

**ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, MAY 3, 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, Smedley, and Ziff.

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 Regular Session of City Council held May 3, 2021; Grace seconded. Minutes were unanimously approved as presented.

COMMUNICATIONS:

President Knisely shared the following:

- Notice from the Department of Commerce, Division of Liquor Control, that all permits to sell alcoholic beverages in the City of Athens will expire on July 1, 2021. In order to maintain permit privileges, every permit holder must file a renewal application. City Council has the right to object to the renewal of a permit and to request a hearing by Resolution provided the Law Director submits a statement that in her opinion, the objection is based upon substantial legal grounds pursuant to ORC Section 4303.292(A).
- Notice of C1, C2 and D6 liquor permits to be transferred from Weidner Carry Out, Inc., dba, Shop Mart of Athens, 1 Stimson Avenue, to Par Mar Oil Company, same address. Responses must be postmarked no later than May 17, 2021.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported:

- The City has received a plaque for 2020 recognition of 30 years as a Tree City USA.
- The City has also received a 5-year sponsorship Community Award plaque from the Athens Area Stand Down Committee.

- Detailed the City's support for Racial Equity:
 - 2010 – the City's Community Relations Commission (established in 1969 as the Human Relations Commission), was an endeavor to bring about and maintain harmony within the Athens community, and to avoid or reduce intergroup tensions, to promote tolerance and goodwill, and to ensure equality of treatment and of opportunity of all persons, was amended by Athens City Council to add gender identity or expression to the already defined: race, creed, color, sex, sexual orientation, national origin or ancestry, marital status, religious belief, age, or handicap.
 - 2012 – the Mayor and President of Ohio University created the Joint Police Advisory Council (JPAC)
 - 2017 – the Safe Zone was created at the Athens Community Center for trans-identity individuals
 - 2019 – groundwater (racial inequity) training for City staff and Council Members
 - 2020
 - City Council's Resolution declaring racism a public health crisis.
 - Police Chief Pyle reached out to Ohio University about putting together a racism (face to face) course for law enforcement officers and it covers Slavery and Democracy in America, Race and Racism in American Medicine, and the History of Policing in Prisons in the United States, to begin June 28 through August 25, 2021 (put on hiatus due to the pandemic).
 - Bobcats Lead Change was created with a mission to build a community of both college students and local residents who will use their voices against racial injustice.
 - Eight Can't Wait Campaign to bring immediate change to police departments: de-escalation, in compliance since April 28th; use of force continuum; ban chokeholds and strangleholds, in compliance for over 30 years; require warning before shooting (30+ years of compliance); ban shooting at moving vehicles (30-year compliance); exhaust all alternatives; duty to intervene (in compliance since June 4, 2020; and comprehensive reporting (in compliance since 1990's).
 - National League of Cities Race Equity and Leadership (Real) training, normalizing racial equity and local government for city leaders and staff, took place, virtually, September 9-10, 2020.

- City of Athens Racial Equity Task Force and Racial Equity Coalition worked from December, 2020 through March, 2021 self-assessment for City employees.
- 2021
 - Athens County Foundation, Art of Hosting Racial Equity Training in April.
 - Mayor appointed in February to serve on the National League of Cities (NLC) Race Equity and Leadership Council.
 - City Website and Municode, in March, both became multi-lingual.
 - Charter meeting of Black Business Leaders of Athens County, in March, to meet quarterly.
 - Charter meeting of the Asian American Pacific Islanders (AAPI) Group will meet tomorrow morning to discuss challenges and obstacles.
 - Athens is a charter City selected by Power Clean Future Ohio to receive equity coaching for sustainable cities, to help our community build a sustainable, clean energy future that builds on and shares values of inclusivity, equity and justice for all.
 - Ohio University Voinovich School of Leadership and Public Affairs, in conjunction with the Grid Lab, are working on the Appalachian Law Enforcement Initiative Committee's virtual reality video training project to provide a training experience for law enforcement professionals.
 - Working with the REAL team at NLC to put together a customized training package and assessment for the City of Athens to identify racial disparities and effectively challenge and address issues through policy and practices, offering network opportunities and promote peer to peer learning, a survey of all staff, an institutional assessment, stakeholder mapping, as well as survey data governance. This will provide training to our department heads, but ultimately to all City employees, and to use as an on-boarding tool.

The City has been very actively engaged in dealing with systemic racism and making our community as equitable as we possibly can. This journey for racial equity and overcoming systemic racism is a forever mission.

President Knisely added, Council Member Fahl's work with Police Chief Pyle on a police FAQ. Also, that our Police force has had crisis intervention training in place for 30 years.

Clodfelter participated in a national conference last summer for locally elected officials around the country, sitting on a panel to discuss equity issues

and what communities can do about them. Many of these cities are working tirelessly to get their police departments to approve fair and equitable policies that APD has had on the books for years. Other cities represented on this panel were amazed when told that the Athens Police Department has had a full time social worker and a part time psychologist on staff for many years. We are fortunate to have such a progressive police department.

