

Council Members in attendance via videoconference: Clodfelter, Crawl, Fahl, Grace, Kotses, Risner and Smedley.

Also present via videoconference: President Knisely, Mayor Patterson, and Law Director Eliason.

Attendance via videoconference by the Public: Attorney Rusty Rittenhouse, Developer Joseph McCabe, Alan Swank, Ben Peters, Justine Freda Moore, and Raymie McKerrow.

President Knisely opened the public hearing to discuss the Rezoning of the Luhrig Road Proposed Annexation Area to R-3.

Fahl noted that this designation was recommended by the City Planning Commission. This is a much needed affordable, accessible family housing project for our area.

Hearing no questions or comments from the public, the hearing was adjourned at approximately 7:03 p.m.

President of Council

ATTEST:

Clerk of Council

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, DECEMBER 7, 2020, 7:00 P.M.

Athens City Council met in Regular Session at the above hour. Due to concerns with COVID-19 the following members met via videoconference: Clodfelter, Crowl, Fahl, Kotses, Grace, and Risner.

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

Clodfelter moved to Amend the Agenda to include Ordinance 0-157-20 and to remove the Executive Session; Smedley seconded. Amendment was approved unanimously.

COMMUNICATIONS:

President Knisely is in receipt of a notice from the Department of Liquor Control that Athens Pyramids, LLC, 5 Mill Street, has applied for a new D-5 permit. Currently they hold a D-3 and D-3A permits that allow on-premises consumption of spirituous liquor until 2:30 a.m. The D-5 permit allows on-premises consumption of beer, wine, and low proof mixed beverages and carry-out in original sealed containers, and on-premises consumption only of spirituous liquor until 2:30 a.m. If the D-5 permit is approved the D-3 and D-3A permits will be canceled. Responses must be postmarked no later than December 10, 2020.

Auditor Hecht relayed that the City received a good audit report again this year, no findings and no management letter.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported the following:

- Thanked local business leader Les Cornwell for providing new lighting in the uptown area this year, including West Union Street.

ORDINANCES FOR THIRD READING:

0-117-20

AN ORDINANCE ESTABLISHING A "COMPLETE STREETS" POLICY FOR THE CITY OF ATHENS. Kotses moved for Adoption; Clodfelter seconded. Discussion: Kotses thanked the City-County Health Department for its collaboration in spearheading this idea. He noted that the City has included this complete streets concept in recent projects. Also, the 2040 Comprehensive Plan promotes the idea of complete streets for multi-modal transportation, accessibility and safety.

Crowl supports this policy and commented that some granting agencies include a complete streets policy as one of the items they review when deciding on grant awards.

0-127-20

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY PERMIT TO HOCKING RIVER DEVELOPMENT, OWNER, 26 EAST PARK DRIVE, TO ALLOW DIRECTIONAL SIGNAGE FOR MARIETTA MEMORIAL HOSPITAL, ATHENS DEPARTMENT OF PRIMARY CARE. Fahl moved for Adoption; Grace seconded. Adoption was approved unanimously.

0-128-20

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY PERMIT TO HOCKING RIVER DEVELOPMENT, OWNER, 26 EAST PARK DRIVE, TO ALLOW DIRECTIONAL SIGNAGE FOR MARIETTA MEMORIAL HOSPITAL, ATHENS DEPARTMENT OF PRIMARY CARE, AT THE INTERSECTION OF EAST STATE STREET AND EAST PARK DRIVE. Fahl moved for Adoption; Kotses seconded. Adoption was approved unanimously.

0-130-20

AN ORDINANCE AMENDING THE 2020 APPROPRIATION ORDINANCE; AND AUTHORIZING THE AUDITOR TO MAKE INTERFUND TRANSFERS. Crowl moved for Adoption; Risner seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

0-135-20

AN ORDINANCE ACCEPTING THE PETITION FOR ANNEXATION OF APPROXIMATELY 24.942 ACRES ON LUHRIG ROAD.

0-136-20

AN ORDINANCE DESIGNATING THE ZONE FOR THE LUHRIG ROAD ANNEXATION AREA.

