**JANUARY 3, 2023**  
**LAW DIRECTOR'S REPORT OF BUSINESS FROM**  
**JANUARY 1, 2022 TO DECEMBER 31, 2022**

**I. Introduction**

The Law Director is the chief legal officer of the City of Athens. The responsibilities of the Law Director are outlined in Revised Code (R.C. 733.49) et seq. and Athens City Code (ACC) 3.03.23 through 3.03.35. Athens City Council has classified the Law Director as a three-quarter time position requiring a minimum of 30 hours a week to be devoted to the position.

The Law Director is responsible for overseeing the Department of Law, two full-time legal secretaries, two full-time city prosecutors, and the assistant law director/part-time prosecutor. The prosecutors are Chief City Prosecutor Tracy Meek and Prosecutor Justin Townley. The assistant law director/part-time prosecutor is Jesse Branner Hittle. The legal secretaries are Joyce Apperson and Sonya Hunter.

The office prosecutes misdemeanor offenses that occur in the City of Athens and on Ohio University property. By way of a mandate in R.C. 1901.34(A), and an agreement with the Athens County Commissioners, the office also prosecutes the misdemeanor offenses which occur in the unincorporated areas of the county. R.C. 1901.34(C) states the City shall receive additional compensation for such services as the Board of County Commissioners prescribes. The cases are prosecuted in the Athens County Municipal Court.

In 2022, there were 7,262 criminal, traffic, and OVI cases filed in Athens County Municipal Court. In 2021, there were 7,350. Approximately seventy-nine (79) percent of those cases filed in 2022 waived court appearance, pled at arraignment, entered diversion, or were prosecuted by another jurisdiction (such as Nelsonville). In 2022, approximately 409 defendants entered diversion for driving under suspension, substance abuse, and offenses

involving alcohol. Approximately 17 defendants entered selective intervention diversion. The remaining cases were prosecuted by this office. The Athens City Prosecutors have direct involvement with the remaining cases from pre-trial conference to jury trial and thereafter for restitution.

The office prosecutes misdemeanors on behalf of the Athens City Police, Athens City Code Office, Athens City Auditor, Athens County Sheriff's Office, Ohio State Highway Patrol, Ohio University Police Department, Ohio Department of Public Safety (Liquor Control), Athens County Dog Warden, Ohio Department of Natural Resources, and the Department of Taxation.

The Law Director provides legal advice to city officials, represents the city in legal proceedings, and approves contracts and bonds involving the City. The Law Director keeps Council apprised of the progress regarding litigation to which the City is a party. The Law Director is also required by R.C. 733.62 to present this annual report on the Law Director's Office at the first council meeting in January.

The Law Director serves by appointment of the mayor on the contract negotiations team for the negotiation of labor contracts with the City's organized bargaining units. Pursuant to R.C. 3313.25, the Law Director also serves as attorney, without additional compensation, for the Athens City School District.

In 2022, the budget for the Office of the Law Director and City Prosecutors was \$627, 245.

In 2022, the City received \$79,000.00 from the Athens County Commissioners for the prosecution of misdemeanor offenses in the unincorporated areas of the county.

**II. Services provided by the Prosecutors in 2022 (See Appendix A for details, current as of December 26, 2022)**

A. Prosecution of defendants without attorney representation: 371

B. Prosecution of defendants with attorney representation: 1079

C. Miscellaneous carryover from 2021:	80
D. Total prosecution of defendants in 2022:	1,530
E. Additional Services by Prosecutors:	
Victim letters written, calls, emails	
Bad check letters written	
Driving privileges reviewed and signed	
Applications reviewed for sealing of records	
Letters written regarding criminal matters	
Court appearances	
Jury trials	
Bench trials	
Motion hearings	
Appellate cases	
Letters written on behalf of Code Enforcement	
Open cases for court ordered restitution collected monthly	
Small claims actions to collect debts owed to the City of Athens	
Condemnation actions with Code Enforcement	
Letter on behalf of Utilities Billing	
Letters on behalf of APD for Alarm Fees	
Letters on behalf of City Auditor for taxes	
Animal Forfeiture	
Collection of restitution for victims of crime	\$28,690.73

