

MINUTES
CITY & SAFETY SERVICES COMMITTEE
AUGUST 12, 2024
7:00 p.m.

Members in Attendance:

Micah McCarey, Chair
Jeff Risner, Member
Alan Swank, Member
Jessica Thomas, Member

Administrators and
Other Elected Officials:

President Crowl
Mayor Patterson
Auditor Hecht
Service-Safety Director Stone
Treasurer Thomas

ITEMS DISCUSSED:

- Easements with State of Ohio (City Sewer System Improvements, Project #330)
-S-S Director – need to affirm the execution of accepting (2) easements with the State of Ohio necessary for the construction of City Sewer System Improvements, Project #330 – the first, for fifteen (15) years commencing on June 1, 2024 and expiring on May 31, 2039, on behalf of the Department of Mental Health and Addiction Services – the second, for twenty-five (25) years, commencing on June 1, 2024 and expiring on May 31, 2049, on behalf of Ohio University
- Title 25, Flood Damage Prevention (amendments to tabled 0-48-24)
-McCarey – discussed the needed amendments once removed from the Table
-S-S Director – the City is required to accept new maps and updated FEMA regulations (see letter attached from Code Director Riggs)

-Swank – questioned whether the plans for the Hocking River area from the White's Mill Dam to Richland Avenue, which were recently adopted by City Council, would require any future new mapping, or would it not be that significant
-S-S Director – specifically what is being looked at on the revised channel are s imply to improve the environmental quality of the water and ecosystem immediately surrounding the water, an authority granted to the U.S. Army Corps of Engineers to make past flood control efforts environmentally better – this should not have a significant effect on the maps, however, modeling against any modifications to review any impact to the base flood elevations will be completed

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. Easements

MINUTES

AUGUST 26, 2024

COMMITTEE OF THE WHOLE

7:00 P.M.

Council Members in Attendance:

Beth Clodfelter
Micah McCarey
Solveig Spjeldnes
Alan Swank
Jessica Thomas
Michael Wood

Administrators and/or
Other Elected Officials:

President Pro Tem Risner
Acting Mayor Crowl
Treasurer Thomas

Items Discussed:

- Ohio Revised Updates to Athens City Code for Title 7, Traffic Code, and Title 13, General Offenses
 - Swank – changes are simply bringing the City Code into compliance with the Ohio Revised Code
 - President – many are correcting safety issues
- DORA Public Safety Pilot Program
 - Acting Mayor – this change is being proposed to hopefully relieve some of the pressure on the uptown bars with overcrowding – this is not a street closure – this is a pilot program only – Police and Fire Chiefs both support this pilot
 - Thomas – asked whether normal hours
 - Acting Mayor –
 - Thomas – asked about the enforcement – would push people onto sidewalks and possibly into the street
 - Acting Mayor – tavern owners will be responsible for compliance
 - Swank – the University rerouted the Homecoming Parade several years ago as it is a family-friendly event due to bar behavior – the thought of drinking on the sidewalk is of great concern to him – especially contentious this year with the presidential election – called the Dean of Students office this afternoon – Ohio University has worked very hard to tamp down the party school image, has been successful, and the University questioned this change – shared that Homecoming is considered a “red zone” – colleges in America try to control the

consumption of alcohol that leads to sexual assault – based on Ohio University comments this is a non-starter

-Spjeldnes – this is not a good idea

-Wood – generally, very pro-DORA, during low-key summer weekends, but is skeptical adding these special weekends

-Clodfelter – partying on the sidewalk may make others visiting the uptown area uncomfortable

-McCarey – questioned whether tavern owners' association

-Acting Mayor – the Council has brought forth many good questions

-Swank – more than ½ of the undergraduates on-campus is not of drinking age –

-Mary Abel, Strathmore Boulevard – understands bar owners wanting to increase their revenue stream – it is important to work with Ohio University, and this proposal goes against the University

- Buy Out of the Carport-Mounted Solar Array at the Community Center (2010 Power Purchase Agreement)