0-137-20

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN LPA/STATE PROJECT AGREEMENT (PID No. 113410) WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO INSTALL WET REFLECTIVE PAVEMENT MARKINGS ON STATE ROUTES 33 AND 50; AND DECLARING AN EMERGENCY.

0-140-20

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ATHENS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2021.

0-141-20

AN ORDINANCE AUTHORIZING 2021 STAFFING LEVELS AND NON-UNION COMPENSATION; REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

0-142-20

AN ORDINANCE ADOPTING A FRINGE BENEFITS PACKAGE FOR NON-UNION PERSONNEL WITHIN THE CITY OF ATHENS AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

ORDINANCES FOR FIRST READING:

0-144-20

AN ORDINANCE ADOPTING THE 2040 COMPREHENSIVE PLAN FOR THE CITY OF ATHENS AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH. Discussion: Fahl is very pleased with this long-range plan and looks forward to ideas for implementation next year.

Kotses appreciates that while the Plan looks at the overall City in a broader sense, it also drills down into the smaller neighborhood areas.

0-145-20

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE APPALACHIA REGIONAL COMMISSION/GOVERNOR'S OFFICE OF APPALACHIA PROGRAMS; AND TO EXECUTE CONTRACTS AS REQUIRED.

0-146-20

AN ORDINANCE AMENDING ORDINANCE 20-15, ATHENS CITY CODE, TITLE 7, PARKING REGULATIONS, CHAPTER 7.05.26, REGULATION OF CITY PARKING LOTS; AND DECLARING AN EMERGENCY.

0-147-20

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A CONTRACT WITH THE EMPLOYEE BENEFIT SERVICE CENTER TO SERVE AS THE CITY'S THIRD PARTY HEALTH INSURANCE ADMINISTRATOR (TPA); AND DECLARING AN EMERGENCY.

0-148-20

AN ORDINANCE AUTHORIZING A STOP-LOSS MEDICAL INSURANCE CONTRACT; AND DECLARING AN EMERGENCY.

0-149-20

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 17, MUNICIPAL INCOME TAX, TO ADD SECTION 17.01.96, WORK DEEMED PERFORMED BY AN EMPLOYEE WITHIN THE CITY OF ATHENS DURING THE COVID-19 DECLARATION OF EMERGENCY; AND HEREBY DECLARING THIS ORDINANCE AN EMERGENCY MEASURE. Discussion: Crowl explained that this legislation is needed to clarify how the City of Athens continues to collect its income taxes during the pandemic as some employees are working from home, outside the corporate limits.

President Knisely pointed out that this is critical to the City's budget as 70-80% of our General Fund income is from income tax.

0-150-20

AN ORDINANCE AMENDING THE 2020 APPROPRIATION ORDINANCE; AND AUTHORIZING AN INTERFUND TRANSFER. Crowl moved for Suspension of the Rules in order that funds are available in this year's budget; Kotses seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Smedley seconded. Adoption was approved unanimously.

0-151-20

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PROVIDE FINANCIAL SUPPORT FOR THE OPERATION OF THE ATHENS COUNTY CONVENTION AND VISITORS BUREAU; AND DECLARING AN EMERGENCY. Discussion: Crowl indicated that this is a 3-year renewal of the contract, through 2023, with no substantive changes.

Kotses has been asked whether the City Council Member serving on this Board is a voting or non-voting member.

The Law Director will review the by-laws and clarify.

0-152-20

AN ORDINANCE AFFIRMING THE MAYOR'S EXECUTION OF AN AGREEMENT WITH THE ATHENS CITY FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., AND THE CITY OF ATHENS PATROL OFFICERS AND LIEUTENANTS, CONCERNING WAGES AND WORKING CONDITIONS.

0-153-20

AN ORDINANCE AFFIRMING THE MAYOR'S EXECUTION OF AN AGREEMENT WITH THE ATHENS CITY FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, AND THE CITY OF ATHENS COMMUNICATION OFFICERS, CONCERNING WAGES AND WORKING CONDITIONS.

