

**ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, NOVEMBER 1, 2021,
7:00 P.M.**

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

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

COMMUNICATIONS:

Council Member Crowl announced a meeting of the Environment & Sustainability Commission this Wednesday, November 3, at 6:00 p.m. in the Council Chambers, noting there will be a sustainability film series showing at 7:00 p.m. that same evening.

ORDINANCES FOR THIRD READING:

0-108-21

AN ORDINANCE AUTHORIZING THE DISPOSAL OF A MOWER IN THE RECREATION DEPARTMENT NO LONGER NEEDED FOR A MUNICIPAL PURPOSE. Grace moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-109-21

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A MASTER EQUITY LEASE AGREEMENT, AMENDMENT TO SAID AGREEMENT, A MAINTENANCE AGREEMENT, AND A GOVERNMENT CREDIT APPLICATION WITH ENTERPRISE FLEET MANAGEMENT. Crowl moved to amend to add an emergency clause in that there are national vehicle supply issues due to the pandemic, and the City's aging vehicle fleet needs to be addressed quickly in order to continue to provide for the efficient delivery of services; add "affirming" the Service-Safety Director's authorization to enter into a master equity lease agreement, separate lease agreements, to add a new Section II to read: "The Service-Safety Director is further authorized to expend said funds for separate lease agreements entered into this year from the 2022 appropriation ordinance," and to renumber the subsequent section; Fahl seconded. Discussion: Smedley questioned the need to change the term "authorizing" to "affirming."

Crowl responded that this language change is recommended by the Law Director.

Law Director Eliason clarified that City Council needs to affirm that the Service-Safety Director has already signed the master equity lease agreement upon approving an earlier lease agreement. This agreement does not obligate the City to anything in particular, except that when the City enters into individual leases, each of those leases will be subject to that agreement.

Amendments were approved unanimously.

0-110-21

AN ORDINANCE AMENDING THE 2021 APPROPRIATION ORDINANCE; AND AUTHORIZING THE AUDITOR TO MAKE INTERFUND TRANSFERS. Crowl moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-111-21

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO, OR TO EXTEND THE AGREEMENT WITH THE BOARD OF ATHENS COUNTY COMMISSIONERS FOR THE PURPOSE OF OBTAINING THE SERVICES OF THE PUBLIC DEFENDER'S OFFICE THROUGH DECEMBER 31, 2022. Crowl moved for Adoption; Smedley seconded. Adoption was approved unanimously.

0-112-21

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$400,000 OF NOTES BY THE CITY OF ATHENS, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF RENEWING NOTES PREVIOUSLY ISSUED FOR THE PURPOSE OF PAYING PART OF THE COSTS OF ACQUIRING A NEW FIRE TRUCK AND RELATED EQUIPMENT; AND DECLARING AN EMERGENCY. Crowl moved for Adoption; Fahl seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:**0-103-21**

AN ORDINANCE AMENDING ORDINANCE 103-21; AUTHORIZING THE 2021 STREET PAVING AND REPAIRS PROJECT (#337).

0-113-21

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ATHENS CITY CODE TITLE 7, TRAFFIC CODE, CHAPTER 7.04, CHAPTER 7.05, PARKING REGULATIONS. Risner moved to Amend to add the following language to the end of Section 709.99 (L): "Any person who wishes to appeal the violation shall visit the Athens Police Department within 120 hours of issuance of the initial citation and receive a minor misdemeanor citation into court, providing notice and an opportunity to be heard, which shall serve as an appeals process."

Sam Girton, Elmwood Place, expressed concern with the increase in cost of the motorcycle parking stickers as referenced in Section 7.05.27 (C). He requested consideration be given. Our City lacks uptown parking, and he thinks it would be wise to encourage the use of motorcycles and utilizing the motorcycle parking areas designed to accommodate several motorcycles in one parking space. Increasing the sticker rate will only push motorcycle enthusiasts to park in a full space instead of buying a sticker pass for the entire year. He added, riding a motorcycle is also an environmental issue, as they are much more fuel efficient. He would like Athens to be a motorcycle friendly City.

