

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (SPEC. SESS.)

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held FEBRUARY 28, 2022

ATHENS CITY COUNCIL: SPECIAL SESSION, MONDAY, FEBRUARY 28, 2022, 7:00 P.M.

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

Also present: President Knisely, Mayor Patterson, Law Director Eliason, and Service-Safety Director Stone.

ORDINANCES FOR THIRD READING:

0-10-22

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY USE PERMIT TO GOOD WORKS, INC., OWNER, 100 CENTRAL AVENUE, TO CONSTRUCT AN ACCESSIBLE PARKING SPACE. Grace moved for Adoption; Ziff seconded. Discussion: Grace responded to a question raised last week during second reading as to whether this structure will be a duplex. The City Code Enforcement Office has indicated this is not a duplex.

Adoption was approved unanimously.

0-19-22

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2022 ENERGIZED COMMUNITY GRANT(S) FUNDS. Crawl moved for Adoption; Risner seconded. Discussion: Plans are to upgrade lighting to LED in the gymnasium at the Community Center and other locations in the City as needed and funds are available.

Adoption was approved unanimously.

0-20-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE 150-21; AND AUTHORIZING THE AUDITOR TO MAKE INTERFUND TRANSFERS. Crawl moved to Amend the APD server appropriation from \$35,000 to \$45,000; Risner seconded. Discussion: Crawl explained that additional items are being requested by BSSI.

Risner asked about the additional items needed.

S-S Director Stone responded there are two elements, one is virtualization (rather than physical boxes), and the other is to add business class backup.

Adoption was approved unanimously.

0-21-22

AN ORDINANCE AMENDING THE 2022 STAFFING LEVELS AND PAY GRADES AUTHORIZED BY ORDINANCE 141-21. Crawl moved for Adoption; Grace seconded. Discussion: Swank questioned whether \$11.00 is a high enough salary to hire a lifeguard, and asked about the process to change seasonal wages.

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President noted this would come to City Council as a recommendation from the Administration. It would then be presented through the Finance & Personnel Committee for Council consideration.

Mayor commented that these rates have been explored, and several were recently changed. Given the nature of the position he believes it will be adequate during the pool season.

Adoption was approved unanimously.

0-22-22

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO CLOSE STREETS IN THE UPTOWN AREA FOR SPECIAL EVENTS DURING THE 2022 CALENDAR YEAR, AND TO CHANGE REQUESTED DATES OR CANCEL EVENTS AS NECESSARY. Risner moved for Adoption; Crawl seconded. Adoption was approved unanimously.

0-23-22

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE TITLE 13, GENERAL OFFENSES, CHAPTER 13.04, OFFENSES AGAINST PUBLIC PEACE, SECTION 13.04.10, UNNECESSARY NOISE, IN A DESIGNATED AREA. Risner moved for Adoption; Grace seconded. Adoption was approved unanimously.

0-24-22

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING, TO ALLOW VENDING IN A DESIGNATED AREA. Risner moved for Adoption; Grace seconded. Adoption was approved unanimously.

0-25-22

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 3, ADMINISTRATIVE PROVISIONS, UNLAWFUL DISCRIMINATORY PRACTICES. McCarey moved for Adoption; Ziff seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

0-26-22

AN ORDINANCE AMENDING ATHENS CITY CODE SECTION 9.11.10, FACE COVERINGS IN PUBLIC SPACES; AND DECLARING THIS ORDINANCE AN EMERGENCY MEASURE TO EXTEND THROUGH MARCH 31, 2022. Grace moved to amend Section I (A) to read: "Effective through **DECEMBER 31, 2022, AT ANY TIME WHEN GUIDANCE FROM THE CENTERS FOR DISEASE**

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covering..." and Section II: amend the effective date to **DECEMBER 31, 2022**. She acknowledged the high level of difficulty associated with providing communication consistency as to when masking is required, and the difficulties with enforcement. She continues to rely on guidance from the CDC and feels it is important to take into account the change in the impact of the disease on our community. These new measures will do that by looking at hospitalization and case rates. A week ago, on February 21st, the City's case rate was 371.97 per population of 100,000 and today it is 151.55, and a week ago our positivity rate was 9.77 and today it is 4.7, both declining significantly. Her biggest concern is with the need to protect the more vulnerable members of our community, and we can do so by continuing to mask. Crawl seconded.

Crawl agrees with following the guidance of the CDC, science is in support of this amendment. However, he does have some concern about how well the CDC's data can be communicated to the public about when masks will be, or will not be required.

