



AGENDA
ATHENS CITY COUNCIL
MONDAY, FEBRUARY 12, 2024
7:00 PM
e-mail: dwalker@ci.athens.oh.us
Streaming is available at www.ci.athens.oh.us/video

COMMITTEE OF THE WHOLE:

- Resolution (Middle East)

PLANNING & DEVELOPMENT COMMITTEE:

- Accept Permanent Bike Path & Right-of-Way Utility Easements from the Athens Public Library

FINANCE & PERSONNEL COMMITTEE:

- Then and Now Certificates

- Medical Fund

Sam Crowl
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.

Athens City Council Proposal for Ceasefire in Palestine

Whereas, the community of Athens, and therefore the Athens City Council, supports the health, safety, and basic human rights of all people, both here and abroad, and

Whereas, the community of Athens wants to be a part of the growing voices of more than 50 cities around the nation, speaking up for those basic human rights, and

Whereas, the Athens City Council has the power to illuminate the demands of its constituents to larger political entities, and

Whereas, the International Court of Justice found that “the military operation being conducted by Israel following the attack of 7 October 2023 has resulted in a large number of deaths and injuries, as well as the massive destruction of homes, forcible displacement of the vast majority of the population, and extensive damage to civilian infrastructure. While figures relating to the Gaza Strip cannot be independently verified, recent information indicates that 25,700 Palestinians have been killed, over 63,000 injuries have been reported, over 360,000 housing units have been destroyed or partially damaged and approximately 1.7 million persons have been internally displaced” and

Whereas the ICJ has called on the state of Israel to cease all actions resulting in the genocide of Palestinians (Dkt. No. 87, ICJ opinion dated January 26, 2024), and

Whereas, as of January 31, 2024, over 27,000 people (more than 1 in 100) have been killed in Palestine, and

Whereas, all schools and institutions of higher education in Palestine have been rendered nonfunctional, either through complete destruction or damage rendering education impossible, and

Whereas, the drinking water in Palestine is non-potable because of the destruction of sanitation services, leading to disease and death, and

Whereas, the people of Palestine are entering into a famine due to the lack of humanitarian aid caused by these atrocities, leading many to find sustenance in livestock feed, and

Whereas, the pregnant women of Palestine are forced to give birth in unsanitary and unsafe conditions, risking the lives of 50,000 pregnant women and their babies, and

Whereas, the wounded in Palestine are forced to undergo surgeries and amputations without anesthetics, and

Whereas, the United States has suspended funding to UNRWA, an essential agency that was providing essential food, water, and health care to Palestinians suffering this genocide and whose work can not be replaced in a timely manner, and

Whereas, the majority of Palestinians, wounded, grieving lost family members, and struggling for their own survival, have no safe shelter, with many forced to live in plastic shelters only to be bombed and forced to move again, and

Whereas, the primary funding for the weapons that realize these atrocities is from the United States government, and

Whereas the charges of genocide have been substantiated and deemed “plausible” both by the International Court of Justice (Dkt. No. 19-6, Declaration of Drs. Cox, Sanford, and Trachtenberg) and by the United States Federal Court in UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA DEFENSE FOR CHILDREN INTERNATIONAL-PALESTINE, et al., Plaintiffs, v. JOSEPH R. BIDEN, et al., Defendants. (Case No. 23-cv-05829-JSW O), which stated in its decision of 1-31-24, “Both the uncontroverted testimony of the Plaintiffs and the expert opinion proffered at the hearing on these motions as well as statements made by various officers of the Israeli government indicate that the ongoing military siege in Gaza is intended to eradicate a whole people and therefore plausibly falls within the international prohibition against genocide. (See, e.g., Dkt. No. 19-6, Declaration of Drs. Cox, Sanford, and Trachtenberg, at ¶¶ 9-14.) **It is every individual’s obligation to confront the current siege in Gaza,...**” [emphasis added], and

Whereas in its 1-31-24 decision, the U.S. Federal Court also stated, “This Court implores Defendants to examine the results of their unflagging support of the military siege against the Palestinians in Gaza,” and

Whereas, per the ICJ January 2024 decision, it is therefore incumbent on all Americans to work to stop U.S. complicity in genocide under international law and the UN Convention on the Prevention and Punishment of the Crime of Genocide, and

Whereas, the Athens City Council is aware of these facts,

Therefore be it resolved that the Athens City Council call for an immediate and permanent ceasefire by the Israeli government on the people of Palestine, along with refunding urgently needed humanitarian aid by UNRWA, and that Athens City Council demand a halt of U.S. funding of the war.