McCarey requested an explanation from the Administration that would be helpful on the necessity of this fee increase.

President Knisely acknowledged that fees have been under review by City departments, looking at the actual administrative costs, as many fees have not been changed in several years. She agrees it would be helpful to know when this fee was last increased, and requested the Mayor to provide that information.

Grace seconded; and the Amendment was unanimously approved.

0-114-21

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 11, BUSINESS REGULATIONS, CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING, SECTION 11.04.03, REGULATION OF VENDORS, PEDDLERS AND SOLICITORS, PENALTIES. Discussion: James Wanke, Court Street, relayed his concern with the increased penalty regulating vendors, and questioned the motivation. The vending industry endured much hardship through the pandemic. He doesn't believe this change is beneficial for anyone, not small businesses, local business, nor residents. He asked the Council to vote no on this legislation that will be harmful to the vending business and, again, to question the need for it at this time.

Sara Quoia Bryant, owner of Cool Digs, Euclid Drive, also questioned the need for increasing the penalty during a pandemic, a time when small businesses are struggling.

Alex Schwartz, Central Avenue, supports those speaking before him this evening. He would ask the Council to take a look at ways, in general, to support uptown vending. Vacant vending spaces are a missed opportunity for local workers, local business owners and residents.

0-115-21

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 5, PUBLIC UTILITIES, CHAPTER 5.02, GARBAGE AND RUBBISH, SECTION 5.02.03, PREPARATION AND STORAGE.

0-116-21

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 13, GENERAL OFFENSES, CHAPTER 13.07, MISCELLANEOUS OFFENSES, SECTION 13.07.07, CITATION.

0-117-21

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 29, HOUSING REGULATIONS, CHAPTER 29.12, PREMISES CONDITIONS, SECTION 29.12.02, CITATION.

0-118-21

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, SECTION 5.06.03 AND 29.03.07.

0-119-21

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, SECTION 5.04.08, SEWER RATES; AND DECLARING AN EMERGENCY.

0-120-21

AN ORDINANCE AMENDING THE 2021 APPROPRIATION ORDINANCE. Crowl moved to amend to include a (\$10,000.00) appropriation to Recreation Fund, 270, T.C. 200-300, for vehicle lease payments and other expenses through year-end; Fahl seconded. Amendment was approved unanimously.

0-121-21

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME) LOCAL 2403 (1) CONCERNING WAGES AND WORKING CONDITIONS.

0-122-21

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME) LOCAL 2403 (2) CONCERNING WAGES AND WORKING CONDITIONS.

0-123-21

AN ORDINANCE PROVIDING COMPENSATION OF GREATER THAN 25% THROUGH THE ASSIGNED PAY GRADE, PURSUANT TO ORDINANCE 35-21, FOR THE ASSISTANT DIRECTOR OF EPW; AND AUTHORIZING THE HOURLY RATE TO BE PAID RETROACTIVELY TO THE EMPLOYEES SUBSEQUENT REHIRE DATE.

0-124-21

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

ORDINANCES FOR FIRST READING:

0-125-21

AN ORDINANCE AMENDING THE 2021 APPROPRIATION ORDINANCE.

0-126-21

AN ORDINANCE APPROVING AN EDUCATION INCENTIVE PROGRAM FOR NON-UNION CITY EMPLOYEES. Discussion: Risner asked if these programs would be in addition to the mandatory training already needed to hold a position.

Auditor Hecht clarified that if the education/training is required for a position, it would not be covered by this program.

