

**ATHENS CITY COUNCIL: SPECIAL SESSION, MONDAY, MAY 10, 2021,
8:30 P.M.**

Athens City Council met in Special Session at the above hour. Due to concerns with COVID-19 the following members met via videoconference: Clodfelter, Crowl, Fahl, Grace, Risner, Smedley, and Ziff.

Also present via videoconference: President Knisely, Mayor Patterson, and Auditor Hecht.

ORDINANCES FOR THIRD READING:

0-46-21

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 37, LANDSCAPING REGULATIONS. Fahl moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

0-47-21

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 13, GENERAL OFFENSES, CHAPTER 13.07, MISCELLANEOUS OFFENSES, TO ADD SECTION 13.07.06.1, LITTER, AND AMEND SECTION 13.07.07, CITATION. Fahl moved for Adoption; Grace seconded. Adoption was approved unanimously.

0-48-21

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 9.10, CUTTING WEEDS. Fahl moved for Adoption; Smedley seconded. Adoption was approved unanimously.

0-49-21

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, TO INCLUDE THE LANDSCAPING PERMIT FEES. Fahl moved for Adoption; Crowl seconded. Discussion: Fahl indicated that she plans to kick off the Celebration Tree program by buying a tree to celebrate John Knouse and Mason Chambers, for their contributions to our community's environment. Adoption was approved unanimously.

0-50-21

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY PERMIT TO JENNIFER MUEHLENKAMP TO INSTALL A FENCE AT 68 HUDSON AVENUE. Fahl moved for Adoption; Grace seconded. Adoption was approved unanimously.

0-51-21

AN ORDINANCE AFFIRMING THE DISPOSAL OF CERTAIN FIRE DEPARTMENT EQUIPMENT NO LONGER NEEDED FOR A MUNICIPAL PURPOSE. Grace moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-52-21

AN ORDINANCE AMENDING THE 2021 APPROPRIATION ORDINANCE. Crowl moved for Adoption; Grace seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

0-54-21

AN ORDINANCE AUTHORIZING WASTEWATER REMOTE SITE TELEMETRY IMPROVEMENTS, PROJECT 339.

0-55-21

AN ORDINANCE AMENDING THE 2021 APPROPRIATION ORDINANCE; AND AUTHORIZING INTERFUND TRANSFERS.

0-56-21

AN ORDINANCE AMENDING THE 2021 STAFFING LEVELS AUTHORIZED BY ORDINANCE 141-20.

0-57-21

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY PERMIT TO OHIO UNIVERSITY TO ALLOW INSTALLATION OF A CAMPUS SHUTTLE STOP AT 9 FACTORY STREET.

0-58-21

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION AND EXECUTE AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION IMPROVEMENT DISTRICT (TID) FUNDING; AND DECLARING AN EMERGENCY.

0-59-21

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR SMALL CITY PROGRAM FUNDS FOR PROGRAM YEAR 2021; AND DECLARING AN EMERGENCY

0-60-21

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) FOR ISSUE I FUNDS; TO EXECUTE CONTRACTS AS REQUIRED.

ORDINANCE FOR FIRST READING:

0-61-21

AN ORDINANCE DECLARING A REAL AND PRESENT EMERGENCY, THUS OBVIATING THE FORMAL BIDDING PROCEDURE, FOR STRUCTURAL REPAIRS TO THE ARTS/WEST FACILITY, PROJECT #340. Crowl moved for Suspension of the Rules in order to maintain the building's structural integrity; Smedley seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Risner seconded. Adoption was approved unanimously.

Council Member Clodfelter announced that this will be her final City Council meeting. She will be accepting a job as regional representative for Senator Sherrod Brown that requires her to step down from her elected position.

At approximately 8:55 p.m. Smedley moved to adjourn the meeting; Grace seconded. Motion was approved unanimously.

President of Council

ATTEST:

Clerk of Council

MINUTES
CITY & SAFETY SERVICES COMMITTEE
MAY 10, 2021
7:00 p.m.