DRAFT Resolution

Submitted by Michael Wood

To The Committee of the Whole

2/6/2024

Calling for an immediate de-escalation and cease-fire in Israel and occupied Palestine.

Whereas all human life is precious, and the targeting of civilians, no matter their faith or ethnicity, is a violation of international humanitarian law;

Whereas hundreds of thousands of lives are at imminent risk if a cease-fire is not achieved and humanitarian aid is not delivered without delay; and

Whereas we unconditionally oppose the anti-Semitism and Islamophobia that have led to the rise in hateful rhetoric and actions targeting Jewish, Muslim and Arab people in the United States and worldwide;

Whereas the Federal Government holds immense diplomatic power to save Israeli and Palestinian lives: Now, therefore, be it

Resolved, That the Athens City Council —

- (1) urges leaders at the Federal and State levels to immediately call for and facilitate de-escalation and a cease-fire to urgently end the current violence; and
- (2) urges the federal government to halt funding for the war, and
- (3) calls upon the Biden administration to promptly send and facilitate the entry of humanitarian assistance into Gaza.

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Introduced by Alan Swank, Chair
Planning & Development Committee

AN ORDINANCE ACCEPTING PERMANENT BIKE PATH AND UTILITY RIGHT-OF-WAY EASEMENTS FROM THE ATHENS COUNTY PUBLIC LIBRARIES.

WHEREAS, Ordinance 61-23 authorized the Mayor to convey a .395-acre City - owned parcel of land to the Athens County Public Libraries, with the understanding that said easements would be granted to the City;

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

SECTION I: Athens City Council does hereby accept permanent bike path and utility easements from the Athens County Public Libraries, copies of said easements, legal description and plat are attached hereto and incorporated herein by reference.

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

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

BIKE PATH EASEMENT

Athens County Public Libraries, a statutory school district free public library formed and operating under R.C. 3375.15 (“Grantor”), for valuable consideration received, hereby grants to the **City of Athens, Ohio** (“Grantee”) a perpetual, non-exclusive easement over, across, and through the following described land of Grantor (the “Easement Area”):

See attached description and plat, incorporated herein by this reference.

Subject to easements, rights of way, reservations, restrictions, conditions, covenants, and leases of record.

Last Transfer: Volume 606, Page 464 and Volume 606, Page 468, Official Records of Athens County, Ohio.

This Bike Path Easement is given as a permanent easement to Grantee for the bike path permitted by the State of Ohio Easement between the State of Ohio and Grantee recorded in Volume 452, Page 1131, Official Records of Athens County, Ohio (the “Original Easement”), and is intended to encumber only so much of the real property described in the Original Easement as is now owned by Grantor pursuant to the instruments of Last Transfer referenced above.

Use of Premises. This easement shall be used solely to install, construct, reconstruct, use, operate, maintain, repair, replace, remove, service, and improve in, on over, under, across, through, and upon the Easement Area an asphalt Bike Path (the “Improvement”).

Maintenance. If the surface of the ground in the Easement Area is disturbed at any time, Grantee shall provide necessary, fill, re-sod or re-seed any grassed areas, and make such repairs and replacement for a period of not later than one (1) year after the date of such disturbance as may be needed to restore the ground to its former condition or pay Grantor for all damages caused thereto. Grantee shall have the obligation at its cost to maintain and repair the Improvement on a continuous and ongoing basis, which maintenance and repairs shall be performed in a good and workmanlike manner to protect the safety and aesthetics of the Improvement.

Liability. Grantee shall protect, indemnify, and hold Grantor harmless, so far as permitted by Ohio law, from any claims, demands, causes, actions, and damages arising out of any act, omission, or neglect by Grantee or any of its successors, assigns, agents, servants, employees, contractors, subcontractors, and invitees ensuing from or in connection with Grantee’s occupation and use of the Improvement or the Easement Area. Nothing contained herein shall be deemed to be a waiver by Grantor of any legal or factual defenses which Grantor may enjoy.

