

**ATHENS CITY COUNCIL: SPECIAL SESSION, MONDAY, NOVEMBER 8, 2021,
7:00 P.M.**

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

Also present: President Knisely, Mayor Patterson, Law Director Eliason, Auditor Hecht, Service-Safety Director Stone, and Human Resources Director Lucas.

ORDINANCES FOR THIRD READING:

0-103-21

AN ORDINANCE AMENDING ORDINANCE 103-21; AUTHORIZING THE 2021 STREET PAVING AND REPAIRS PROJECT (#337). Risner moved for Adoption; Fahl seconded. Adoption was approved unanimously.

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. Risner moved for Adoption; Smedley seconded. Discussion: While Smedley supports this Ordinance, she would welcome any reevaluation of the current status of our vending situation given some of the comments that have been received.

Alex Schwartz, Central Avenue, is frustrated by the increased penalties, but remains hopeful that City Council and the Administration, moving forward, will continue to look at the regulations with the thought of making them better and more equitable.

James Wanky, N. Court Street, Hot Shots Food Truck, noted that peddling and vending are an entry level point for many small business entrepreneurs. He believes the current regulations make it more difficult to start a local business. He would like to see positive change to mobile vending in uptown Athens. He urged the Council to vote no on this legislation.

McCarey questioned what the next step would be for opening up further dialogue on the mobile vending regulations.

Crawl responded that another Ad Hoc Committee could be convened, as it was in 2018. At that time, the committee included representatives from the City, local vendors, and a brick and mortar restaurant owner who met monthly over a period of four or five months to discuss changes that might help vending in our uptown area. He believes it was a constructive committee, but for numerous reasons, including the diversity of voices that were not there, didn't lead to a lot of changes. It was difficult to find common ground between the two sides. He, personally, would like to see mobile vending supported, however, he doesn't believe the legislation before Council this evening will impact the ability of vendors to do their business in Athens. He believes that is a different conversation. That being said, he would be willing to open up a

dialogue with vendors again if there is interest. We need to keep a balance of support between our vendors and brick and mortar restaurants. Also, he is not sure what kind of impact the pandemic has had on vending.

Adoption was approved by a 6/1 vote, with Ziff voting in opposition.

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

0-116-21

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

0-117-21

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 29, HOUSING REGULATIONS, CHAPTER 29.12, PREMISES CONDITIONS, SECTION 29.12.02, CITATION. Fahl moved for Adoption; Crowl seconded. Adoption was approved unanimously.

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

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

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

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

0-124-21

AN ORDINANCE AMENDING THE 2021 STAFFING LEVELS AUTHORIZED BY ORDINANCE 141-20. Crowl moved for Adoption; Risner seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

0-109-21

AN ORDINANCE AFFIRMING THE SERVICE-SAFETY DIRECTOR'S AUTHORIZATION TO ENTER INTO A MASTER EQUITY LEASE AGREEMENT, AMENDMENT TO SAID AGREEMENT, SEPARATE LEASE AGREEMENTS, A MAINTENANCE AGREEMENT, AND A GOVERNMENT CREDIT APPLICATION, WITH ENTERPRISE FLEET MANAGEMENT; AND DECLARING AN EMERGENCY. Crowl moved for Suspension of the Rules in order to continue to provide for the efficient delivery of services; Grace seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Smedley seconded. Adoption was approved unanimously.

0-113-21

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ATHENS CITY CODE TITLE 7, TRAFFIC CODE, CHAPTER 7.04, CHAPTER 7.05, PARKING REGULATIONS. Discussion: Risner requested the Administration revisit the issue of increasing the fee for motorcycle parking permits.

President Knisely indicated that this fee was just increased in 2018.

0-120-21

AN ORDINANCE AMENDING THE 2021 APPROPRIATION ORDINANCE. Crowl moved for Suspension of the Rules in order to meet payroll obligations; Fahl seconded. Crowl moved for Adoption; Smedley seconded. Adoption was approved unanimously.

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.

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.

0-134-21

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.

EXECUTIVE SESSION:

At approximately 7:40 p.m. Fahl moved to go into Executive Session to discuss Collective Bargaining, and invited the Mayor, Service-Safety Director, Auditor, Law Director and Human Resources Director to attend; Crawl seconded. A roll call vote was taken as follows: Smedley, aye; Risner, aye; Crawl, aye; Fahl, aye; Ziff, aye; Grace, aye; and McCarey, aye.

At approximately 8:00 p.m., Fahl moved to come out of Executive Session; Crawl seconded. Motion was approved unanimously.

The Special Session was reconvened and Fahl moved to adjourn the meeting; Smedley seconded. Motion was approved unanimously.