0-127-21

AN ORDINANCE APPROVING A MERIT BONUS PROGRAM FOR NON-UNION CITY EMPLOYEES. Crowl moved to Table pending additional information from the City Administration; Fahl seconded. Discussion: Crowl added the following results from a recent employee survey, that asked: How well does the City of Athens recognize my value?", 32% responded; "I feel I am highly valued.", 45% responded; "I sometimes feel valued.", 15% responded; "I'm not sure others value what I do, and I don't feel valued at the City of Athens," 8% responded.

Ziff questioned what type of additional information is being requested.

Crowl indicated that Council requested a list of other cities that have a similar plan. He has received that list, but it does not include how this program is working for their municipality. The City Administration has indicated they will ask the cities' follow-up questions.

Auditor Hecht has also reached out to the City's HR consultant, Clemans-Nelson for additional information.

Smedley reiterated the need for this program to be fair and consistent; a strategy or method that can be as objective as possible, and hopes that will be part of the forthcoming information.

Auditor Hecht responded the City currently has an evaluation process in place to be completed annually by supervisory staff, but she will ask the consultant for this information as well.

Tabling was approved unanimously.

0-128-21

AN ORDINANCE AUTHORIZING THE AUDITOR TO REDUCE 2021 YEAR-END APPROPRIATIONS.

0-129-21

AN ORDINANCE AMENDING ORDINANCE 66-21; AUTHORIZING A CONTRACT FOR RIGHT-OF-WAY ACQUISITION SERVICES FOR THE WEST UNION STREET IMPROVEMENTS PROJECT (#322).

0-130-21

AN ORDINANCE AUTHORIZING DESIGN ENGINEERING SERVICES FOR THE ARMITAGE ROAD BIKEWAY SPUR SLIP REPAIR, PROJECT (#348).

0-131-21

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN LPA/STATE PROJECT AGREEMENT (PID No. 106553) WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR NEW PAVEMENT AND GUARDRAIL REPLACEMENT ON STIMSON AVENUE, AND DECLARING AN EMERGENCY.

0-132-21

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY USE PERMIT TO MICHELE JENNINGS, OWNER, 28 SOUTH MAY AVENUE, TO CONSTRUCT A PRIVACY FENCE.

0-133-21

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 23, ZONING CODE, CHAPTER 23.08, OFF-STREET PARKING AND LOADING/UNLOADING REGULATIONS, AND CHAPTER 23.10, DEFINITIONS, TABLE B, OFF-STREET PARKING REQUIREMENTS. Discussion: Fahl pointed out that these changes are best management practices and consistent with the City's 2040 Comprehensive Plan, as well as our Sustainability Plan, Pedestrian/Bicycle Plan, Safe Routes to School, and the City's Complete Streets Policy. This legislation has been well researched and these changes recommended by the City Planning Commission who spent several weeks reviewing the legislation and speaking with citizens attending meetings, as well as a public hearing, prior to this recommendation to City Council. City Council has also scheduled a public hearing on November 22, 2021, at 7:00 p.m. She noted this section of the City Code was last amended in 2004.

Smedley believes this legislation addressed some of the concerns expressed by her constituents and she is confident that the process has allowed a number of opportunities for the public to be heard, noting that changes have been made based on concerns heard from the public. She understands that the motive for these changes are based on promoting a pedestrian friendly city, and wants to encourage alternatives to vehicles. However, she is still concerned about the limitations that exist within our transit system. While we have a very robust transit system for a rural community, there are some gaps, and we need to continue to look at our transit and ways to support it.

As part of our pedestrian friendly community she is concerned about the disrepair of many of our sidewalks. She would like the City to be more proactive about the condition of our sidewalks for safe passage. She requested the Administration come forward with some plans on how best to enforce our current laws regarding the repair of sidewalks.

Smedley has heard that this plan is justified by two factors, (1) a decrease in the demand for vehicles, and (2) it was suggested that relieving the burdensome parking requirements would also decrease rents. She would like more evidence that these are indeed justifiable.

Smedley also questioned that a property owner can conduct a self-study on their own excess parking spaces that can be removed and converted to other uses.