F. Legal Services provided to Law Enforcement by Prosecutors in 2022:

Provided legal advice to law enforcement at all times of day and night

Provided training to Athens Police Department

**III. Services provided by the Law Director in 2022:**

A. General duties:

Updated and codified the traffic and criminal provisions of the Athens City Code

Provided training to the Athens City Police

Administered office and supervised prosecutors

Met with prosecutors and staff to discuss resolution of cases

Provided legal advice to elected officials, department heads, and boards/commissions

Attended council meetings, special sessions, and served as parliamentarian

Provided council training on the Sunshine Law and Ethics

Attended executive sessions of council

Reviewed ordinances prior to council meetings

Reviewed resolutions prior to council meetings

Administered oaths of office

Reviewed agreements, contracts, and bonds

Attended meetings and conference with elected officials and departments heads

Compiled public records requests

Met with outside counsel on civil matters involving the city

Met with various boards and commissions to provide training

Filed application for tax exempt status on property owned by the City of Athens

Filed counter complaints as to valuation for Athens City School District

Served on the collective bargaining team and provided legal advice

Provided two formal written opinions as requested

Reviewed and drafted easements and land use agreements

Drafted documents to create the Community Improvement Corporation

Update information for the Seaman's DRD

Worked with Clerk of Council to draft ordinances

Drafted documents for two appropriations actions

**B. Civil Litigation in Common Pleas Court and Federal Court:**

Six case completed in 2022 (two from 2021)

Four cases filed during 2022 naming the City of Athens, no cases pending at the end of 2022

Respectfully submitted,

 1/3/23

---

Lisa A. Eliason  
Athens City Law Director

**APPENDIX A**

**Prosecution of defendants  
without attorney representation 379**

0 Aggravated Menacing  
 6 Approaching Safety Vehicle  
 0 Assault  
 9 Assured Clear Distance Ahead  
 0 Axel Overload  
 0 Bad Checks  
 4 Booster seat violations  
 2 CDL violations  
 0 Code violations  
 1 Crim. Damaging  
 1 Crim. Mischief  
 0 Crim. Tools  
 3 Crim. Trespass  
 21 Disorderly Conduct  
 11 Distracted Driving  
 5 Domestic Violence  
 24 Driving Under Suspension  
 6 Dog At Large  
 7 Dog Registration  
 3 Expired Tags  
 0 Eye Protections Violations  
 4 Fail to Yield  
 0 Fail to Yield to Pedestrian  
 1 Fail to Comply  
 21 Fail to Control Vehicle  
 1 Fail to Signal  
 2 False ID  
 0 Falsification  
 1 Follow Too Close  
 1 FRA  
 1 Furnishing to Underage  
 1 Gross Overload  
 0 Income Tax  
 1 Improper Lane  
 0 Improper Plates  
 0 Intoxicated Person  
 0 Leave Scene  
 0 Limitation on Backing  
 3 Poss Marijuana  
 0 Pass on Right

**Prosecution of defendants with  
attorney representation 1,079**

3 Abuse Harmful Intoxicants  
 1 Animal At Large  
 0 Arson  
 8 Agg. Menacing  
 33 Assault  
 3 Assured Clear Distance Ahead  
 1 ATV on Highway  
 0 Axel Overload  
 3 Carrying a Concealed Weapon  
 5 Child Endangering  
 0 Closed Road  
 0 Contributing to Unruliness  
 20 Crim. Damaging  
 44 Crim. Mischief  
 1 Crim. Simulation  
 2 Crim. Tools  
 0 Cruelty to Animals  
 1 Discharge Firearm in City  
 39 Disorderly Conduct  
 7 Disorderly Conduct Persistent  
 6 Distracted Driving  
 0 Drug Abuse  
 75 Driving Under Suspension  
 64 Domestic Violence  
 6 Expired Registration  
 60 Fail to Control Vehicle  
 2 Fail to Comply  
 0 Fail to Display License  
 0 Fail to Register Sex Offender  
 9 Fail to reinstate License  
 0 Fail to Register Dog  
 8 Fail to disclose ID  
 1 Fail to Yield  
 54 False ID  
 0 False Report  
 10 Fictitious Tags  
 1 Firearm in Motor Vehicle  
 1 Fleeing and Eluding  
 1 Follow Too Close  
 6 Furnishing Alcohol to Underage



