

MINUTES: OCTOBER 24, 2022

CITY & SAFETY SERVICES COMMITTEE:

Members in Attendance:

McCarey, Chair
Grace, Member
Swank, Member
Crowl, Member

Administrators and/or Other Elected Officials:

President Knisely
Mayor Patterson
Law Director Eliason
Human Resources Director Lucas
Police Chief Pyle

- Special Response and Tactics Unit (APD mutual aid with Sheriff's Office, Chief Pyle)

This is a mutual aid agreement with the Athens County Sheriff's Department. Chief Pyle indicated that this new agreement would increase the response team from 5 to 7, if available, (Chief Pyle estimates only 5 City police will participate at any time). Pyle assured that response to this would not jeopardize regular policing issues for the city. Pyle has requested that there be no charge by the Sheriff's office for "overwatch" services provided on Halloween or other major events. Pyle says he thinks this it is good to participate in this program, in part for the training it provides our police.

McCarey asked about any financial obligations. Pyle clarified that current training is completed on officer overtime, and this training through the Sheriff's office will be the same.

McCarey asked about types of calls. Pyle indicated armed, barricaded situations, or warrants (though "no-knock" warrants are avoided).

Swank asked if this will still allow adequate coverage on the streets. Pyle indicated that no more than 5 (of 7) will participate in the training.

Crowl asked about the specific nature of the call-out on Halloween as listed in the agreement. Pyle said this was used one time recently when a vehicle had rammed a group in France & this occurred close to a previous Halloween. Previous costs were \$1,000; this overwatch will now be free, if it is needed and used. This is not a regularly-planned event, particularly with Halloween being organized as a more family-friendly event. The Sheriff, County Prosecutor, and City Law Director have reviewed the document.

- Solid Waste Contract Modification

Solid Waste – (see attached)

Bruce Underwood, Athens Hocking Recycling Centers (AHRC) stated that the \$47,000 request for fuel is for the first two years of the contract; there may be an additional cost of \$50,000 for the last year.

Swank asked if AHRC is aware of federal assistance for orgs. who have experienced loss from COVID. Swank will send along the contact information. The program could potentially provide up to \$25,000/person for up to 26 people.

Crowl: glad to hear in the AHRC communication that they are not interested in ending the contract early

Swank asked about staffing – AHRC is at 41 of 46 positions, with 7 or 8 of those dedicated to the city contract – noted that other AHRC contracts have escalation and de-escalation clauses but the city does not – AHRC would prefer this on renewal.

Other questions:

Swank - would AHRC consider just the fuel costs as an adjustment – AHRC said, yes.

McCarey asked if the escalation & de-escalation clause would benefit the city as well.

AHRC - yes

Swank - is the city the largest contract for AHRC? AHRC said, yes

Spjeldnes asked of details for escalating fuel costs allocations – AHRC uses federal guidelines as published monthly

Patterson asked - does AHRC get the fuel in bulk – AHRC said yes, but some is still governed by worldwide cost.

Stone stated that any new contract will include an escalator & de-escalator cost provision.

Bid openings for the new contract will begin before the end of the year, so the city has ample time to review new bids

Crowl clarified that the current contract includes a clause that both parties will work together.

**MINUTES
OCTOBER 24, 2022
COMMITTEE OF THE WHOLE
10:00 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

Items Discussed:

Ward Boundaries – President Knisely provided background on earlier ordinances: in 1991, the boundaries were redrawn; in 2001, Council retained the existing boundaries; in 2011, in part because of the annexation and development of University Estates, the boundaries between the 3rd and 4th ward were adjusted to meet Ohio Revised Code requirements that each ward “provide substantially equal population” (Ohio Revised Code Ann. 731.06). The Mayor provided additional information on wards.

Spjeldnes - will the new apartments (Kershaw Green) near University Estates be included in the appeal - possibly depending on timing of the completion of the apartments & the timing of the appeal.

Swank - are the wards in balance now? Yes.

Stone clarified that Council can redivide the city wards at any time.

There was consensus to start an ordinance to leave the existing ward boundaries & apply for an appeal in June, 2023, a process that Deputy Service Safety Director Andrew Chiki is investigating.

The meeting adjourned at 10:22 p.m.

FINANCE & PERSONNEL COMMITTEE

MINUTES: OCTOBER 24, 2022

Members in Attendance:

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

Administrators and/or Other Elected Officials:

President Knisely
Mayor Patterson
Law Director Eliason
Human Resources Director Lucas

ITEMS DISCUSSED:

Non-union personnel fringe benefits were presented by Human Resources Director Lucas:

Grace asked if a permanent part time worker becomes full time, would they have to wait 6 months to be able to take vacation.