Spjeldnes understands from speaking with the Law Director that this type of language would be difficult to communicate to the public.

Law Director questioned how citizens would be notified of masking/no masking changes from the CDC.

Mayor agrees with the Law Director. Dr. Gaskell shared a level of concern with the CDC's new guidelines as it will cause a lot of confusion. He reported that the City of Athens is the last standing statutory city to have a face covering in place. There is a continued downward rate of infection, and the City's wastewater data has also shown a steady decrease in the viral load. He knows there is concern with Ohio University students and Athens residents returning from the upcoming spring break from many different cities and states, but in looking at past data it does not show spikes in viral caseload from similar activities, i.e. student move-in.

Swank agrees there will be confusion. There continues to be variability in infection, and he would like to continue masking a while longer.

Jim Merrick, Pinewood Way, is concerned about increasing noncompliance, as masking is becoming increasingly difficult to enforce. He fears that with this amendment the City will generate the inability to enforce masking should another stronger variant come along.

Tyce Patt, Ohio University student, Kurtz Street, encouraged not passing the amendment, and allowing the current ordinance expire today.

Amendment was defeated by a 1/6 vote; with Grace voting in opposition.

Swank moved to Table; Risner seconded. Tabling was approved unanimously.

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0-28-22

AN ORDINANCE AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING PROGRAM.

0-29-22

AN ORDINANCE AUTHORIZING DESIGN SERVICES AND CONSTRUCTION OF TENNIS AND PICKLEBALL COURTS, PROJECT #350. Discussion: Swank asked for an update on the preliminary or final plans, and estimated cost of the project from the design firm.

Service-Safety Director Stone does not have that information, but hopes to make it available in advance of the third reading.

0-30-22

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 9.02, FIRE PREVENTION, SECTION 9.02.01, CODE ADOPTED.

0-31-22

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO MARIETTA MEMORIAL HEALTHCARE, INC., 206 COLUMBUS ROAD, TO ALLOW PARKING AND A MONUMENT SIGN IN THE CITY'S RIGHT OF WAY.

0-32-22

AN ORDINANCE AUTHORIZING THE MAYOR TO EXTEND THE AGREEMENT WITH SUNDAY CREEK HORIZONS, A CONSULTING FIRM, TO CONTINUE WORK ON A REMOTE WORK SYSTEM FOR THE CITY OF ATHENS.

0-33-22

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 33, SHADE TREE COMMISSION, SECTION 33.01.01, COMMISSION MEMBERSHIP. Discussion: Swank suggested inserting in Section I (B), or **THE MAYOR'S** designee for purposes of clarification.

0-34-22

AN ORDINANCE AMENDING THE 2022 APPROPRIATION ORDINANCE 150-21; AND AUTHORIZING THE AUDITOR TO MAKE INTERFUND TRANSFERS.

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At approximately 8:00 p.m. Ziff moved to Adjourn the meeting; Grace seconded, and the meeting was adjourned.

Christine B. Knisely
President of Council

ATTEST:

Debra G. Walker
Clerk of Council

MINUTES

CITY & SAFETY SERVICES COMMITTEE

FEBRUARY 28, 2022

Members in Attendance:

Micah McCarey, Chair
Sarah Grace, Member
Sam Crowl, Member
Alan Swank, Member

Administrators and
Other Elected Officials:

President Knisely
Mayor Patterson
Service-Safety Director Stone

ITEMS DISCUSSED:

- Washington County Jail (contract)
 - S-S Director – allows the City to utilize this facility when space is needed and is available in Washington County – jail space is a significant problem – these contracts are important to allow us flexibility
 - Grace – our regional jail is frequently full, as is the case in many county jails
 - Ziff – questioned the dollar amount per day; there is an inconsistency
 - Mayor – believes the amount is \$83 – he will check and have it corrected in the contract
- Recreation Advisory Board (membership)
 - Swank – the Board cast a wide net for members – two outstanding candidates expressed an interest, but cannot serve because ACC Code 3.07.42 (A) states that (2) members may reside outside the corporate limits, but within Athens Township – both of these candidates live in Athens County, but not in Athens Township – he suggested this section of the City Code be changed from Athens Township to Athens County
 - McCarey – agrees with change to County
 - Grace – certainly makes sense to extend the membership on the Recreation Advisory Board outside the City, but for it to remain limited in number

-Mayor – is the appointing authority to this Board, and he recommends this change in language as well

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. Jail Contract
2. Recreation Advisory Board Membership

MINUTES FEBRUARY 28, 2022 COMMITTEE OF THE WHOLE 7:00 P.M.