ORDINANCES FOR THIRD READING:

0-37-21

AN ORDINANCE AUTHORIZING THE 2021 STREET PAVING AND REPAIRS PROJECT (#337). Clodfelter moved for Adoption; Fahl seconded. Discussion: Clodfelter asked where this list, once finalized, will be available to the public. Mayor Patterson responded that the streets can be posted, along with a possible timetable, to the City's Website.

President Knisely noted that a virtual street tour, open to the public, will take place in the coming weeks.

Adoption was approved unanimously.

0-38-21

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 7, CHAPTER 7.05 PARKING REGULATIONS, SECTION 7.05.03.1, RESIDENTIAL PARKING PERMIT. Clodfelter moved for Adoption; Smedley seconded. Discussion: Smedley appreciates the work done by former Council Member Kotses, partnering with her on this review and updated language, and to resident Joan Kraynanski for her efforts in bringing the successful pilot program before the Council; a great community collaboration. She also wished to clarify that this program will now be available citywide for those residents with either no, or one off-street parking space.

Adoption was approved unanimously.

0-39-21

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 11, BUSINESS REGULATIONS, CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING. Clodfelter moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-42-21

AN ORDINANCE AMENDING ORDINANCE 103-20; AUTHORIZING THE TAX INCREMENT FINANCING AGREEMENT AS PART OF THE CREATION OF THE UNIVERSITY ESTATES INCENTIVE DISTRICT WITHIN THE CITY OF ATHENS. Discussion: Grace specified the need in Athens for more housing of many different types. We need more units that are accessible, more energy efficient, homes to allow owners to age

in place, and high density construction to decrease the environmental impact and decrease the maintenance required by homeowners. The residential TIF has been identified as a tool to encourage this type of development. In October, 2020 City Council approved Ordinance 103-20, the TIF agreement. Tonight's Ordinance amends that agreement to include definitions with regard to sustainability of design and the density construction, requested of the developer by the bank for purposes of financing. She noted that during the course of the pandemic and also in response to significant supply issues related to major climate events, the cost of building materials has increased dramatically. Lumber is up an average of 130% over a year ago. In 2020 the framing lumber cost for two identical homes was \$35,000 and in 2021 it is \$71,000. Steel is also more expensive, increasing about 20%. These increases have led the builders to request an increase of 9% in the maximum base price listed in the agreement. Nothing else about this agreement approved by this Council in 2020 has changed. This project, even as amended, meets the recommendations of the Athens City Council-Ohio University Affordable Housing Task Force for utilizing the TIF, specifically to increase units with universal design, more units between \$125,000-\$250,000, and more units incorporating sustainability goals. This project continues to meet all of those objectives.

Grace clarified, a question asked during the last meeting, that 2-bedroom units cannot be designated as universally designed because the bedrooms are on the second floor, and would require an elevator, but will continue to incorporate other elements of universal design. Also, just because the City's Affordable Housing Commission recommends proceeding with the project, does not automatically mean that the project is identified specifically as affordable housing. It means that the Affordable Housing Commission has very carefully reviewed the identified housing needs of the City and the planned project, and has decided this project helps the City meet our housing needs. She also clarified that the City is not investing financial resources into this project; that is on the developer, not taxpayer dollars.

Finally, the agreement states that at the time the developer finalizes the plans, before they can begin construction, they are required to come back to both the City's Affordable Housing Commission and the City's Disabilities Commission for letters of approval.

Fahl pointed out that housing has been extensively discussed throughout the comprehensive planning process. The City's housing issues go beyond just affordability. This residential TIF concept is very new, and is a great tool for smaller cities.

Mayor Patterson noted these townhomes are owner-occupied, and that of these 50 units, 22 are 3-bedroom. Again, the TIF is used to pay for non-existing streets, sewer, water, and storm infrastructure.

Alan Swank, Townsend Place, asked if the proposed \$240,000 price is for a 2-bedroom or 3-bedroom unit.

Grace responded that \$240,000 is identified as the maximum base price for any unit.

Swank noted that in 2025, with the 3% escalator clause in the document, that \$240,000 unit will now be \$270,000, outside the range of the affordable housing limit. Also, questioned whether the 70/30 TIF split is correct, or if it is 75/25.

Fahl responded that 75/25 is correct. She added, the numbers being used for the affordable housing plan was approved a number of years ago. The identified price points in that plan have not been updated to include inflation or any other factors. Those may need to be reviewed.

Grace has been researching the price issue, and just between 2012 and 2019 the cost of new building increased 3 ½ to 5 ½ percent each year, and that it has been significantly higher since then. Even before the pandemic, in 2017 and 2018 lumber increased by 30%. It is only appropriate to recognize that when the Affordable Housing Task Force identified a price point of \$125,000 to \$250,000, published in 2016, is likely to require adjustment as we move forward.