0-154-20

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. Discussion: Grace explained that due to old infrastructure requiring ongoing maintenance and upgrades to adequately meet the needs of a proper sanitation system, the City

has a high-debt obligation in the Sewer Fund. Deputy Service-Safety Director Chiki, based on projected revenue, issued a report detailing that at the end of 2020 the City Sewer Fund will show an estimated deficit of approximately \$223,109. City Council has discussed a 4% increase, but Chiki's report indicates that with only a 4% increase the Sewer Fund will continue to show an estimated deficit of nearly \$49,000 at the end of 2021. In addition to our current sewer debt obligation, there is a County sewer expansion project underway and the City will need to replace a sanitary sewer line on Richland Avenue in order to handle the increased flow from the County. This will require an additional loan in 2021, and in 2022 and 2023 there will be yet additional loan payments coming due. In order to offset a 6% increase in the Sewer Fund, the Administration has decided to increase the water rates by only 1% instead of the requested 3%.

Clodfelter understands that the increase to 6% is necessary and is pleased with the Administration's willingness to lower the water rate increase.

0-155-20

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, SECTIONS 5.03.04, WATER RATES, AND 5.04.05, WASTEWATER DISCHARGERS, TO INCREASE RATES. Discussion: Grace reported that one new fee is being added for an after-hours turn off fee at the meter of \$50.00 to cover City staff coming back in to work. The only other increase is to the per gallon wastewater dischargers per gallon fee for hauled septage from \$0.05 to \$0.065.

0-156-20

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, TO INCREASE THE CITY'S STORM WATER SERVICE CHARGE, SECTION 5.04.08, SEWER RATES; AND DECLARING AN EMERGENCY. Discussion: Grace noted that maintenance and monitoring of our storm sewers is important and it is necessary to increase the storm water fee. The City is considering hiring a staff member to improve environmental management of our storm sewer system, and this fee will also contribute to the funding of this position. The residential rate will increase monthly on the utility bill from \$2.00 to \$3.00 and commercial/industrial from \$4.00 to \$6.00.

Fahl thinks it is important to understand how storm water impacts our other systems. Without good storm water management, the sewage treatment plant tends to overload. Storm water management not only helps to keep surface water cleaner, but also saves money by keeping all water from being sent to the Wastewater Treatment Plant. Storm water is highly regulated because it has such an environmental impact.

Crowl reported that the Climate & Sustainability Ambassador at Ohio University did a public service announcement in the fall during Pollution Prevention Week specifically about our storm drain infrastructure. It is crucial, especially in a floodplain area like Athens, that we have a good storm water

system. Only rain should be entering our storm sewers, as it flows directly to the Hocking River; anything else becomes an environmental problem.

0-157-20

AN ORDINANCE AUTHORIZING THE AUDITOR TO REDUCE 2020 YEAR-END APPROPRIATIONS.

President Knisely explained that this is an annual ordinance to make adjustments and adequately calculate our year-end balances.

ANNOUNCEMENTS & OTHER BUSINESS:

Risner moved to Accept the October, 2020, Financial Reports as presented by the Auditor; Fahl seconded. Motion was approved unanimously.

Fahl moved to reappoint Mary Abel, currently serving as an alternate, to complete the term of Joe Krause through November 4, 2022, as a full Member, and to reappoint Patrick Daugherty as an Alternate, and Brian Miller and Nick Polsenelli as full Members to additional 3-year terms on the Housing Appeals Board; Grace seconded. Reappointments were confirmed unanimously.

Clodfelter moved to reappoint John Gutakanst to the Board of Zoning Appeals for an additional 3-year term expiring on August 5, 2023; Fahl seconded. Reappointment was approved unanimously.

Smedley moved to reappoint Pamela Callahan to the Historic Preservation Commission for an additional 4-year term expiring on November 7, 2024; Risner seconded. Reappointment was approved unanimously.

Kotses moved to reappoint Emilie Wood to the Shade Tree Commission for an additional 2-year term expiring on December 31, 2022; Grace seconded. Reappointment was approved unanimously.

President Knisely announced a Special Session of Council next Monday following Committee meetings.

Clodfelter announced a free, drive-through COVID-19 testing at the Fairgrounds tomorrow from 12-4 for anyone over the age of 2, who is symptomatic or those who are asymptomatic.