-Acting Mayor – City would like to purchase the array for \$235,000 -- \$200,000 would come from the Capital Improvements Fund, and \$35,000 from the Community Center Fund – off-setting – would gain control 6 year earlier than usual – updates could benefit the Farmers Market

-Spjeldnes

-Acting Mayor – adding heaters to lengthen

-McCarey – cushion in 580

-Treasurer Thomas – worthwhile expenditure

-Swank – asked about salvage value

-Acting Mayor –

-Swank – projected useful life

-Acting Mayor –

-Swank –

-Clodfelter –

-Acting Mayor – University has an array – panels still have a productive life – the inverters will likely need to be updated

- Indigenous Support (resolution)

-McCarey – REAL Program with NLC – affirming – has been in practice by City Council for some time – educate and reflect on our – this is not an unusual or new practice –

-Spjeldnes –

-McCarey – this would require more than acknowledging with words – make respect visible –

-Swank – offered – second Whereas, include “violent” – National Native American Heritage month, November – could possibly schedule events – Section IV – make a national holiday for City employees – Section VII – there are 574 recognized sovereign nations that should be included – no longer tribes, but nations

-Wood –

-McCarey – this is intentionally about our respect – would be helpful to have Administration’s input – will bring up again at

-Risner – requested a uniform formal statement of acknowledgement

-McCarey – Community Relations Commission

-Spjeldnes – questioned the Administrative adopt a policy

-McCarey – encourage and work in partnership with the Administration for program initiatives

-Swank –

-McCarey –

-Acting Mayor – need to be conscious of workload events, etc. that would fall on administrative staff

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. City Code Updates
2. Solar Array Purchase

MINUTES

AUGUST 12, 2024

FINANCE & PERSONNEL COMMITTEE

Members in Attendance:

Jeff Risner, Chair
Beth Clodfelter, Member
Micah McCarey, Member
Michael Wood, Member

Administrators and/or
Other Elected Officials:

President Crowl
Mayor Patterson
Auditor Hecht
Service-Safety Director Stone
Treasurer Thomas

ITEMS DISCUSSED:

- Appropriations
 - Risner – presented the following appropriations:
 - o (\$15,400) to General Fund, Municipal Court, for balance of payment on the 2024 Public Defender Agreement
 - Auditor – this need is primarily due to a change in the State reimbursement rate – the agreement amount has increased by 53% for the period from July 1 through December 31
 - Spjeldnes – is concerned that the State is passing more of this cost on to local governments
 - Swank – could be significant to the City's 2025 budget for this service
 - Risner – questioned whether the City and County pay an equal share of the cost of this agreement
 - Swank – questioned whether the City has an obligation under the ORC to pay for this service
 - o (\$6,330) to General Fund, Police, to replace a cruiser mount and tablet, and provide infrastructure for an EV charger for a new cruiser
 - S-S Director – this is appropriating proceeds from the sale of a former undercover vehicle
 - o (\$12,000) to General Fund, Other Administrative, for City disbursement of reimbursed NOPEC grant funds
 - Mayor – these reimbursed grant funds will be used in conjunction with the City's rebate program encouraging residents to move from their older outdoor carbon yard implements to new more eco-friendly equipment
 - Clodfelter – asked what the City is doing with the older equipment being turned into the City
 - Mayor – the equipment is being scrapped
 - Swank – asked if any thought has been given to donating the equipment to a local school district for teaching and training in their small engine repair classes
 - Mayor – the City will explore doing that

- o (\$7,000) to Garbage Fund, to cover the internal service fee
 - Auditor – was not budgeted correctly
 - o (\$74,500) to East State TIF Fund for transfer
- Transfer
 - Risner – presented the following transfer:
 - o (\$74,500) from East State Street TIF Fund to Street Fund, for repaving the East State Street area bikeway
 - S-S Director – this is an eligible expense for use of these TIF funds
 - Risner – asked about the length of the bikeway to be paved
 - S-S Director – approximately 1.7 miles
 - Clodfelter – asked for the specific location
 - S-S Director – from East State/33 interchange to Walmart
 - McCarey – asked about the current condition of that area of the bikeway
 - S-S Director – the first portion of asphalt is over 20 years old, and the subsequent extension was paved about 14 years ago
- Then and Now Certificate (payment approval)
 - Auditor – need permission to pay for the purchase of an icemaker for Fire Station 2 from Webstaurant Store, LLC, in the amount of (\$3,103), as, even though the funds were in place, there was no approved purchase order at the time it was ordered
- AFSCME Local 2403(1) Contract
 - President – asked if the Union has approved the agreement
 - S-S Director – if a final agreement has not been reached prior to 3rd reading of the approving Ordinance, he will request that it be tabled at that time