Lucas said this requires a person to complete the probationary time.

Grace asked if this has been a problem

Lucas responded no, but it is a recommendation from the Auditor's office to explicitly define this.

Lucas will review.

Page 15 of the document clarifies modified light duty. Spjeldnes agrees with the modification to the policy.

The city also proposes to allow parental leave for those who have not worked for the city for a year. 240 hours allowed, with 160 hours to be taken consecutively.

Swank questioned if this is enough time.

Grace spoke to this parental policy being paid, where FMLA is not paid, and uses sick time.

Permanent Part time and seasonal personnel, article 20, clarifies working on a set schedule so that an employee does not exceed 1508 hours worked per year, and not run out of hours that they can work before the end of the year.

Grace urged considering more employee-friendly wording of this section, which Lucas said he will review.

Swank asked about changing the Columbus Day holiday to Indigenous People's Day.

Patterson said that changing the titles of holidays is best part of a larger discussion later, including Election Day as a holiday. Patterson suggests a broader conversation of all the holidays.

Crowl highlighted the language for the Staffing Levels ordinance: Section IV will allow hiring of a replacement, when a person has announced they are leaving, so this will allow for flexibility of the departments. There will be a temporary overlap of employees, then a sunset to the staffing levels as the exiting staff leaves employment. Spjeldnes says this was an issue that she was aware of from discussions with the Police Chief, and supports this change.

Pay increases for non-union staff: Human Resources Director Lucas distributed a worksheet, with two proposed percentage increase options.

Patterson praised Human Resources Director Lucas in working to equalize pay solutions so that there is an equitable distribution of pay increases to employees. Spjeldnes cited the Ohio constitution and increases being tied to cost-of-living increases on a \$10.10/hour minimum wage.

Merit pay is not currently used, and Crowl noted that this is perhaps a conversation for another time.

Spjeldnes asked regarding consideration of a bigger percentage increase but Risner noted that we pay above the minimum wage. Spjeldnes asked if we would want to consider a higher percentage (8.5% as opposed to the 6.5% proposed by administration).

Ziff echoed appreciation for Lucas' work on the proposed rate increases.

Spjeldnes noted and Lucas confirmed that the pay bands will be due for review.

Swank asked about 2 positions, highlighting the Service Safety Director & the City Planner and the potential gap between these two positions. Swank hoped we can examine merit pay next year, and noted a college meeting that he attended discussed pay increases that do not work on percentages as the city currently practices.

Grace echoed praise for the documents, with a suggestion to consider a bigger percentage for the lower pay bands, perhaps using the difference between the two methods suggested, which is approximately \$4,000.

Patterson stated that he favors the .5% incremental increase, with larger percentages for those who are in the lower pay bands, and smaller percentages for those who are in the higher pay bands.

Crowl highlighted several changes, including an increase for the Fire Dept. secretary from part time to full time.

Grace noted & Crowl highlighted that the ordinance contains a clause for the ability to use a lump sum payment. This year the Police Captain would qualify for the lump sum payment.

Spjeldnes suggested modifying the language to allow for situations where there might be different percentages.

Elected Officials proposed pay rate increase:

Spjeldnes spoke to the need to pay Council Members more, and asked whether this pay is comparable to other cities.

Swank asked if the pay increases for Auditor & Law Director positions are reasonable. Other discussion occurred in several Ohio cities and their rate increases.

Patterson will check on rates of pay of elected officials in other comparable cities, with information from the Ohio Municipal League.

DEIA Training Coordinator – the city negotiated a starting rate of 16% through the pay grade; 10 % has been paid but retroactive pay from September 13, for the additional 6% owed requires Council authorization

Parking Enforcement MOU - There was a change in personnel that needs to have the ordinance amended.

Appropriation Ordinance:

(\$16,000) to Police Department, for Conex insulation & body camera kits
(\$55,000) to Parking Enforcement, to cover increased cost for the IPS Group, Inc. contract for parking technology and related services (\$5,000) to Garbage Fund, to cover our medical transfer o (\$100,000) to General Fund, Auditor, to cover income tax refunds

Reduce 2022 Year End Appropriations ordinance to come through Council as it does every year. This ordinance was instituted several years ago at the suggestion of the Auditor's office, following a recommendation made during a city audit.

PLANNING AND DEVELOPMENT COMMITTEE

OCTOBER 24, 2022

Members in Attendance:

Sarah Grace, Chair
Sam Crawl, Member
Solveig Spjeldnes, Member
Micah McCarey, Member

Administrators and/or Other Elected Officials:

President Knisely
Mayor Patterson
Law Director Eliason
Service Safety Director Stone

- Title 7 (City Code update, Law Director)

Law Director Eliason summarized that these are updates we are making to keep our City Code in alignment with State Code

Grace - some definitions have been clarified

Eliason - MuniCode has compared the Ohio Revised Code with our City Code to see if there are discrepancies

Definition under 7.01.02 motorized bicycle, electric bicycle – it is suggested to include electric personal assisted device such as an electric scooter within the definition of vehicles. 7.04.24 also needs this phrase added.

