

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, JUNE 15, 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, Risner and Smedley.

Also present via videoconference: President Knisely, Mayor Patterson, Law Director Eliason, Deputy Service-Safety Director Chiki, and Planner Logue.

DISPOSITION OF MINUTES:

Risner moved approval of the minutes of the Regular Sessions of Council held on May 18, 2020 and June 1, 2020, and the Special Session held on May 26, 2020; Grace seconded. Minutes were unanimously approved as presented.

COMMUNICATIONS:

Smedley shared that she will be hosting a virtual west side chat on July 13, hosted by Zoom. Those interested can contact her for a link.

Clodfelter recognized the Supreme Court's decision to protect LGBTQ rights in our nation.

Fahl was also pleased with the justices' decision not to rule on the court case against California regarding sanctuary cities.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported the following:

- Echoed Clodfelter's recognition of the Supreme Court's decision to protect the LGBTQ community against discrimination in the workplace.
- The Safe Routes to School Grant Street project will be underway on June 18th.
- The Southeast Ohio Energy Council is planning an Athens Carbon Fee virtual Town Hall with a tentative date of July 1 at 6:00 p.m. and an alternate date of July 8, same time. This will be a discussion of the first solar projects for municipal buildings from the .2 cent or an additional \$1.60 to \$1.80 to the monthly utility bill for the carbon fee approved by Athens' voters.

ORDINANCES FOR SECOND READING:

0-69-20

AN ORDINANCE AUTHORIZING THE 2020 STREET PAVING AND REPAIRS PROJECT (#333); AND DECLARING AN EMERGENCY.

0-70-20

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PARTNERSHIP AGREEMENT WITH THE ATHENS COUNTY COMMISSIONERS AS APPLICANT AND GRANTEE, IF FUNDED, FOR SUBMISSION OF AN APPLICATION TO THE OFFICE OF COMMUNITY DEVELOPMENT, OHIO DEVELOPMENT SERVICES AGENCY (ODSA) FOR THE PROGRAM YEAR (PY) 2020 COMMUNITY HOUSING IMPACT AND PRESERVATION PROGRAM (CHIP).

0-71-20

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND ACCEPT BIDS FOR CONSTRUCTION OF THE WASTEWATER TREATMENT PLANT DEWATERING IMPROVEMENTS PROJECT (#320).

0-72-20

AN ORDINANCE AUTHORIZING DESIGN ENGINEERING OF THE CITY SEWER SYSTEM IMPROVEMENTS PROJECT (#330).

0-73-20

AN ORDINANCE AMENDING ORDINANCE 139-19; AUTHORIZING CONSTRUCTION AND CONSTRUCTION ENGINEERING SERVICES, AND PROPERTY ACQUISITION FOR THE KIMES RESERVOIR PROJECT (#324).

0-74-20

AN ORDINANCE AFFIRMING THE CITY OF ATHENS WILL PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE EMPLOYEES OF AFSCME LOCAL 2403 PURSUANT TO INTERNAL REVENUE CODE SECTION 414(h)(2).

ORDINANCES FOR FIRST READING:

0-78-20

AN ORDINANCE AMENDING THE 2020 APPROPRIATION ORDINANCE.

0-79-20

AN ORDINANCE AUTHORIZING THE PAYMENT OF A PRIOR YEAR EXPENSE; AND DECLARING AN EMERGENCY.

0-80-20

AN ORDINANCE AMENDING ORDINANCE 61-20, ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, SOLID WASTE, RECYCLING AND OPTIONAL COMPOSTING RATES. Crowl moved for Suspension of the Rules in order for this change to be in effect on July

1st; Fahl seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-81-20

AN ORDINANCE ACCEPTING A CERTIFICATE OF REGISTRATION FROM THE ZAYO GROUP, LLC FOR USE OF THE CITY'S RIGHT-OF-WAY.

0-82-20

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN LPA/STATE PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR A GUARDRAIL REPLACEMENT/UPGRADE PROJECT (PID No. 98361); AND DECLARING AN EMERGENCY.

0-83-20

AN ORDINANCE ESTABLISHING A PILOT PROGRAM AND GUIDELINES FOR THE APPROVAL AND INSTALLATION OF TEMPORARY SIDEWALK EXTENSIONS FOR USE BY THE GENERAL PUBLIC AT APPROPRIATE LOCATIONS WITHIN THE PUBLIC RIGHTS-OF-WAY; AND DECLARING AN EMERGENCY. Discussion: Kotses noted that City Council and the Administration are looking for ways to assist businesses with reopening while under the strict State guidelines ordered during this time of the coronavirus pandemic, a way to provide safe outdoor space for patrons. Both the City and businesses agree that parklets seem to be a good plan moving forward.