Members in Attendance via Videoconference: Sarah Grace, Chair
Chris Fahl, Vice-Chair
Beth Clodfelter, Member

Administrators and
Other Elected Officials via Videoconference: President Knisely
Mayor Patterson
Auditor Hecht

ITEMS DISCUSSED:

- Equipment Disposal (Fire Department)
-Grace – the Fire Department would like to dispose of 27 self-contained breathing apparatuses – 28 air bottles – 13 face pieces and 2 RIT packs, with an approximate value of \$35,300 – requesting authorization to donate this used equipment to benefit the Volunteer Waterloo Fire Department

- Water Treatment Plant (softener rehabilitation)
-Grace – this project was reviewed in 2015 during the needs assessment for our WTP improvements project – it was not selected to be part of Phase I that focused on electrical upgrades – would like to move forward with design engineering services, and to appropriate \$50,000

- Wastewater-Based COVID-19 Surveillance Program Grant
-Grace – the City has been awarded a grant in the amount of \$83,100 for this surveillance program – wastewater samplings will be collected at different locations throughout the City to monitor the presence of COVID-19 – the City will be coordinating with Ohio University to install the monitoring devices and help with collecting, processing, and analyzing samples for presence of the virus – if increasing levels are found in a particular sample it will help locate the specific area of possible infection – legislation will be needed to expend the grant dollars

-Mayor – there is no match with this grant; it is covered 100% by DSA – this equipment will allow the City to identify increases in the viral load in our wastewater 4-7 days ahead of actual cases – the monitoring equipment will be placed at the Richland Avenue Lift Station, the Depot Lift Station, and at a site off Home Street to, again, isolate where outbreaks may be occurring before they

actually occur, and to message out to City residents for increased caution in the affected sectors of the City

-Grace – this will help us proactively help our community

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. Equipment Disposal
2. WTP (softener)
3. Wastewater-Based COVID-19 Surveillance

MINUTES
MAY 10, 2021
COMMITTEE OF THE WHOLE
7:00 P.M.

Council Members in Attendance via Videoconference: Beth Clodfelter
Sam Crowl
Chris Fahl
Sarah Grace
Jeff Risner
Arian Smedley
Ben Ziff

Administrators and/or

Other Elected Officials via Videoconference: President Knisely
Mayor Patterson
Auditor Hecht

Items Discussed:

- Designated Outdoor Refreshment Areas (DORA)
 - Mayor – in 2017 the State, under ORC Section 4301.82, authorized municipalities under 35,000 in population to create these areas – he is now bringing this idea forward through an application from the Athens Uptown Business Association (AUBA) – a DORA can be used to stimulate downtown economies – it provides options for people to enjoy the area by allowing patrons to purchase from established liquor permit holders, and then to carry opened beer or intoxicating liquor containers for further consumption inside the DORA area – the City can set up the time frame for operation – currently in Ohio, approximately 37 cities have a DORA in place – he reached out to the Mayor of Chillicothe and was told their DORA is working well, with no negative incidents – Oxford, Ohio also has a DORA – the Department of Commerce is the final approval authority
 - Jessica Thomas, Chair, AUBA and Co-owner of Brenen's Coffee Café, believes the DORA will add vibrancy and a new social atmosphere in the uptown area – the boundaries have been drawn to include Court Street to the Armory, adjacent side streets with businesses, and down West Union to include Depot Street – the DORA will be only for summer use, post-graduation and pre-move-in (mid-May to mid-August) – any establishment in the area with a liquor permit can be included – a drink would be sold in a simple, labeled cup that can be carried outside within the DORA – retail establishments will be marked as to whether or not you can enter with your drink to eat or shop – no one is obligated to participate – again,

the DORA will simply allow a clearly marked open container (possibly a wristband) to be used outside during the stated times – there will be boundary signs marking the area – no open container will be allowed beyond the signs – hoping, as with the parklets, that this will help attract visitors from the Hocking Hills into our uptown area

-Smedley – asked about the impact other communities may have experienced as far as a change in behavior with consuming alcohol outdoors, and whether there has been a positive impact in tourism and patronage

-Thomas – not much research yet as most DORA's have only been in place since last summer – the Athens DORA will not be late night, Thursday 5-10, Friday and Saturday 12-10, and Sunday 12-8 – geared more toward an older adult crowd – this isn't just for hanging out on the sidewalk drinking, but for more of a social gathering

-Risner – concerned about enforcement for those businesses not wanting to participate, and asked about any penalty

-Thomas – would be a violation of the current open container law

-Risner – questioned whether more parking spaces may be converted into parklets where people could socialize

-Thomas – she envisions more restaurants being interested in the parklet idea, but there would still need to limits on the number of parking spaces being converted