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. Appropriations/Transfer
2. Then and Now Certificate
3. AFSCME Contract

MINUTES

PLANNING & DEVELOPMENT COMMITTEE

AUGUST 12, 2024

Members in Attendance:

Alan Swank, Chair
Solveig Spjeldnes, Member
Jessica Thomas, Member
Michael Wood, Member

Administrators and/or Other Elected Officials:

President Crowl
Mayor Patterson
Auditor Hecht
Treasurer Thomas

Items Discussed:

- Energy Special Improvement District (Lostro Ventures, LLC)
 - Swank – this is a unique opportunity as part of the renovation of the currently vacant historic building located at 63 Court Street (corner of Court and Union) to use Property Assessed Clean Energy (PACE) through public financing for energy efficiency and renewable energy – Colin Kalvas and Chris Jones of Bricker Graydon are in attendance to answer questions
 - Colin Kalvas, attorney with Bricker Graydon, representing the property owner -- discussed the owner's request for PACE financing, a mechanism by which private property owners and private capital can use public financing through special assessments made available for energy improvements to private property – owner would like to upgrade HVAC and hot water improvements, high efficiency lighting and elevator modernization at a cost of approximately \$1.4 million with a 21-year term PACE loan of \$1.3 million
 - Swank – questioned who would pay the assessment
 - Kalvas – the property owner
 - Swank – asked if the assessment could be levied on tenants
 - Kalvas – not directly levied – under a tenant's lease arrangement a portion of the real property taxes could be passed through to the tenant, which is common
 - Thomas – asked about bankruptcy
 - Kalvas – PACE has been around for approximately 15 years – in that time, with about 300 transactions, maybe 4 or 5 PACE loans have ended in bankruptcy – in each of those situations the property is sold and the unpaid PACE assessments are brought current – any future assessments remain with the property and the subsequent new property owner assumes that obligation going forward
 - Chris Jones, also with Bricker Graydon – added, the City would never be on the hook for these assessments

-Swank – asked about the workload this might place on the City Auditor
-Jones – City would have only a pass-through involvement

-Wood – asked if there would be any reduction in the amount of income being collected by the City
-Kalvas – approximately \$47,000 in semi-annual payments will be made on the repayment of principal and interest – emphasizing this is not a tax – it is a financing mechanism specific to this property

-Swank – asked about the Energy Special Improvement District
-Kalvas – this is unique in that it only includes properties that volunteer and request PACE financing – the District has a Board of five Directors that, in part, are appointed by the City and in part elected by property owners to help review projects and set certain PACE parameters within the City
-Swank – bottom line is to improve energy efficiency

-Spjeldnes – asked if a landlord with a multi-unit dwelling, or even a single rental unit could take advantage of this
-Jones – the classification of a commercial dwelling is that it must consist of 4 or more units – single-family or duplexes would not qualify, as those are considered residential – the current PACE qualifying minimum is \$100,000 – each PACE transaction must have the mortgage lender's consent as the special assessment takes priority above the mortgage in a worst-case scenario
-Spjeldnes – asked about model cities that show an increase in efficiency through PACE
-Kalvas – Ohio has seen about \$832 million in PACE investment, the second largest commercial PACE market in the country, second only to California – Central Ohio, Columbus, has invested in similar projects as well as the historic Dayton Arcade
-Jones – noted that with PACE there is no down payment, and no personal business or guarantee is required, like with a traditional loan – on a 30-year term a solar project would become cash-flow positive on day-1 – property owner's first payment can be negotiated to 18-24 months down the road

-Swank – asked if public schools qualify
-Kalvas – yes, any type of local political subdivision