Council Members in Attendance:

Sam Crowl
Sarah Grace
Micah McCarey
Jeff Risner
Solveig Spjeldnes
Alan Swank
Ben Ziff

Administrators and/or
Other Elected Officials:

President Knisely
Mayor Patterson
Service-Safety Director Stone

Items Discussed:

- One Ohio Memorandum of Understanding (resolution approving participation in regional governance)

-President – explained Athens County is one of 73 of Ohio's 88 counties choosing to participate in this MOU that outlines the plan for distribution and allocation of the Opioid settlement dollars – 30% of the State funding will be set aside for community recovery, 55% for statewide foundation funding, and 15% to the State of Ohio to be used to leverage statewide buying power – the City is part of District 10 that includes Athens, Hocking, Jackson, Vinton, Meigs, Gallia, and Lawrence counties.

-Mayor – will serve as the City's representative on the One Ohio Governance Committee – the City's allocation for the opioid settlement, with 70% compliance, would be approximately \$90,000 and with 100% compliance would be approximately \$140,000 – each political subdivision within our county will pool their resources to make a larger impact

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. One Ohio Resolution

MINUTES: FEBRUARY 28, 2022

FINANCE & PERSONNEL COMMITTEE

Members in Attendance:

Sam Crawl, Chair
Jeff Risner, Member
Solveig Spjeldnes, Member
Ben Ziff, Member

Administrators and/or
Other Elected Officials:

President Knisely
Mayor Patterson
Service-Safety Director Stone

ITEMS DISCUSSED:

- Fire Headquarters (bond)
 - Crawl – should the levy on the primary ballot be approved by the electorate, the City needs to be prepared to move legislation through to sell bonds in order to finance the proposed construction of a new Fire Headquarters – Mike Burns, bond counsel, has completed a very comprehensive evaluation of key metrics within the City and compared them to various bond rating services to estimate our rating – confident City will get a rating that will make this bond a very good financial opportunity for the City – interest rates are likely to soon increase, and it is part of his recommendation to get on top of this early, again, contingent on passage of the levy – need to be ready to proceed shortly after election on May 3rd – would like to introduce in Committee on May 9th, and discuss and pass prior to July recess – takes about 45 to 70 days to complete the financing process – recommending 20 year bonds, based on City's initial estimates being from \$6.5 to \$7.5 million
 - Ziff – understands that a tentative date of April 13th has been scheduled for the next public meeting on this important levy
 - Swank – asked about the interest rate
 - Crawl – estimated interest rate is 2.76% on a 20-year, \$7.5 million project financed amount
 - Swank – questioned if the City must wait until after passage of the levy before starting this process through Council
 - S-S Director – not sure it is necessary to wait, but early readings on seeking a bond would be presumptuous
 - Swank – understands – is simply concerned about increased interest rates and protecting public funds
 - President – will need to check with Mr. Burns, as it could appear presumptuous
 - Mayor – will reach out to Mr. Burns
 - Crawl – added, Mr. Burns speculates that by late June or early July the City might be able to begin to sell the bonds
 - Risner – municipal bonds should sell quickly with a AA2 rating
 - McCarey – questioned whether the interest rate could change based on location – for example, whether the location is in the floodplain or not

-S-S Director – the City has flood damage prevention legislation in our Code that requires us to fill, to 1' above, for any type of development that would occur in the floodplain – post construction, the location would not be in the floodplain
-Crowl – clarified that there would be additional cost to raise it above the floodplain