Mechanic’s Liens. Grantee shall not allow any liens or encumbrances to be filed against the Easement Area or Grantor’s property, or any portion thereof. If such a lien or encumbrance is placed of record against the Easement Area or Grantor’s property, or any portion thereof, Grantee shall, within thirty (30) days after receiving notice thereof, remove or discharge the same or bond off such lien or encumbrance.

Assignment. This Bike Path Easement may not be assigned or transferred, in whole in part, by Grantee without the prior consent of Grantor, which consent may be withheld for any reason. Should consent to any such assignment be granted, such assignment or transfer shall not relieve Grantee of its obligations and duties under the terms, covenants, and conditions of this Bike Path

Easement. Any assignee shall expressly assume, and by reason of such assignment or transfer shall be deemed as having assumed, all of the obligations and duties of Grantee hereunder.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of Grantee, its successors and assigns.

EXECUTED this _____ day of _____, 2023.

Athens County Public Libraries

By: C. Nicholas Tepe, Director

STATE OF OHIO, COUNTY OF ATHENS, SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 2023 by C. Nicholas Tepe, Director of Athens County Public Libraries, a statutory school district free public library formed and operating under R.C. 3375.15.

Notary Public

(seal)
My commission expires:

City of Athens, Ohio

By:

STATE OF OHIO, COUNTY OF ATHENS, SS:

The foregoing instrument was acknowledged before this _____ day of _____, 2023 by _____, _____ of the City of Athens, Ohio.

Notary Public

(seal)
My commission expires:

THIS INSTRUMENT PREPARED BY:

David J. Mott, Attorney at Law
MOLICA GAIL SLOAN & SILLERY CO. LPA
35 North College Street
Athens, Ohio



S.A. ENGLAND SURVEYING
Professional Land Surveying
 P.O. Box 1770
 Buckeye Lake, Ohio 43008



E-mail: www.surveyohio.com

Phone: 740-323-0644

Fax: 740-323-0272

Ohio Phone: 1-800-551-5844

Legal Description
"Bike Path Easement"

Situated in the City of Athens, County of Athens, State of Ohio, and being a part of Farm Lot 27 in Section 4, Township 9N, Range 14W, of the Ohio Company's Purchase, and being more being more particularly described as follows;

Being a Survey of a "**Bike Path Easement**" across a parcel conveyed to The City of Athens, as recorded in O.R. Book 109, Page 215, and across a 2.725 acre parcel conveyed to Ohio University Athens Public Library, as recorded in O.R. Book 129, Page 854, in the Athens County Deed Records, and further described as follows;

Commencing at for reference at the Northwest corner of Farmlot 27;

Thence, S 03°02'36" W 3257.33 feet with the West line of Farmlot 27, to a 5/8" o.d. iron pin found at the intersection of the East Right of Way Line of Home Street (50' Wide R/W) and the South Right of Way Line of Lincoln Street (50' Wide R/W);

Thence, S 03°02'36" W 11.88 feet continuing with the East Right of Way line of Home Street (undeveloped), to a point, and being the **PRINCIPLE PLACE OF BEGINNING** of the "Bike Path Easement" herein to be described;

Thence with a line across said 2.725 Acre parcel and said parcel conveyed to The City of Athens, with the following two (2) courses and distances:

- 1) S 25°15'48" E 47.51 feet to a point;
- 2) S 03°02'36" W 354.57 feet to a point on the South line thereof;

Thence, S 81°05'25" W 15.33 feet to a point;

Thence with a line across said 2.725 Acre parcel and said parcel conveyed to The City of Athens, with the following two (2) courses and distances:

- 3) N 03°02'36" E 353.96 feet to a point;
- 4) N 25°15'48" W 15.88 feet to a point on the West line of said 2.725 Acre parcel, and being on the East Right of Way line of said Home Street;


Thence, N 03°02'36" E 31.63 feet with the East Right of Way Line of Home Street, to the **PRINCIPLE PLACE OF BEGINNING**, and containing 0.133 Acres in the "**Bike Path Easement**" herein to be described, and is subject to all legal easements, right of ways, zoning restrictions, and ordinances of record.

The bearings of the above description are based on the East Right of Way Line of Home Street (50' Wide R/W), as being N 03°02'36" E, and is an assumed Meridian used to denote angles only..

All iron pins set are 5/8" o.d. iron pins 30" long with red caps labeled "S.A. ENGLAND #S-7452".

The above description was prepared by S.A. England Surveying, under the direct supervision of Scott A. England, Ohio Registered Surveyor #S-7452 in November of 2022.

