

**ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, APRIL 19, 2021,
7:00 P.M.**

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

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

DISPOSITION OF MINUTES:

Fahl moved to approve the minutes of the Special Session of City Council held March 22, 2021, and the Regular Session held April 5, 2021; Clodfelter seconded. Minutes were unanimously approved as presented.

COMMUNICATIONS:

President Knisely shared that the Stimson Avenue Project will begin the installation of water mains at the intersections, patching of open traffic lanes and sidewalks.

ORDINANCES FOR SECOND READING:

0-37-21

AN ORDINANCE AUTHORIZING THE 2021 STREET PAVING AND REPAIRS PROJECT (#337).

0-38-21

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 7, CHAPTER 7.05 PARKING REGULATIONS, SECTION 7.05.03.1, RESIDENTIAL PARKING PERMIT.

0-39-21

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 11, BUSINESS REGULATIONS, CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING.

0-40-21

AN ORDINANCE AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING PROGRAM; AND DECLARING AN EMERGENCY. Clodfelter moved for Suspension of the Rules in order to meet ODOT's participation deadline of April 30th; Fahl seconded. Suspension of the Rules was approved unanimously. Clodfelter moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-41-21

AN ORDINANCE CLOSING WEST MULBERRY STREET BETWEEN RICHLAND AND COURT STREET, AND THE SIDEWALK IN FRONT OF THE COURTHOUSE FROM 7:00 A.M. TO 6:00 P.M. ON SUNDAY, MAY 16, 2021, WITH A RAIN DATE OF MAY 17, 2021, FOR THE APPALACHIAN LAW ENFORCEMENT INITIATIVE PROJECT; AND DECLARING AN EMERGENCY. Grace moved for Amend to include the Mulberry Street sidewalk closure and to correct the closure date for the sidewalk in front of the Courthouse to May 26, 2021, with a rain date of May 27, 2021; Fahl seconded. Amendment was approved unanimously.

0-42-21

AN ORDINANCE AMENDING ORDINANCE 103-20; AUTHORIZING THE TAX INCREMENT FINANCING (TIF) AGREEMENT AS PART OF THE CREATION OF THE UNIVERSITY ESTATES INCENTIVE DISTRICT WITHIN THE CITY OF ATHENS. Discussion: Fahl supports the use of this residential TIF, emphasizing that this development will provide universally designed, energy efficient housing.

Risner asked if the universally designed standard applies to all of the houses in this development.

Grace responded that it applies to all of them.

Smedley questioned that Section 1(A)(2) references only “universal design” in the three-bedroom units. She asked if this wording is incorrect.

Grace’s understanding is that it will be in all of the units. She will review this wording with City Planner Logue for clarification.

Smedley added, this piece will be key in her vote on this development because a lot of the justification for the price point and the increase in the price point was in meeting the City’s goal to provide universally designed housing.

In reviewing the documentation, Fahl pointed out that the original price points are from 2017. Since 2017, building materials have increased substantially due to the pandemic, and will likely be the issue moving forward no matter the type of housing. These price points may need to be reviewed and adjusted.

Smedley noted that the need to adjust the 2017 price point was justified due to the pandemic, not because they were old. She asked if there is any sense that prices may go down in the near future, and if that is the case, if there is room to talk about postponing this project, possibly bringing the price back to the original Affordable Housing Commission’s (AHC) price point. After the first year, with the amended base sale price of \$240,000, and allowing for a 3% increase per year, the cost will be very close to AHC’s top price point affordable housing goal of \$250,000. It will very quickly be outside of the goals of the Commission.

Grace commented that there are many unknowns with the cost of building materials as a result of the pandemic, and that it would be incredibly difficult to predict what those costs may be anytime in the near future. She is very hesitant to delay this project based on the hope that building costs may go down. While these building costs have been exacerbated by the pandemic, there are other ordinary factors that have led to increases in cost that will likely not go down in any predictable timeframe.

Fahl would like this project to continue to move forward at this time, as it does meet a number of the AHC goals and will, in the long run, benefit not only the City, but the County and School District from increased tax collection.

0-43-21

AN ORDINANCE AUTHORIZING COMPENSATION FOR THE RECENTLY PROMOTED ARTS, PARKS & RECREATION PROGRAM OPERATIONS MANAGER AT A RATE IN ACCORDANCE WITH ORDINANCE 142-20, THE NON-UNION PERSONNEL FRINGE BENEFITS PACKAGE, SECTION 22, PROMOTION.

0-44-21

AN ORDINANCE AMENDING ORDINANCE 129-20, IMPLEMENTING A PLAN FOR INTERIM CITY ENGINEER AND DIRECTOR OF ENGINEERING AND PUBLIC WORKS.