At approximately 8:30 p.m., Crawl moved to Adjourn; Fahl seconded. Adjournment was approved unanimously.

President of Council

ATTEST:

Clerk of Council

MINUTES: DECEMBER 7, 2020

FINANCE & PERSONNEL COMMITTEE

7:00 p.m.

Members in Attendance via Videoconference: Sam Crowl, Chair
Jeff Risner, Vice-Chair
Peter Kotses, Member
Arian Smedley, Member

Administrators and/or

Other Elected Officials via Videoconference: President Knisely
Mayor Patterson
Interim Service-Safety Director Pyle
Auditor Hecht
Law Director Eliason

ITEMS DISCUSSED:

- Contracts (Fraternal Order of Police)
 - Crowl – these contracts affect the patrol officers, lieutenants, and communication officers – changes: wages, 2.25% increase in year one (2021), with the provision for a wage reopener in the second and third years; insurance, maintain current language with the addition of an HSA option in years one and two, with a reopener in year three; uniform allowance, will be paid at the end of each quarter, relieving an administrative burden on office staff; and, finally, the State of Emergency, Article 16.7E, pertaining to hours of work and overtime, will change to authorize the Mayor or the Athens County Sheriff (not the Governor) to declare a state of emergency when non-essential City personnel would not be scheduled to work, and for purposes of a snow event, emergency is defined as level III only.
 - Risner – there has been concern from some citizens that APD disciplinary records are being purged, and asked for clarification
 - Crowl – records do not disappear – there are record retention schedules in place
 - Interim S-S Director – records are not destroyed; it is against the Public Record Law in the State of Ohio – all disciplinary records are kept during the employees' tenure with the City, maintained in the personnel file in the Human Resources (HR) Department – the concern by some citizens expressed in a prior meeting was related to the timeframe for progressive discipline use – once the timeframe passes and there is no intervening discipline of the officer, those records can be moved to an inactive file, also maintained by HR and can be made available upon request
 - Clodfelter – these same citizens believed that officers declining to come in for overtime would still be paid for overtime hours and asked for clarification
 - Interim S-S Director – that was also misinterpreted – that particular section deals specifically with how overtime is equalized at the end of each pay period –there is a need for union employees to have equal access to overtime – this is standard practice

- Grace – asked for clarification on whether the reopeners can be requested by either the City, or the Union
- Interim S-S Director – correct, by either party

ITEMS NEEDED ON THE NEXT CITY COUNCIL AGENDA:

- 1.** APD Contracts

MINUTES

TRANSPORTATION COMMITTEE

DECEMBER 7, 2020 – 7:00 p.m.

Members in Attendance via Videoconference: Peter Kotses, Chair
Sam Crowl, Vice-Chair
Beth Clodfelter, Member

Administrators and/or

Other Elected Officials via Videoconference: President Knisely
Mayor Patterson
Auditor Hecht
Law Director Eliason

ITEMS DISCUSSED:

- Grant Submission
 - Kotses – request to submit a grant application to the Appalachia Regional Commission/Governor’s Office of Appalachia Programs in the amount of \$500,000 to assist with funding the connector road between West Union and West State, the Herrold Avenue extension, as part of the West Union Street Improvements Project – if awarded, this project would be underway in 2022 – this grant would be administered by ODOT
 - Mayor – noted that the ARC Access Road grant is highly competitive – there is an economic development component attached to these grants – will help with traffic flow in the area – will improve access for Athens Public Transit
 - Clodfelter – clarified that this has been presented and feedback received from the West Side Neighborhood Association
 - Kotses – correct – overall, the west side residents see this as a benefit
 - Smedley – asked if this project is dependent on the grant
 - Kotses – without this grant the project will likely be delayed – additional funding will be needed to complete the extension
 - Smedley – understands there were route options and that the route of preference impacted a residential property – asked if a different route could be considered
 - Mayor – can continue to explore other routes – need to be mindful to not breach the former railroad bed, as it acts as a high water diversion path
 - Smedley – beyond the economic development benefit, this connector would offer an alternative exit to the West State Street Park during times of high recreational activity

ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. Grant