-McCarey – asked about downfalls of PACE
-Kalvas – it is typically a win, win for everyone, the property owner and PACE lender – it is good for job creation, economic development, and environmental objectives – downsides may be the administrative time and cost, or if a property faces bankruptcy
-Jones – there really is no catch, as it is voluntary

-Thomas – asked about payments

-Kalvas – it is a 21-year loan of 42 semi-annual payments, with payments to begin in 2026

-President – questioned if County government approval is needed

-Kalvas – no formal approval is needed from the County Commissioners – only involvement is with the County Auditor and County Treasurer as independent elected officials

-Swank – asked the Clerk about the official action needed by the Council

-Clerk Walker – authorization is needed to approve the petition, plan, and articles of incorporation of the Athens Regional Energy Special Improvement District, Inc. ; determining to proceed with the acquisition, construction, and improvement of certain public improvements; and levying special assessments

-Mayor – asked if there is an FTE requirement per million loaned

-Kalvas – there is no requirement in the State statute

-Maryanne Reeves, Chair, representing the Athens Historic Preservation Commission – asked about the suitability of the program for historic preservation – expressed concern about window replacements

-Kalvas – acknowledged that PACE can be used in a historic rehabilitation setting -- historic preservation tax credits and PACE work well together – cited a project where efficient fabricated windows were made to match the historic specs

- Proposed Annexation (Cable Lane)

-Swank – this property is approximately 30 acres on the east side of Cable Lane – would be a single-family home with the possibility of a conservation easement on the remaining property

-Attorney Mott, representing the property owner – explained that the house needs access to public water and sewer which requires annexation since it is outside the corporate limits – plan is to run utilities via boring as opposed to trenching so it is less disruptive to the area, safer for the hillside

-Swank – who would be responsible for the cost of this infrastructure

-Mott – the property owner

-S-S Director – a utility easement will need to be part of this annexation agreement to provide sanitary sewer service to a property behind this one that currently does not have public sanitary sewer service – the City is trying hard to not allow septic systems inside the City limits

-Mott – the property behind and immediately to the north could be served through a grinder pump

-S-S Director – gravity is always preferable to a grinder pump, and it would be his recommendation to require the access easement as part of the annexation

agreement – the City tries to dissuade the use of grinder pumps and encourage access by gravity

-Mott – has concerns about the propriety of requiring an easement that appears to be for the benefit of a private owner – he will research the appropriateness of this and speak with the Law Director

-Crowl – asked about fire protection

-S-S Director – will be provided by pumper truck, no hydrant required

-Spjeldnes – you have indicated that the owner does not wish to subdivide at this time – asked about the possibility of a future subdivision without this utility easement

-Mott – subdividing would not be possible without utility easements

-Wood – asked for clarification on who furnishes the water/sewer line

-Mott – City owns the water/sewer mains up to the tap, beyond that the line is privately owned and maintained

-Wood – asked about the term of the agreement being perpetual

-Mott – this is a perpetual agreement since the property is being removed from Athens Township and annexed to the City

-Wood – questioned why the conservation easement is not a part of this agreement

-Mott – a conservation easement is created by the landowner

-Clodfelter – is pleased with the possibility of a conservation easement

-McCarey – asked about the suitability of subdividing this land for multiple single-family houses

-S-S Director – you can do single-family housing in slip-prone areas with the assistance of a design professional and soil testing, and still not be cost prohibitive

-Swank – will bring forward after hearing from Attorney Mott on the City's request to include a utility easement

- University Estates, Tax Increment Financing (TIF) Amendment

-S-S Director – cited four major changes: 1) removing any mention of the option to purchase as it creates a barrier for the developer when securing financing – it is being replaced with failsafe language for the City should the developer fail to complete the work in a certain period of time; 2) the requirement for a life insurance policy on the two partners is being changed to remove Pat Lawson and include only the key developer Bret Howard; 3) a date change to apply the 3% increase to the minimum base purchase price from 2024 to 2025; and 4) to remove the requirement that the developer gain letters of support from the Affordable Housing Commission and the Commission on Disabilities – instead, recommending the developer will make a good faith effort with buyers to include universal design options (the Commission on Disabilities was unwilling to support

this project since none of the units will be single-story construction) – finally, reported the construction of City infrastructure has received a favorable bid and will be awarded when the legislation is approved by City Council