Dated 3/20/23


 Scott A. England P.S.
 Ohio Registered Surveyor #7452

Job No. 3992-22AT-BikePathEasement



RIGHT-OF-WAY EASEMENT

Athens County Public Libraries, a statutory school district free public library formed and operating under R.C. 3375.15 (“Grantor”), for valuable consideration received, hereby grants to the **City of Athens, Ohio** (“Grantee”) a perpetual easement with the right to erect, construct, install, and lay, and thereafter use, operate, inspect, repair, maintain, replace, and remove a water pipe line, valves, meters, and a sanitary sewer line together with other necessary equipment over, across, and through the following described land of Grantor:

See attached description and plat, incorporated herein by this reference.

Subject to easements, rights of way, reservations, restrictions, conditions, covenants, and leases of record.

Last Transfer: Volume 606, Page 464 and Volume 606, Page 468, Official Records of Athens County, Ohio.

Grantee shall also have the right of ingress and egress, for the purpose of this easement, over the adjacent lands of Grantor as described in the deeds to Grantor recorded in Volume 606, Page 464, Official Records of Athens County, Ohio and in Volume 606, Page 468, Official Records of Athens County, Ohio.

This Right-of-Way Easement is given in furtherance of that Right-of-Way Easement in favor of Grantee recorded in Volume 353, Page 421, Deed Records of Athens County, Ohio (the “Original Easement”), and is intended to encumber only so much of the real property described in the Original Easement as is now owned by Grantor pursuant to the instruments of Last Transfer referenced above.

In consideration of this grant, Grantee agrees to restore said premises in the approximate prior condition after laying, repairing, or maintaining said water lines and sewer lines and agrees to compensate Grantor for all damages caused by virtue thereof. Grantee covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of Grantor, its successors and assigns.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of Grantee, its successors and assigns.

EXECUTED this _____ day of _____, 2023.

Athens County Public Libraries

By: C. Nicholas Tepe, Director

STATE OF OHIO, COUNTY OF ATHENS, SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 2023 by C. Nicholas Tepe, Director of Athens County Public Libraries, a statutory school district free public library formed and operating under R.C. 3375.15.

Notary Public

(seal)

My commission expires:

City of Athens, Ohio

By: _____

STATE OF OHIO, COUNTY OF ATHENS, SS:

The foregoing instrument was acknowledged before this ____ day of _____, 2023 by _____, _____ of the City of Athens, Ohio.

Notary Public

(seal)

My commission expires:

THIS INSTRUMENT PREPARED BY:

David J. Mott, Attorney at Law
MOLLICA GALL SLOAN & SILLERY CO. LPA
35 North College Street
Athens, Ohio



S.A. ENGLAND SURVEYING
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 Buckeye Lake, Ohio 43008



E-mail: www.surveyohio.com

Phone: 740-323-0644

Fax: 740-323-0272

Ohio Phone: 1-800-551-5844

Legal Description
“Utility Easement”

Situated in the City of Athens, County of Athens, State of Ohio, and being a part of Farm Lot 27 in Section 4, Township 9N, Range 14W, of the Ohio Company’s Purchase, and being more being more particularly described as follows;

Being a Survey of a “Utility Easement” across a parcel conveyed to The City of Athens, as recorded in O.R. Book 109, Page 215, and across a 2.725 acre parcel conveyed to Ohio University Athens Public Library, as recorded in O.R. Book 129, Page 854, in the Athens County Deed Records, and further described as follows;

Commencing at for reference at the Northwest corner of Farmlot 27;

Thence, S 03°02’36” W 3257.33 feet with the West line of Farmlot 27, to a 5/8” o.d. iron pin found at the intersection of the East Right of Way Line of Home Street (50’ Wide R/W) and the South Right of Way Line of Lincoln Street (50’ Wide R/W), and being the **PRINCIPLE PLACE OF BEGINNING** of the **“UTILITY EASEMENT”** herein to be described;

Thence, S 86°44’17” E 15.00 feet with the South Right of Way Line of Lincoln Street, the same being the North line of said 2.725 Acre parcel, to a point;

Thence, S 03°02’36” W 409.81 feet with a line across said 2.725 Acre parcel and said parcel conveyed to The City of Athens, to a point;

Thence, S 81°05’25” W 15.33 feet to a 5/8” o.d. iron pin found on the East Right of Way Line of Home Street (undeveloped);

Thence, N 03°02’36” E 413.05 feet with the East Right of Way Line of Home Street, to the **PRINCIPLE PLACE OF BEGINNING**, and containing 0.142 Acres in the **“UTILITY EASEMENT”** herein to be described, and is subject to all legal easements, right of ways, zoning restrictions, and ordinances of record.