Planner Logue noted the following changes since Council's committee discussion: 1) It has been changes to a pilot program through this summer as a test prior to adding it to the City Code as a seasonal strategy. It will be monitored and collect feedback from constituents and stakeholders.

2) Added a provision for use of the sidewalk for seating immediately adjacent to the building, with the understanding that shifting pedestrian activity may be needed onto a right-of-way platform. This is only an option for a restaurant that has a wait staff service.

3) Extended the date to September 30, as opposed to August 31 to gauge impact on uptown businesses upon the return of the student population.

4) Minor clarifications were made to the eligibility section.

5) Added clarity regarding enforcement and compliance with ADA requirements.

Crowl emphasized the need for accessible pedestrian walkways if the sidewalk is being used as an extension of a business.

Logue noted that this is a model that has been successfully used in other communities.

Crowl asked about restaurants serving alcohol in the public right-of-way.

Law Director Eliason responded that there are two issues with serving alcohol outside: 1) the open container law; and 2) when the permit is issued, it is issued for a specific area upon the premises. More likely than not, that area only includes indoors.

Dani Underhill, President of the Athens Area Chamber of Commerce, representing the business community, spoke in favor of this pilot program for use of the public rights-of-way to assist businesses during this economic and health crisis. The uptown area is not conducive to physical distancing as recommended by health authorities. Additionally, the outdoor space with open air will certainly create consumer confidence and encourage residents, locals and students to visit these establishments while remaining safe. This pilot has limitless possibilities for what future opportunities may look like.

Risner is in favor of this pilot; he thinks it is a great idea. Risner then moved to Amend Section I of the proposed ordinance to include the language that, "The Administration will, within 60 days after the completion of the pilot project, report to City Council on the success of the pilot project and make any recommendation they deem necessary." Fahl seconded.

Amendment was approved unanimously.

Clodfelter moved for Suspension of the Rules; Risner seconded.
Discussion: Deputy Service-Safety Director Chiki is confident that within one week of passage the City will be processing applications. He recommends Suspension of the Rules at this meeting.

Mayor Patterson commented that the coronavirus pandemic is having a significant impact on our businesses, and in particular those in the uptown area with regard to physical distance seating requirements. He agrees that Suspension of the Rules and passage tonight is important to allow businesses to take advantage of this opportunity as quickly as possible.

Suspension of the Rules was approved unanimously.

Kotses moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

RESOLUTION FOR FIRST READING:

R-09-20

A RESOLUTION AFFIRMING THAT FUNDS FROM THE COUNTY CORONAVIRUS RELIEF DISTRIBUTION FUND WILL BE EXPENDED ONLY TO COVER COSTS CONSISTENT WITH THE REQUIREMENTS OF SECTION 5001 OF THE CARES ACT AS DESCRIBED IN 42 U.S.C. 801 [FORMERLY 42 U.S.C. 601(d)], AND ANY APPLICABLE REGULATIONS AS IS NECESSARY PURSUANT TO H.B. 481 BEFORE RECEIVING SAID FUNDS; AND DECLARING AN EMERGENCY. Clodfelter moved for Suspension of the Rules

in order to register immediately to receive federal funding for the City's COVID-19 expenditures; Crowl seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

ANNOUNCEMENTS & OTHER BUSINESS:

Crowl moved to appoint Megan Almeida to serve on the Environment & Sustainability Commission; Grace seconded. Appointment was approved unanimously.

Risner moved to Accept the Auditor's May, 2020 Financial Reports; Fahl seconded. Motion was approved unanimously.

Clodfelter asked about the beginning date for the expanded curbside composting.

Crowl, as he understands it the program will begin on July 1, but the roll-out timetable is subject to the Athens-Hocking Recycling Centers (AHRC) schedule. He added, residents will not be seeing the composting fee on their bills until August. He encouraged residents who do not want to participate in the curbside recycling program to send an opt-out email to:

compost@ci.athens.oh.us

Clodfelter asked about upcoming media coverage.

Crowl is aware that the Service-Safety Director's Office has issued a news release, and letters to the editor will be forthcoming.

Smedley encouraged everyone to send notice through their social media sources.

At approximately 8:20 p.m. Fahl moved to Adjourn the meeting; Smedley seconded, and the meeting was adjourned.

President of Council

ATTEST:

Clerk of Council