Swank asked if all of the units will be solar ready, or just some because of their exposure.

Fahl responded that the goal of this development is that it be as sustainable, solar ready, and energy efficient as possible.

Grace clarified that preparations will be in place i.e., junction box and wiring, for each unit to be connected for solar usage or a generator to guarantee continuous power supply in case of an outage, an important access of solar ready.

Fahl moved for Adoption; Grace seconded. Adoption was approved unanimously.

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. Crowl moved for Adoption; Fahl seconded. Discussion: Crowl explained that the employee in this position received a promotion, but in order to recognize not only gender equality but also the increased responsibilities, the Administration is proposing a rate increase 10% higher than the rate from which the employee was promoted, and that the new rate be made retroactive to January 1, 2021.

Adoption was approved unanimously.

0-44-21

AN ORDINANCE AMENDING ORDINANCE 129-20, IMPLEMENTING A PLAN FOR INTERIM CITY ENGINEER AND DIRECTOR OF ENGINEERING AND PUBLIC WORKS. Crowl moved for Adoption; Clodfelter seconded. Discussion: Crowl explained that Jessica Adine, while serving in the interim position of City Engineer and Director of Engineering and as Assistant City Engineer, that she is eligible to receive the annual pay increase authorized by City Council at the pay rate of Assistant Engineer, retroactive to the first pay period of 2021.

Clodfelter pointed out that Jessica Adine, by working multiple positions, has saved the City considerable money during this time of financial budget constraints.

Grace acknowledged the importance of recognizing our qualified women and paying them just and equitable wages.

Adoption was approved unanimously.

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. Crowl moved for Adoption; Fahl seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

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. Discussion: Grace moved for Suspension of the Rules in order to meet the project schedule of May 16th since City Council does not meet in Regular Session again until May 17th; Clodfelter seconded. Grace moved for Adoption; Risner seconded.

Discussion: Mayor Patterson explained that there are two major training objectives with the filming that will be taking place with this project. One training will focus on problem solving under stress, and the second will be providing greater cultural sensitivity.

Risner asked if this training is just for the Athens Police Department or whether it will be shared with others.

Grace responded that it is planned to be widely shared.

Adoption was approved unanimously.

0-46-21

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 37, LANDSCAPING REGULATIONS.

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.

0-52-21

AN ORDINANCE AMENDING THE 2021 APPROPRIATION ORDINANCE.

ORDINANCES FOR FIRST READING:

0-54-21

AN ORDINANCE AUTHORIZING WASTEWATER REMOTE SITE TELEMTRY 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. Discussion: Risner asked if this would need any sidewalk modifications, and whether a structure would be built.

Fahl responded that the permit doesn't involve sidewalk modifications or any building; it is simply a transit stop.

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.

ONE-READING RESOLUTIONS:

R-06-21

A RESOLUTION OPPOSING SUB. HOUSE BILL 157, AMENDING THE LAW REGARDING WITHHOLDING MUNICIPAL EARNED INCOME TAX FOR THOSE WORKING VIRTUALLY FROM HOME. Clodfelter moved for Adoption; Fahl seconded. Adoption was approved unanimously.

R-07-21

A RESOLUTION DESIGNATING THE CITY OF ATHENS AS A BEE CITY USA AFFILIATE. Crawl moved for Adoption; Clodfelter seconded. Discussion: Crawl noted that this coincides with the Environment & Sustainability Commission's work to add a biodiversity section to the Athens' Sustainability Plan, as well as Council Member Fahl's work on amending the City's landscaping regulations. Also, he announced that the Environment & Sustainability Commission worked with Ohio University in applying for the "Bee Campus USA" status, and they too have received that designation.

Fahl really appreciates this important designation.
Adoption was approved unanimously.

ANNOUNCEMENTS & OTHER BUSINESS:

Fahl moved the reappointments of James Dyer and Nancy Walker to the Shade Tree Commission; Clodfelter seconded. Reappointments were approved unanimously.

Crowl moved the reappointments of Elaine Goetz and Megan Almeida, and the appointment of Megan Westervelt as the new student member to the Environment & Sustainability Commission; Fahl seconded. Motion was approved unanimously.

Clodfelter moved to confirm the Mayor's reappointment of Shauna Switzer to the Recreation Advisory Board; Fahl seconded. Reappointment was approved unanimously.

Mayor Patterson reported that the City has been successful in getting a CDBG-CV grant for wastewater viral load testing equipment for three additional testing sites throughout the City to better isolate where there might be increases in coronavirus within our neighborhoods.

President Knisely announced a Special Session next Monday.

At approximately 8:45 p.m. Fahl moved to adjourn the meeting; Crowl seconded. Motion was approved unanimously.

President of Council

ATTEST:

Clerk of Council