President of Council

ATTEST:

Clerk of Council

**MINUTES
CITY & SAFETY SERVICES COMMITTEE
NOVEMBER 8, 2021
7:00 p.m.**

Members in Attendance:

Sarah Grace, Chair
Chris Fahl, Vice-Chair
Micah McCarey, Member

Administrators and
Other Elected Officials:

President Knisely
Mayor Patterson
Auditor Hecht
Service-Safety Director Stone

ITEMS DISCUSSED:

- Community Development Block Grant (administrative services contract)
 - Grace – Hocking Athens Perry Community Action Programs (HAPCAP) will handle the administrative responsibilities of the City's HUD CDBG grant funds, and will be responsible for the development, implementation, administration and evaluation of the Program – the grant total this year is \$150,000 minus the 15% for administration – HAPCAP will charge 13% of the 15% allocation award allowable for administration fees, leaving 2% for the City to cover costs associated with citizen participation, project identification, and some areas of financial management of the Program – we're fortunate to have the expertise HAPCAP will bring in navigating this system
 - Fahl – asked about past projects
 - Grace – requested a list from the Mayor of past projects as well as ideas being considered for this allocation

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. CDBG

MINUTES: NOVEMBER 8, 2021

FINANCE & PERSONNEL COMMITTEE

7:00 p.m.

Members in Attendance:

Sam Crowl, Chair
Jeff Risner, Vice-Chair
Arian Smedley, Member

Administrators and/or
Other Elected Officials:

President Knisely
Mayor Patterson
Auditor Hecht
Service-Safety Director Stone
Human Resources Director Lucas

ITEMS DISCUSSED:

- Non-Union Compensation and Benefits
 - HR Director Lucas – addressed the following changes to the Benefits:
 - Section 4, Vacations: cleanup language in Vacation for Fire Personnel to eliminate an additional 48 hours, a doubling of hours that were received under the Union contract.
 - Section 8, Professional License and Education Incentive Pay: add the Education Incentive Policy, if approved by City Council.
 - Section 16, Military Leave: changing the schedule so that unused military leave hours remaining in a given year will have those hours removed on September 30th and added to employee's military leave balance on October 1st.
 - Section 21, Paid Holidays: add Federal Holiday of Juneteenth Day on June 19th, and in (B) add that employees will receive their birthday holiday upon completion of their probationary period.
 - Smedley – questioned the justification to increase an employee's pay in order to benefit their retirement
 - Lucas – the employee's hourly pay is not increasing; they get the authorized percentage authorized by City Council, but that is currently just a one-time lump sum payment, and doesn't count toward their hourly wage – a capped pay range does not benefit the employee's retirement, which is a concern
 - Smedley – asked if this is a structural issue
 - Lucas – the intent of the pay study is to grow that capped amount so that doesn't happen
- Compensation (Pay Study)
 - Lucas – presented a more comprehensive and updated version that includes the figures for either a 2% or a 2.5% cost of living adjustment (COLA), to be determined by City Council, and justification for movement through the pay grade for some positions, using a consistent multiplier of 4 years' experience by 2% per year that doesn't include the COLA, unless the cost of living is more than their raise to minimum
 - Auditor – commented on the Merit Bonus Program -- she is awaiting additional information from Clemans-Nelson

MINUTES
PLANNING & DEVELOPMENT COMMITTEE
NOVEMBER 8, 2021
7:00 p.m.

Members in Attendance:

Chris Fahl, Chair
Jeff Risner, Vice-Chair
Sarah Grace, Member
Arian Smedley, Member

Administrators and/or Other Elected Officials: President Knisely
Mayor Patterson

Items Discussed:

- Economic Development Council (EDC)
 - Mollie Fitzgerald, Executive Director, annual report to City Council (see attached presentation)
 - Smedley – asked about their collaboration with Sunday Creek Horizons
 - Fitzgerald – Sunday Creek Horizons will be assisting with the City's preparation of a grant for fiber communities to rehab the Armory for remote work space
 - McCarey – asked for clarification on Enterprise Zone Agreements
 - Fitzgerald – these are incentive programs to encourage businesses to make capital investments in order to increase payroll and create more jobs – essentially it is a 60% tax abatement on improved property, which can be significant

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. EDC contract

MINUTES

TRANSPORTATION COMMITTEE

NOVEMBER 8, 2021 – 7:00 p.m.

Members in Attendance: Jeff Risner, Chair
Sam Crowl, Vice-Chair
Ben Ziff, Member

Administrators and/or
Other Elected Officials: President Knisely
Mayor Patterson
Auditor Hecht
Service-Safety Director Stone

ITEMS DISCUSSED:

- 24-Hour Parking (amend ACC)
-Risner – this will suspend Athens City Code, continuous parking in the same location, from December 19 through January 1st
- Holiday Parking
-Risner – this will suspend, temporarily, the fee for parking at metered spaces in the Municipal Parking Garage, excluding 2-hour metered spaces on (1upper), after 5:00 p.m. on Thursday, December 2, 9, 16, and 23, and all day on Saturday, December 4, 11, and 18, 2021

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. 24-hour Parking
2. Holiday Parking