8 Marked Lanes  
 1 Menacing  
 4 No Operator's License  
 0 Obstruction  
 3 OVI  
 5 Pass School Bus  
 0 Plate Violations  
 1 Possession of Drugs  
 0 Public Indecency  
 3 Reckless Operation  
 3 Red Light  
 0 Rental Fees/Rental Permit  
 4 Right of Way Violations  
 26 Seatbelt  
 219 Speed  
 0 Squealing Tires  
 7 Stop Sign  
 1 Trash (Littering)  
 2 Traffic Control Device  
 3 Trespass  
 2 Theft  
 0 Unauthorized Use  
 4 Underage Consumption  
 2 Unsafe Vehicle  
 0 Violation of a TPO  
 0 Wildlife Violations

17 Headlight Violations  
 6 Hit-Skip  
 0 Illegal Sale of Alcohol  
 4 Improper Plates  
 1 Improper Start/Backing  
 3 Leave the Scene  
 14 Left of Center  
 2 Littering  
 41 Marked Lanes violations  
 22 Menacing  
 1 Misconduct at Emergency  
 17 No Operator's License  
 24 Obstruction of Official Business  
 0 ODOH Violations  
 2 Open Container  
 2 Pass Bad Checks  
 218 OVI  
 0 Park on Highway  
 4 Physical Control  
 2 Plates of Another  
 6 Poss. Drug Paraphernalia  
 4 Poss. Drug Instrument  
 1 Poss. Hashish  
 4 Poss. Marijuana  
 17 Resisting arrest  
 5 Receiving Stolen Property  
 3 Right of Way  
 2 Seatbelt  
 1 Sexual Imposition  
 248 Speed  
 3 Squeal Tires  
 9 Stop After Accident  
 6 Stop for School Bus  
 7 Taillights  
 4 Telephone Harassment  
 1 Temporary Permit  
 119 Theft  
 5 Traffic Device  
 23 Trespass  
 11 Turn Signal  
 4 Unauthorized Use  
 6 Unsafe Vehicle  
 1 Vehicular Manslaughter  
 21 Violate Protection Order  
 6 Weapons While Intoxicated  
 4 Wildlife violations  
 2 Wrong Way

## **A Brief Mayor's Office 2022 Year in Review**

### **2022 City Progress:**

Athens was selected as a site for autonomous vehicle testing by Ohio Department of Transportation's DriveOhio program and the Ohio University Russ College of Engineering

Transitioned to an Outsourced IT Model

Transitioned to a Lease Model for the city vehicle fleet

Stimson Avenue project completed

Secured \$600,000 in the state capitol budget for the Athens Armory

Land use agreement with Ohio University for soccer pitches at West State Street OU Driving Range

Dedication of Judge Robert Stewart Square (Court Street & Washington Street)

Hired the first Diversity, Equity, Inclusion & Accessibility Coordinator for the city

Passage of the Athens Safety Services Levy (~59%)

City of Athens Bond Rating retained at AA2

Acquired a 10 acre Ohio University parcel of land for AFD HQ and started the design/site prep for the new fire station

Athens selected as 1 of 10 Charter Communities to the National League of Cities Race, Equity and Leadership Institute

Secured \$3.2M for the Stimson Avenue Bridge Rehabilitation Project

Secured \$1.4M for the future 56/682 Roundabout Project

Secured an additional \$1M for the West Union Street Project

Athens Public Transit acquiring its first EV bus, the first in SE Ohio

Athens was selected to participate as an "EV Ready" community by the Great Plains Institute

Athens Farmers Market moved to the Athens Community Center Campus

Passage of a power purchase agreement (PPA) with Third Sun Kokosing for a 2.3 Mw solar array at the Athens Community Center Campus

Creation of the Athens City Community Improvement Corporation (CIC)

### **2022 City Awards / Recognition:**

US Environmental Protection Agency's Green Power Partnership "Green Power Communities" awardee

American Council of Engineering Companies (ACEC) 2022 Engineering Excellence Awards (RP3), March 10<sup>th</sup>, Powell OH