-Clodfelter – asked if other communities have closed the streets to vehicular traffic, temporary pedestrian zones

-Thomas – the DORA is not a street closure, normal traffic patterns will be maintained

-Grace – this is a good opportunity to really bring another level of social gatherings to our uptown area

-Smedley – cups being used should be environmentally friendly

-Fahl – asked how food vending carts would play into this area

-Thomas – there would be no changes to the City's current vending in the area

-Dani Underhill, Executive Director of the Athens Area Chamber of Commerce – the Chamber is in support of the DORA as an economic development tool – believes the DORA will be beneficial to our uptown area

- Power a Clean Future Ohio Community (PCFO)
 - Crowl – the Environment & Sustainability Commission (E&SC) along with the City Administration would like to put forth a Resolution to participate in this endeavor to reduce our greenhouse gas emissions – this is a statewide clean

energy initiative for our future – this effort would recognize the City as a bronze level Power a Clean Future Community – the Resolution would commit the City to a goal of reducing our greenhouse gas emissions 50% below the 2010 levels by 2030 – the overall campaign calls for only 30% by 2030 – a plan would be developed during Fiscal Year 2022, a roadmap for the City to achieve this goal – lowest cost measures will be prioritized to meet our energy needs, being particularly mindful to taxpayer dollars

-Fahl – this is in line with our Climate Emergency legislation – would like the zero waste program to be part of this study

-Mayor – is a firm believer that the City can meet, and likely exceed, 50% by 2030

-Risner – asked about the numerical measure

-Crowl – a consultant from PCFO will be working with the City on how this measuring will happen – E&SC has used energy purchases (electricity and gas), transportation and buildings – the actual measurement is in metric ton equivalency

-Mayor – one metric being used will be energy consumption for the City's 84 mercantile accounts that reflect our carbon footprint – another metric used will be the reduction of our fossil fuel consumption by adding more electric vehicles to our fleet

-Crowl – the more renewable energy that we are responsible for will help a great deal

-Clodfelter – asked if planting more trees and long-rooted perennial flowers in the City will be counted to offset some of the emissions

-Crowl – he does not know if that will factor into the equation

-Fahl – concrete data along with benchmarks will be used for the audit

-Crowl – knowing where you are in order to improve is key – the E&SC does have a 2015 benchmark – the consultant will help us get a more exact baseline from 2020 – 2010 will be an estimate

-Mayor – added that the City also has a 2011 benchmark from the Perfection Group – some data does exist from past years

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. Power a Clean Future Ohio Community

MINUTES: MAY 10, 2021
FINANCE & PERSONNEL COMMITTEE
7:00 p.m.

Members in Attendance via Videoconference: Sam Crowl, Chair
Jeff Risner, Vice-Chair
Arian Smedley, Member

Administrators and/or
Other Elected Officials via Videoconference: President Knisely
Mayor Patterson
Auditor Hecht

ITEMS DISCUSSED:

- ARTS/West (structural repairs)
 - Crowl – this repair needs to happen immediately – \$100,000 is being requested – to be reimbursed by our insurance carrier – the main building is structurally sound, but the foundation of the addition is what needs to be stabilized
- Vacancy (request to hire an IT System Administrator)
 - Crowl – Administration is requesting to fill this vacant position that was added to the 2019 staffing levels, but never hired into – funds will need to be appropriated at the time of hire
- United Seniors of Athens County (lease extension agreement)
 - Crowl – the term of this renewal agreement will be for a period of 10 years
- Internal Service Fund and General Fund Administrative Cost
 - Crowl – these allocation policies were first approved in 2015 – the Auditor is requesting they be updated to include additional City fund lines that are charged for both Internal Service Administration costs, as well as those charged an administrative fee because they are subsidized by the General Fund
 - Auditor – stressed that the City is accountable for the monies being transferred, in particular, from proprietary funds into other funds
 - Risner – asked, since these are shared costs among the fund lines, if internet traffic will be calculated into the cost
 - Auditor – current items are computers, phones, vehicles, etc., that can be easily tracked – IT would need some way to account for internet usage
 - Risner – added, data flow usage can be metered
- Appropriations/Transfers
 - Crowl – the following appropriations/transfers are needed:

\$90,000 to the Water Fund for the water valve exercising equipment authorized by 0-17-20;

\$25,000 to the Sewer Fund for equipment – pump replacement, volute replacement, and the purchase of a UTV or rugged golf cart for plant maintenance (electrical being reviewed); and

\$200,000 to the Water Fund for transfer to the Debt Fund to pay January's OWDA payment

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. ARTS/West
2. United Seniors Lease
3. Fund Allocation
4. Appropriations/Transfers

MINUTES
PLANNING & DEVELOPMENT COMMITTEE
MAY 10, 2021
7:00 p.m.

