

MINUTES JULY 10, 2020 COMMITTEE OF THE WHOLE 5:00 P.M.

Council Members in Attendance via Videoconference: Beth Clodfelter
Sam Crowl
Chris Fahl
Peter Kotses
Sarah Grace
Jeff Risner
Arian Smedley

Administrators and/or
Other Elected Officials via Videoconference: President Knisely
Mayor Patterson
Law Director Eliason

Items Discussed:

- Requirement for Face Coverings in Public Spaces
 - President – a City-County Health Department support letter has been received from Health Commissioner Dr. James Gaskell, M.D. – the draft legislation requires face coverings in public spaces and is complaint driven – APD is empowered to enforce, issuing a \$100 administrative fine with an appeals process – places requiring a face covering: (1) all public businesses; (2) all City facilities; (3) public transportation and stop areas; and (4) any outdoor space where distancing of more than 6 feet is not possible – there are (12) exceptions: (1) medical condition or disability; (2) children under the age of 10; (3) eating or drinking at a restaurant or bar; (4) schools and child care centers; (5) medical treatments or while swimming; (6) walking or exercising outside; (7) exercising at a gym; (8) individual work space; (9) inside a personal or commercial vehicle; (10) while acting as a public safety employee or emergency responder; (11) individuals complying with directions of a public safety employee or emergency responder; and (12) individual completing a task and would be out of compliance with industry safety standards
 - Grace – over the past two weeks it has become very clear that dramatic changes are happening in our community – in Athens County two weeks ago today we had 29 total cases, and today we are at nearly four times that, at 111 – even more concerning is the number of active cases that in that same two-week period has seen a 12-fold increase, from 6 to 76 active cases – local businesses are closing due to staff members testing positive and some due to caution

because of the rise in case numbers in our region – evidence is indisputable that wearing face masks in public helps reduce the spread of this disease – if we want to move our community forward, to thrive once again with a vibrant bustling student community we have a responsibility to do everything we can to slow the spread of this disease, to protect everyone, making it possible for our schools and businesses to reopen as quickly as possible

-Fahl – emphasized that this is exactly why Ohio is a Home Rule state – it is the responsibility of local leaders to protect the health, safety and welfare of our citizens

-Clodfelter – this is a critical public health issue – having our citizens wearing face coverings could save lives – some of our local businesses have chosen to close again due to the rise in positive cases – we need to wear masks and flatten the curve in order to return to an economically viable community

-Smedley – we have to remember that face coverings are to protect those around us, those who are most vulnerable; it is not just about protecting ourselves

-Risner – agrees 100% with the necessity to wear face coverings – asked about the exception for those acting in their official capacity as a safety employee or first responder – questioned when one decides that a face mask is interfering or limiting the ability to carry out their official duties – he fears that if there are not clear guidelines about when and where public employees should wear masks, it doesn't set a good example for the public – just because it is uncomfortable is not reason enough – requested that it be addressed in a policy

-Kotses – he is 100% on board with the face covering requirement – if it even keeps one person off a respirator it is worth it, and such an easy thing to do to protect others

-Crowl – agrees, this is a very important step – studies and information he has read show that wearing a mask slows the spread of the disease

-Fahl – is concerned when hearing people say that masks are for those who are vulnerable – no one knows the long-term complications for those of any age or who may have a less severe case of COVID-19 – emphasized that everyone is at risk, no matter their age, for life-long impactful health problems

-Clodfelter – asked about places of worship being exempted from the mask requirement – understands there have been multiple cases in the United States where these have been hotspots for the coronavirus – she would like to protect more of our citizens and keep them safe, if possible

-Grace – believes this action would be more difficult and less supported if places of worship are not excluded – added, many of the churches in Athens are not open even though, legally, they could be – they are keeping the health of their

congregants a top priority and are continuing to hold their services online and in other ways – hopes churches will continue this practice

-Risner – asked if churches are regulated by the State Fire Marshall for capacity inside a room – he believes there is governmental regulation of churches that is constitutional due to public safety – he also noted that nursing homes are not included in this legislation

President – will be reviewed and added, if needed

-Kotses – there are new guidelines now in place for even lower room capacities – he believes that churches would need to comply with fewer people within the space

-Clodfelter – questioned the \$100 fine for not wearing a mask and asked if the fee could be lower, possibly \$50 with a second violation increasing to \$100 – there are a lot of people now struggling financially

-Grace – she wants a fine that nobody wants to have to pay – any violation will be handled in a very positive and supportive way – if the police respond to a complaint of someone not wearing a mask the first step will be to offer that person a mask, along with information on why it is necessary – it will not be an immediate \$100 fine – people will be given plenty of opportunity to comply before having a cost assessed to them – clarified that this is not a criminal conviction unless the administrative fine goes unpaid

-Smedley – agrees with keeping the fine at \$100 – understands that CARES Act dollars can be used by the City to purchase masks to offer to those who do not have one, and noted that HAPCAP is also using some of its funding to purchase masks in bulk to provide to those who need them