The bearings of the above description are based on the East Right of Way Line of Home Street (60’ Wide R/W), as being N 03°02’36” E, and is an assumed Meridian used to denote angles only..

All iron pins set are 5/8” o.d. iron pins 30” long with red caps labeled “S.A. ENGLAND #S-7452”.

The above description was prepared by S.A. England Surveying, under the direct supervision of Scott A. England, Ohio Registered Surveyor #S-7452 in November of 2022.

Dated 3/20/23



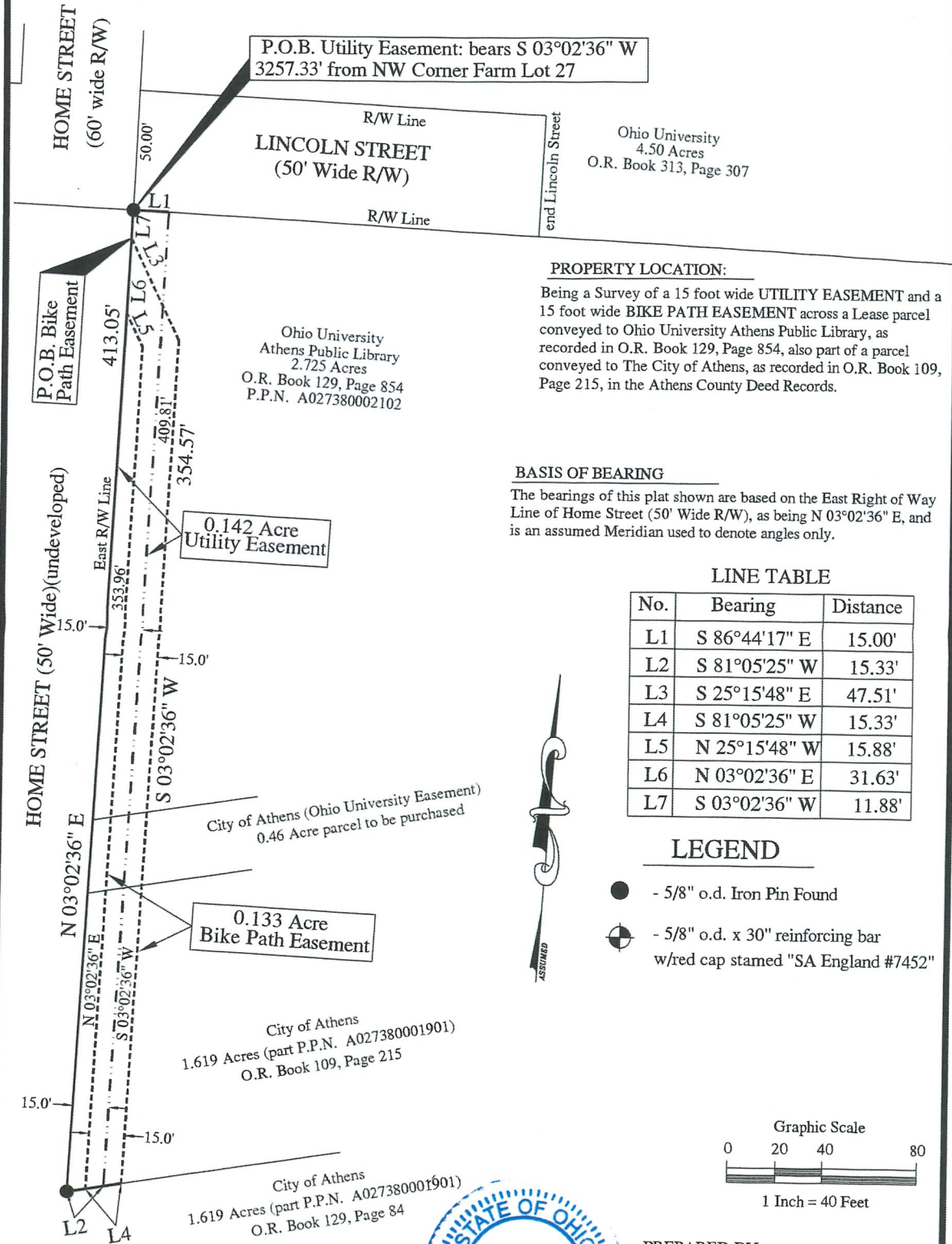
Job No. 3992-22AT-UtilityEasement

Scott A. England P.S.
 Ohio Registered Surveyor #7452



Plat of Easements

City of Athens, County of Athens, State of Ohio, part Farm Lot 27 in Section 4, Township 9N, Range 14W, of the Ohio Company's Purchase

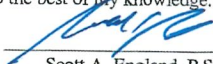


PROPERTY LOCATION:
Being a Survey of a 15 foot wide UTILITY EASEMENT and a 15 foot wide BIKE PATH EASEMENT across a Lease parcel conveyed to Ohio University Athens Public Library, as recorded in O.R. Book 129, Page 854, also part of a parcel conveyed to The City of Athens, as recorded in O.R. Book 109, Page 215, in the Athens County Deed Records.

BASIS OF BEARING
The bearings of this plat shown are based on the East Right of Way Line of Home Street (50' Wide R/W), as being N 03°02'36" E, and is an assumed Meridian used to denote angles only.

I hereby certify that an actual survey of the premises was made, and that this plat is correct to the best of my knowledge.

Dated 3/20/13


Scott A. England, P.S.
Ohio Registered Surveyor #7452



PREPARED BY:
S.A. ENGLAND SURVEYING
Professional Land Surveying
P.O. Box 1770
Buckeye Lake, Ohio 43008
PHONE: 740-323-0644
email: saengland@surveyohio.com

0--24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE APPROVING THEN-AND-NOW CERTIFICATES FOR PAYMENT;
AND DECLARING AN EMERGENCY.

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

SECTION I: An Ordinance authorizing Then-and-Now Certificates for purchases with no purchase orders in place for the following:

Company Name	Amount	Purpose
Treasurer - State of Ohio	7,200.00	LEADS Access Fee
Granicus	16,306.80	Video Streaming and Sound Search
Athens County Economic Development	60,000.00	2024 Membership
CIVICA	11,025.00	License Fees