- Appropriations

- (\$15,000.00) to Recreation Fund, for CivicRec software (professional services and maintenance contracts)
 - (\$15,000.00) to Community Center Fund, for CivicRec software (professional services and maintenance contracts)
 - Risner – asked if this includes the membership software
 - S-S Director – there is an appropriation already in place to cover the subscription – this simply allows a switch from Active Net, that ends in June, to CivicRec, which is as good a value, if not better
 - (\$6,000.00) to Recreation Fund, for ARTS/West production
 - Crowl – noted that while the ARTS/West facility has been used for outside productions, ARTS/West only receives income for renting the space – it would now like to hold its own production and receive revenue from ticket sales
 - Spjeldnes – understands that ARTS/West is trying to transition from being primarily rental space to having more in-house activities in order to amplify the use and bring in additional revenue to their programming – largely for kids after school – is very supportive of their direction
 - Ziff – asked about the production
 - McCarey – “Fun Home” that will be happening during Pride Month in June – believes the LGBT Center at Ohio University will be supporting it
 - Grace – commended the ARTS/West staff for growing the after school programs
 - Swank – noted that transportation would be helpful for access to the facility
 - S-S Director – the initial drive and goal was to take advantage of West Elementary School students – unfortunately rural transit, funded through federal transit money, is not allowed to function as a charter service – transportation is a challenge – understands it is a barrier
 - Grace – safe transport of elementary students to the facility would definitely be helpful
 - Crowl – at least currently it is convenient to the Middle School
 - (\$250,000.00) to the ARPA Fund, for Armory Rehab
 - (\$250,000.00) to the Capital Improvements Fund, for Armory Rehab
 - McCarey – asked to what extent these funds would be used for the exterior (park area) vs the interior of the building
 - Crowl – is not aware of any major changes to the exterior
- Mayor – clarified this funding will be used for the first floor interior work – since 2016 the City has been investing in the exterior of the building, i.e. roofing, brick work, and new windows (\$380,000 plus)

-Grace – funding support is being explored from many different entities for the all-encompassing finished product

- (\$500.00) to Recreation Fund (grant received from the Athens Foundation for general support at ARTS/West)

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. Appropriations

MINUTES

PLANNING & DEVELOPMENT COMMITTEE

FEBRUARY 28, 2022

Members in Attendance:

Sarah Grace, Chair
Sam Crowl, Vice-Chair
Micah McCarey, Member
Solveig Spjeldnes, Member

Administrators and/or Other Elected Officials:

President Knisely
Mayor Patterson
Service-Safety Director Stone

Items Discussed:

- Title 49 Applications (89 S. May, use of r-o-w for existing parking/sidewalk/air-conditioning unit) and (70 S. Shannon, for use of r-o-w to access a proposed home site to be constructed on the owner's property)

-Grace – these applications are being considered together since they are both requesting use of an unmaintained City alley as noted above – the top part of the alley to Lincoln Avenue is open, but it is closed at the other end by a fence that has previously been granted use of the right-of-way in this alley

-Spjeldnes – asked why the City doesn't sell this alleyway to the requesting owners

-S-S Director – City could vacate the alley, with ownership going to the adjoining property owners – the City would retain the rights to utilities, but the surface ownership would transfer to either side – although, while this alley is unmaintained to the north, it is maintained to the south – reminded Council that these special uses of the rights-of-way are revocable at any time by the City

-Swank – has walked the property and spoken with both owners – Mr. Montle is planning to build a home, explaining that he would like to have access to this new structure from the rear – all parties seem to be fine with these uses

- Sunday Creek Horizons (presentation, Zach Reizes)
 - Reizes, Central Avenue, representing Sunday Creek Horizons, a consulting firm focusing on issue advocacy as well as project management, and community and economic development – provided Council with a report (see attached) – Representative Edwards is very supportive of this project – Sunday Creek Horizons was hired to recognize a need for co-working space for remote workers – a space for workers to access high quality internet and a space that will allow

for some small business and non-profit incubation – Athens Works (a current remote work space) is closing – the Armory space can also be used to host public and private events, and a place honoring those who served in the Ohio National Guard during their long tenure of the building – this is an arrangement that will allow these facets to be able to live together in the Armory

-Crowl – asked about Senator Hoagland

-Reizes – he too, has toured the Armory and is also very supportive of this project

-Swank – asked whether outdoor recreation economy is part of this scope of work

-Reizes – Sunday Creek is not specifically focusing on outdoor work development, but noted there is overlap where people can work remotely and also experience the great outdoors, and to live affordably – is a symbiotic ecosystem

-Swank – asked if those outdoor pursuits would be restricted to traditional outdoor biking, hiking, skiing, or might it also include youth sports – a sports hub in Athens

-Reizes – that is not part of this work, but a wonderful idea for Athens

-Ziff – is pleased that after so many years this is the closest the City has come to actually having the Armory turn into something viable, and open again to the public

-Grace – asked for an explanation for the City's extension

-Reizes – the last six months of work has focused on management of the space – now that the goal is clear, need to find dollars to actually renovate space – anticipating a project cost of \$3 million to \$3.5 million – goal is not to piecemeal, but to do all at once – there are a lot of opportunities for funding – intention and goal over the next six months is to bring their knowledge and resources to really elevate this project, and seek grants, federal and state dollars

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. Title 49 - May
2. Title 49 - Shannon