Ohio Magazine's 2022-2023 "Best Hometown"

Clean Future Ohio's Clean Energy Champions Awards, Columbus OH, December 16<sup>th</sup>:

- Climate Action Community Award – Reductions in Greenhouse Gas Emissions and being recognized as having the lowest carbon emissions in Ohio and one of the lowest carbon emitters in the US
- Clean Energy Community Award – 100% Renewable Energy Program
- Clean Energy Innovator Award – Athens Carbon Fee

**Mayor's Notable Engagements:**

Athens County Board of Realtors (Keynote Speaker), Athens OH, January 11<sup>th</sup>

Cities & Counties for Fair and Fee Justice (CCFFJ) Bootcamp, Phoenix AZ, March 2<sup>nd</sup>-4<sup>th</sup>

National League of Cities Congressional City Conference, Washington DC, March 13<sup>th</sup>-16<sup>th</sup>

2022 National Association of Development Organizations (NADO) and Development District Association of Appalachia (DDAA) Washington Conference Panel Discussion: "Raise Your Voice" (Panelist), Richmond VA, March 14<sup>th</sup>

OU President – Athens Business Leaders meeting, Athens OH, March 21<sup>st</sup>

OU Regional Campus Mayor's Luncheons: OU Athens, August 3<sup>rd</sup>, 2021; OU Lancaster, November 30<sup>th</sup>, 2021; OU Chillicothe, March 30<sup>th</sup>, 2022

First Military Veterans roundtable discussion with Senator Sherrod Brown re: Chillicothe VA Hospital closure, Chillicothe OH, March 23<sup>rd</sup>

Mid-Ohio Regional Planning Commission (MORPC) Rural Forum Series: New Economic Partnerships in College Towns Collaborations to Survive and Thrive (Panelist), April 26<sup>th</sup>, Granville OH

Second Military Veterans roundtable discussion with Senator Sherrod Brown re: Chillicothe VA Hospital closure, Chillicothe OH, April 29<sup>th</sup>

EDA University Center Annual "State of the Region Conference" (Panelist), Athens OH May 10<sup>th</sup>

International Town Gown Association Conference (Presidency), Clemson SC, June 5<sup>th</sup>-8<sup>th</sup>

International Town Gown Association Conference Panel Discussion, “United We Stand: The Relationship between Strong Town-Gown Relationships and Economic Development”, panelist with OU President Hugh Sherman and Alvaro Muniz, J.D., Director, International, Community, and Economic Engagement, Clemson SC, June 6<sup>th</sup>

Greater Ohio Policy Center 2022 Greater Ohio Summit Panel Discussion, “Reflect, Refocus: Furthering Resilient Communities” (Panelist), Columbus OH, June 9<sup>th</sup>

United States Global Leadership Coalition “Global Impact Forum”, Washington DC, June 13<sup>th</sup>-14<sup>th</sup>

National League of Cities Summer Board and Leadership Meeting, Atlanta GA, July 26<sup>th</sup>-29<sup>th</sup>

Rise and Thrive: Campus-Community Partnerships “Collaborations for Healthy Campus Communities” workshop (Panelist), Westerville OH, August 8<sup>th</sup>

Ohio Mayors Alliance invited meeting at the White House, Washington DC, September 7<sup>th</sup>

PIVOT Sustainability Conference (Panelist), Dayton OH, September 14<sup>th</sup>

Urban Sustainability Directors Network Conference (Panelist), Indianapolis IN, October 2<sup>nd</sup>-4<sup>th</sup>

International Town Gown Association 2023 Conference site visit/retreat, Fort Collins CO, October 12<sup>th</sup>-14<sup>th</sup>

National League of Cities Race, Equity and Leadership Institute, Kansas City MO, November 14<sup>th</sup>-16<sup>th</sup>

National League of Cities City Summit, Kansas City MO, November 17<sup>th</sup>-19<sup>th</sup>

**Mayor’s 2022 Appointments:**

Ohio Municipal League Board of Trustees

United States Global Leadership Coalition Ohio Advisory Committee

International Town Gown Association, President

National League of Cities Board of Directors

National League of Cities Race, Equity and Leadership Co-Vice Chair

Ohio University President Search Committee