-Spjeldnes – clarified that the Affordable Housing Commission was willing to provide a letter of support, but she thinks it is important in the future that such a provision is not placed in legislation as these Commissions are simply advisory – questioned that there is no base price on 3-bedroom units

-S-S Director – will discuss with the developer about adding an appropriate base price on the 3-bedroom units

-Swank – agrees, the 3-bedroom price has disappeared – this raises a red flag for him

-S-S Director – has heard from the community they want more housing in the City – again, he will ask the developer to comment on adding pricing to the legislation for the 3-bedroom units

-Wood – biggest loophole for him is that commitment on unit pricing – would like to see locked-in base pricing

-Spjeldnes – the Affordable Housing Commission often hears criticism that this is not affordable housing – affordable housing at all income levels is critical – this project was never intended to be low-income housing, but the per unit pricing for this project is fair and will fit a certain niche that is needed – again, emphasized the need to include a three-bedroom unit price

-McCarey – asked about future opportunities to attract developers who can make more accessible units

-Mayor – these are equity bearing homes that will be on the market – buyer can choose options over and above what is currently designed – sole intent of this project is to provide greater housing stock in the City

-Wood – is in favor of more housing – worried about lower income housing and accessible housing – the TIF is an excellent way to leverage our assets, and does not believe it is a big ask to request a 3-bedroom price point

-Spjeldnes – while this project does not address our need for accessible housing and low-income housing, she trusts those opportunities will be available soon – added, the topography of this land is not suitable for one-story housing

-Thomas – echoed need for low-income and accessible one-story housing – there are also demographics showing the need for this type of project in our community – this is a promising investment – would like to see this move forward

- Title 49, Special Use of the Right-of-Way (49 Central Avenue)
 - Swank – the owner would like permission to continue use of the City right-of-way for a pre-existing paving stone patio and stairs to the house in an adjacent unmaintained alley, and to park in said portion of this unmaintained right-of-way to more easily access the front door to the house – pointed out there is no traffic in that alley other than those coming to this house
 - Clodfelter – asked about emergency vehicle access
 - Swank – should not be a problem

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. PACE (Lostro Ventures, LLC)
2. Special Use Permit

MINUTES TRANSPORTATION COMMITTEE AUGUST 12, 2024

Members in Attendance: Solveig Spjeldnes, Chair
Beth Clodfelter, Member
Jeff Risner, Member

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

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

- Ohio Public Works Commission (OPWC) Issue I Funds (application)
 - Spjeldnes – authorization is needed to submit an application to participate and, if awarded, to execute contracts – explained this is a competitive state bond funding stream that the City applies for annually in an amount up to \$400,000 in grant funds – typically, only arterial roadway or bridge projects compete well – the City would like to put forward the 682/56 roundabout project, as there is not enough federal funding
 - Mayor – potential projects throughout the County are scored and ranked for eligibility – feels the City will be highly competitive with this project
 - Spjeldnes – asked how much funding is in place and what is still needed
 - Mayor – have received \$1.4 million with the project costing two or three times that amount
 - S-S Director – target is to avoid taking out a loan on this project
 - Spjeldnes – understands the goal is to begin construction in 2025
 - S-S Director – would like to bid this project in State FY 2024
 - Risner – asked about the extent of the project
 - S-S Director – to build a roundabout – turn lanes were added in 2006 – there continues to be traffic congestion as well as injury accidents
 - Swank – asked about an upcoming open house
 - President – public input will be received on Thursday, August 15, 3 to 6 pm, at the Community Center

- Dump Truck (amend 0-51-23)
 - Spjeldnes – it is necessary to authorize an increased expenditure from (\$170,000 to \$176,000)
 - S-S Director – the increase is for added components in the aftermarket – this is a dual axle truck and will be used to move sludge from the Water Treatment Plant to the landfill after it is compressed

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. Issue I Funds
2. Dump Truck