Fahl responded that such conversions will most likely occur on East State Street where there are large parking lots with spaces that are never used, and will be less likely to occur with smaller developments that can better estimate their need for parking. This is not an unusual requirement, and can be beneficial to convert to a different use. They would need to meet the exemption criteria.

Smedley clarified that there is a layer of City administrative approval.

Fahl indicated that is correct.

McCarey requested information on the size of our parking spaces. He is hearing that the City's parking spaces are larger than they need to be. It is not his perception that vehicles are going to get smaller in the future. He would like clarification on the rationale to reduce the size of our parking spaces.

Fahl responded that this is being done in other cities as put forward by best management practices. Our parking spaces are larger than is needed for adequate turning radius. The space needs to be 150 square feet, but can be larger if needed. Reducing the size will also balance our parking vs green space for developments. Vehicles are actually getting smaller.

McCarey asked if there is a source citing that vehicles are getting smaller.

Fahl will provide that to him.

While McCarey can appreciate the process this legislation has taken both through the Planning Commission and City Council to provide input, he asked who might be most inconvenienced by these changes with regard to parking.

Fahl noted concern with the distance from a transit stop, and that was the reason those were reduced.

McCarey asked for clarification on how Council would establish a work group, task force, or Ad Hoc committee, whether they can last indefinitely, and why it wouldn't be helpful to have one now.

President Knisely indicated that the time can vary, and is aware of one that lasted two years.

Grace noted that these types of groups are set up specifically to analyze, discuss and have public participation to examine issues when the City does not have a process in place for a thorough review. In this case the City has a process through the City Planning Commission.

McCarey asked if it would be more appropriate to have a task force vs an Ad Hoc Committee for further review.

President Knisely does not believe there is a formal distinction.

Crowl has received concerns from his constituents that this may increase on-street parking in front of their house. Ohio University students will continue to bring cars to Athens, and if the parking is reduced that is currently needed for rental housing, those cars will have to go somewhere. The fear is that it will happen on our neighborhood streets, and residents will no longer have space to park their cars. This was a problem in Athens a few decades ago before the 24-hour parking rule was instituted, and asked Fahl to address this issue.

Fahl believes the 72-hour permit will help. We are taking a holistic approach to parking in this legislation; what the City wants parking to look like in 20 years.

Grace added, there is still the 24-hour parking restriction in place to prevent storage parking on our streets.

0-134-21

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ATHENS CITY CODE, TITLE 7, TRAFFIC; AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH.

0-135-21

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ATHENS CITY CODE, TITLE 13, GENERAL OFFENSES; AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH.

0-136-21

AN ORDINANCE AMENDING ORDINANCE 41-17; TO INCLUDE A BIODIVERSITY CONSERVATION PLAN AS PART OF THE ATHENS SUSTAINABILITY ACTION PLAN. Discussion: Amy Delach, Morris Avenue, Chair of the Athens Environment & Sustainability Commission and author of this plan, expressed her gratitude to City Council for their support.

ANNOUNCEMENTS & OTHER BUSINESS:

President Knisely announced a Special Session to be held next Monday, November 8th, at 7:00 p.m.

Crowl updated the Council on the recent request for a liquor permit to Boozy Bubbles on Court Street. He was curious about this permit due to the nature of the establishment, as it primarily sells a tea drink and shares space with another business that does sell food. He contacted the Ohio Division of Liquor Control (ODLC) for additional information. He was told by ODLC that there would be two inspections, initial and final, of the business. The business cannot just say they will provide catered food; they actually have to have the food on site in order to sell drinks containing liquor. He is satisfied that ODLC has a process in place to properly evaluate that all criteria are met prior to approval of this permit.

At approximately 8:30 p.m., Fahl moved to adjourn the meeting; Smedley seconded. Motion was approved unanimously.

President of Council

ATTEST:

Clerk of Council