0-45-21

AN ORDINANCE AUTHORIZING THE PURCHASE AND USE OF AN EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY INSURANCE POLICY IN LIEU OF BOND THROUGH THE PUBLIC ENTITIES POOL (PEP) OF OHIO.

ORDINANCES FOR FIRST READING:

0-46-21

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 37, LANDSCAPING REGULATIONS. Discussion: Mayor Patterson asked for clarification of Section 37.02.02(B)(2), other plantings.

Fahl responded that other plantings could be a group planting, possibly through one of our neighborhood associations, Arbor Day plantings, non-profits. It provides leeway for the City to identify places and projects moving forward.

The Mayor would like to see a little more clarity in the language.

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.

0-48-21

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 9.10, CUTTING WEEDS.

0-49-21

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, TO INCLUDE THE LANDSCAPING PERMIT FEES.

0-50-21

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY PERMIT TO JENNIFER MUEHLENKAMP TO INSTALL A FENCE AT 68 HUDSON AVENUE.

0-51-21

AN ORDINANCE AFFIRMING THE DISPOSAL OF CERTAIN FIRE DEPARTMENT EQUIPMENT NO LONGER NEEDED FOR A MUNICIPAL PURPOSE. Discussion: Fire Chief Rymer explained that the extrication equipment being disposed of was traded in for a different name brand. The original equipment was purchased through a BWC grant last year. After training with two different styles of equipment last November the department was not pleased with the purchased equipment, and another manufacturer offered better equipment for an even trade. BWC had no concerns with changing out the equipment as long as it filled the assessed needs of the department.

0-52-21

AN ORDINANCE AMENDING THE 2021 APPROPRIATION ORDINANCE.

Discussion: Crowl noted that these items were discussed in detail during last week's committee meeting.

Clodfelter asked about the acronym, CHIP.

Crowl clarified that this is the Community Housing Impact & Preservation Program.

Grace added, those interested in receiving assistance through CHIP for home improvements and repairs should contact the Hocking Athens Perry Community Action Programs (HAPCAP) for more information on assistance with the services being offered, and income eligibility requirements.

0-53-21

AN ORDINANCE AUTHORIZING AND RATIFYING ACTION BY THE MAYOR TO ENTER INTO THE 2019 MASTER ENERGY PURCHASE AGREEMENT WITH AEP ENERGY; AMENDING SAID AGREEMENT TO SUBSTITUTE TWO ATTACHMENT A-1'S; AND DECLARING AN EMERGENCY. Crowl moved for

Suspension of the Rules in order to lock in the lower pricing that expires on May 1st; Grace seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Clodfelter seconded. Discussion: Fahl asked about renewable energy through this agreement.

Mat Roberts, SOPEC, explained that this agreement does not include any renewable energy credits. It can be added, but it was avoided for the City of Athens because those prices have been increasing exponentially over the last year. The City has imposed a carbon fee onto this rate, in solidarity with residential and small commercial as part of the SOPEC Electric Aggregation Program, so instead of the renewable energy credits, the carbon fee was added in to be collected and returned to the City. This could be used for City sustainability initiatives.

Fahl stressed the importance of marketing renewable energy.

Chad Kister, Bessemer Road, Nelsonville, Ohio, supports the carbon fee.

Adoption was approved unanimously.

ANNOUNCEMENTS & OTHER BUSINESS:

President Knisely announced that Council Member Clodfelter will be replacing Peter Kotses, serving as Chair of the Transportation Committee.

Risner moved to confirm the appointment of Kelee Riesbeck to serve as a member of the Athens Municipal Arts Commission; Clodfelter seconded. Appointment was approved.

Fahl moved to Accept the Auditor's March, 2021, Financial Reports; Crowl seconded. Motion was approved unanimously.

Risner moved to Accept the March, 2021 Credit Card Transactions; Fahl seconded. Motion was approved unanimously.

OPPORTUNITY FOR CITIZENS TO SPEAK ON LEGISLATIVE ITEMS AND CITY SERVICES NOT COVERED ON THE AGENDA:

Damon Krane, Hudson Avenue, spoke in support of Council's committee discussion to amend the Athens City Code to add "source of income" as a protected class. He also favors strengthening the enforcement and penalty language suggested by resident Solveig Spjeldnes. He encouraged the Council to follow through with this change as quickly as possible.

At approximately 8:00 p.m. Fahl moved to adjourn the meeting; Smedley seconded. Motion was approved unanimously.

President of Council

ATTEST:

Clerk of Council