The towing regulations: update section M, which sets the fees for towing in private tow-away zones.

Spjeldnes: There appears to be a phrase missing in the City Code – she will send this to Eliason

McCarey requested clarification of the lettering in the document, which Eliason explained.

Risner: Does this language contradict PUCO rates? Eliason clarified that this language has to do with private tow-away zones.

Swank: Does section 7.06.07 on public places change the section title only. Eliason, yes.

Grace: suggests that towing issues be addressed separately through the Transportation Committee.

Swank: Questioned what happens if someone is towed & contests the tow fees. Eliason responded that a citizen can take this to small claims court.

Stone: Clarified that the city does not seek to tow vehicles from public property; it's more a question of safety, as if a fire hydrant is blocked – the towing fees need to work so that tow companies will respond. Spjeldnes clarified that she does not think the police are predatory about towing. Swank clarified also that the city police work cooperatively with citizens.

McCarey asked if there are any points of interest for the public. Eliason said that the City Code is online and can be viewed by the public to see the changes.

- Title 23, Zoning Code (amend)

Grace - amendment to zoning code to provide specifications for accessory energy systems, as provided by the Planning Commission. Patterson noted the extensive work of Code Director Riggs so that the new regulations will help residents cut through red tape in using accessory energy, as mounted on buildings or placed in open spaces.

Stone - Requests Council to consider:

1. 23.03 - use as accessories

- 23.03.12 - when there is consideration of principal use

2. 24.04 - modifications in business areas, particularly towards outside area dining zones

3. 23.06 - cleans up language on practices that are out of date

McCarey - would residential solar be able to proceed with a permit from the code office? Yes.

Spjeldnes - asked for clarification on the use of the terms “detached” and “attached” perhaps warrants some more review - typo noted - gender specific language needs to be fixed - asked for clarification of non-conforming use - when does the city allow accessory units for housing - urged more discussion, with the city considering to include.

Grace agreed, and added that the Affordable Housing Commission has previously discussed. Grace urged changes to this portion of code related to accessory units for housing take place later, with full public discussion.

Patterson agreed, and said accessory structures could be considered later.

Spjeldnes - University Estates Homeowners Association (HOA) does not allow solar units.

Patterson said the HOA board would have to consider allowing. Change of city code would not allow University Estates residents to now install solar panels; the change would have to occur in the HOA regulations.

Swank asked about ground mounted solar that will not be allowed in the historic overlay district.

Patterson clarified that there would need to be a special review of the ground mounted, not just a permit process.

Delach says the biggest issue of the Board of Zoning Appeals is eating and drinking establishments, and asked if that is being clarified. It is not being clarified here but Stone will take note of the need to clarify.

- Athens Impact (r-o-w use permit for parking in an unnamed alley, 264 E. State St. This is a request for a special right of way permit for 264 East State Street. Grace noted that the alley does not go through to another street. It appears as if it is a driveway. It is a platted alley & they are seeking the necessary approval for use as a driveway. It has never been maintained as an alley or street. Code office does not see a problem with this being used.

Spjeldnes asked if the alley could be improved; could it be paved? Could a building be added? Council could put special conditions (no paving; no additional structures to be added).

Swank favors the special use permit as it would be safer for patrons of the business. Ziff says that the Google maps shows the historic use of the alley, with cars parked there in 2009.

Delach spoke to the business owner leasing parking spaces nearby – working to provide parking for their customers

TRANSPORTATION COMMITTEE

OCTOBER 24, 2022

Members in Attendance:

Risner, Chair
Grace, Member
Swank, Member
Ziff, Member

Administrators and/or Other Elected Officials: President Knisely
Mayor Patterson
Law Director Eliason
Service Safety Director Stone

- Vehicle Disposal (APD)

Risner detailed that this is for the disposal of two police cruisers. Patterson indicated that there is a cruiser and an unmarked car.

Swank asked about replacement. Stone said the cruiser will be replaced with a vehicle from the lease agreement. The unmarked vehicle will be replaced by a vehicle the city gained through a forfeiture.

Spjeldnes asked about indicators for vehicle replacements. Patterson indicated that maintenance repairs are a key indicator, and that many of the miles accumulated are city-street miles, which are harder on a car. Stone added that 100,000 is another good marker for wear and tear on a cruiser.