CIVICA	4,715.99	License Fees
National Recreation and Park Assoc	3,000.00	Directors School
Ohio University	5,337.00	Fuel Admin Fee
Flock Group	13,100.00	Camera Contract/Install
Enterprise FM Trust	28,373.27	Vehicle Monthly Lease Fee
Athens County Commissioners	20,512.24	Public Defender Contract

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 maintain fiscal integrity, 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--24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23,
AND AUTHORIZING AN INTERFUND TRANSFER.

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 Three Hundred Thousand Dollars (\$300,000.00) to General Fund, 101, T.C. 600, for transfer, and increasing the total appropriations by the same amount.

SECTION II: The Auditor is hereby authorized to make the following interfund transfers:

FROM	TO	AMOUNT
General Fund, 101	Medical Fund, 866	\$300,000.00

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

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0--24

Introduced by the Finance & Personnel Committee

AN ORDINANCE AMENDING ORDINANCE 135-23; REALLOCATING REVENUES FROM THE CITY INCOME TAX; AND DECLARING AN EMERGENCY.

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

SECTION I: Effective January 1, 2024, Section I of Ordinance 135-23 is hereby amended to read as follows:

Section I: That revenues from the city income tax, after deduction of 5.13% for the Street Rehabilitation Fund, 572, and 5.13% for the Arts, Parks & Recreation Debt Fund, 450, and 2.56% for payment of expenses associated with the Recreation/Community Facility Fund, 271, and 5.13% for the fire Station Debt Fund, 430, as required under tax levies, shall be allocated directly to funds as follows:

- (A) (72.5%) to General Fund, 101
- (B) ~~(16.5%)~~ (14.5%) to Street Fund, 220
- (C) (8%) to Recreation Fund, 270
- (D) (2%) to Capital Improvements Fund, 580
- (E) (1%) to Transportation Assistance Fund, 214
- (F) (2%) to Medical Fund, 866

SECTION II: This Ordinance shall be an emergency measure necessary for the preservation of the health, safety and welfare of the residents of the City of Athens in order to maintain fiscal integrity, and that 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