Members in Attendance via Videoconference: Chris Fahl, Chair
Jeff Risner, Vice-Chair
Sarah Grace, Member
Arian Smedley, Member

Administrators and/or Other Elected Officials
via Videoconference: President Knisely
Mayor Patterson
Auditor Hecht

Items Discussed:

- Historic Preservation (application fee)
-Fahl – need to amend Title 1 to establish a fee of \$70.00

- Unlawful Discriminatory Practices
-Smedley – as discussed in an earlier meeting, this will be adding “source of income” to Title 3, Administrative Provisions, which means, lawful income derived from wages, social security, supplemental security income, all forms of Federal, State or Local assistance payments or subsidies, including rent vouchers, child support, spousal support, and public assistance which can be verified and substantiated – “source of income” will be added to unlawful discrimination in housing that already includes race, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, religious belief, age, or disability – the City’s insurance carrier has confirmed coverage should there be a suit filed against us under this section – there are three options proposed for the penalty section: Option #1: penalty can remain as is, stating that “any person... violating any provisions... shall be deemed guilty of a misdemeanor...each and every day during which alleged such discrimination continues shall be deemed a separate offense.” Option #2: would add the word “minor” to misdemeanor, and a fee of not more than \$100, along with the each and every day language above – this is most in line with the ORC, and most appropriate. Option #3: is a more aggressive approach with a higher offense and would include jail time and higher fines – Law Director Eliason does not recommend using Option #3

- Risner – believes that Option #3 is more in line with what the State of Ohio is considering, and questioned that Option #2 is more in line with the ORC

-Smedley – the caveat is that the State’s proposed amendment was just recently introduced, so Option #4 might be to Table the penalty discussion until after Ohio finalizes and passes its amendment – Option #2 is what is currently in place in Ohio

-President Knisely – noted that often State legislation can languish as long as a year or more – since the Law Director has proposed Option #2, closest to the ORC penalty, she suggested moving our legislation forward with that option, and then consider amending at a later date with the State’s approved language

-Grace – agrees with following the Law Director’s recommendation, and moving forward with Option #2

-Ziff – would like to move forward at this time as well

-Smedley – believes it is in the City’s best interest to move forward with this update and, if needed, an amendment can be offered at a later date

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. Historic Preservation
2. Unlawful Discriminatory Practices

MINUTES

TRANSPORTATION COMMITTEE

MAY 10, 2021 – 7:00 p.m.

Members in Attendance via Videoconference: Beth Clodfelter, Chair
Sam Crowl, Vice-Chair
Ben Ziff, Member

Administrators and/or

Other Elected Officials via Videoconference: President Knisely
Mayor Patterson
Auditor Hecht

ITEMS DISCUSSED:

- West Union Street (project #322)
 - Clodfelter – this project needs an appropriation and authorization to expend up to \$100,000 in the Street Fund to cover acquisition services – since Federal funds are being used for part of the project, the City is required to contract with an Ohio Department of Transportation approved right-of-way acquisition firm – the fee does not include funds for the actual easements, as appraisals will be needed
 - Crowl – questioned whether West Union will be widened significantly and, if so, would that include bicycle lanes – understands this area does run parallel with the Hock-Hocking Adena Bikeway, however, the City's Complete Streets Policy looks to future change
 - Mayor – there will not be extensive widening, is aware of some need near Larry's Dawg House to the bridge, and with a roundabout at the Shafer Street intersection that will require some right-of-way expansion – can provide further detail on the question about bike lanes at an upcoming meeting
- Union Street (closure)
 - Clodfelter – Executive Director Boone Troyer of the Athens County Convention & Visitors Bureau is requesting closure of Union Street between Court and College on Tuesday, June 15, from 5:00 to 9:00 p.m., for the National Vulcan Riders Association (NVRA, motorcycle riders)
 - Fahl – the NVRA has come to Athens before – she supports this tourism endeavor

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. West Union Street
2. Union Street Closure