-Mayor – this is an extremely important piece of legislation – after having 3 active cases over a period of six weeks, Athens County has moved very quickly from linear to an exponential increase (from March 17 through June 8 there was only one hospitalization due to COVID19 in Athens County and from June 9 through present that has increased to 9 total) – it is now time to require face coverings to protect our community – Athens County currently has 76 active cases, 34 recovered cases, and not more than 3 days ago the County had 29 active cases and 29 recovered – the active cases have now far exceeded the number of those recovered – the City does have the opportunity to use CARES Act money to purchase disposable face coverings for distribution, as well as to produce uniform signs that can be posted throughout the community with a uniform message that face coverings are required within the City of Athens – clarified that the City does not have jurisdiction over the Athens City School District or Ohio University – indicated that Ohio University will have a required face covering policy for students, faculty and staff that will create continuity between the campus area and City public space – the Ohio Department of Education will be requiring, with face to face instruction, face coverings for grades 3 through 12, again for a level of continuity – feels very strongly that it is the sworn

responsibility of our elected officials to protect our citizens – to do nothing, is to not do our jobs – this is something we can do to help flatten the curve

-Fahl – noted that those in the “chat” group are asking about testing sites and questioning whether the Athens County Fair will be opening

-Mayor – shared that testing is available at O’Bleness, Holzer Clinic, and at the CVS drive-through on East State Street (by appointment only at CVS) – if you are exhibiting symptoms of COVID19 you need to contact your primary care provider – understands that the Fair is planning to have some events, keeping in mind that this area of the City is also under separate jurisdiction

-Fahl – there are also questions about contact tracing

-Mayor – that is being done by the City-County Health Department

-President – there have been several queries about the ordinance language being considered – a copy of the “draft” ordinance will be made available on the City’s Website – noted that there are 95 attendees posting questions – she then opened the discussion with comments from the public

-Aaron Rhinehart, North Congress – does not understand the exception from bars and restaurants – these are two high risk areas

-President – clarified that it is only when you are eating/drinking at a table that the exception applies – those waiting for a table or moving about are required to wear a mask

-Kelly Blosser, N. Lancaster Street – agrees with Rhinehart that these are high risk situations – consistent mask wearing is important – urged Council to take a closer look at the exceptions

-Grace – the list of exceptions was not taken lightly

-Law Director – the Ohio Department of Health mandates six feet between tables or groupings and this exception clearly states that if a patron is not at their table, they have to wear a face mask – the City does not have the authority to shut down a business

-Chad Kister, Bessemer Road, Nelsonville, Ohio – added that social distancing is also important

-Alan Swank, Townsend Place – asked if Council has the authority to have businesses require masks

-Law Director – a private business can certainly decide who comes into their business and who does not – if a private business does not want someone to come in without a mask, they can ask the person to leave – through this ordinance the City is encouraging people to wear masks through a penalty – again, enforcement is complaint driven

-Swank – people have different views about wearing a mask – how would a complaint be filed

-Grace – our local Police Department has the authority to issue citations – she recommended calling the non-emergency number – a complaint could also be made to the owner/manager of the business

-Swank – is trying to avoid a contentious situation without leading to confrontation

-Britton Posey, resident – asked how a business can protect itself from someone who refuses to wear a mask

-President – certainly it starts with a conversation, it would be the businesses prerogative to make a call to the Police Department to file a complaint

-Mayor – this ordinance will be helpful to businesses if someone is challenging them – the business can refer to this required City mandate

-Fahl – restaurants already require the wearing of a shirt and shoes as a safety requirement – this will be no different – the protocol is already in place

-Posey – it has been very alarming to see house parties and large gatherings around the City with no social distancing, causing a big spike in the number of cases – he asked how that is being addressed

-Mayor – the Governor's Order is still in effect for gatherings of 10 or more unrelated individuals – the Police Department will respond and ask that they disperse from the area

-Sherri Oliver, Lamar Drive – this ordinance is incredibly important as our numbers of cases continue to increase every day – asked about the exception for first responders

-Mayor – this is not a 100% exception – the Police Department has been instructed that if they find themselves in a serious situation and a face mask becomes an impediment, it can be removed – at all other times officers must wear them

-Steve Richter, North Shannon Avenue – asked if there is a feasible way for the police to pass out masks to those not wearing them before issuing a citation

-Mayor – initially, the police will give a warning before giving a citation – officers will have disposable face masks that can be given

-Nancy Walker, Avon Place – asked if the City gets information from the contact tracing in order to help identify possible sources

-Law Director – specific information is not provided to the City due to privacy concerns

-Mayor – understands that only certain information can be dispersed via the City-County Health Department due to HIPPA Guidelines – within our jurisdiction, addresses are issued to first responders, EMS, police and fire for response purposes – the City only has access to information on active and recovered cases, but not detailed areas

-Brian Clark, May Avenue – encouraged Council to think about alternative and creative strategies to mitigate hotspots cited at restaurants and bars

-Claudia Gonzalez-Vallejo, Northpoint Drive – need to ensure maximum capacity is enforced with six feet or more social distancing in bars and restaurants

-Mayor – noted that the Governor’s Orders for the reopening of bars and restaurants clearly states the six-foot distance between groups – added, unfortunately that has been disregarded by some businesses which was extremely disturbing

-Grace – clarified that mask wearing is only one of many steps that people should take – she strongly encouraged small circles of interaction and limiting the amount of time you are in the public – emphasized that wearing masks is about recognizing each individual’s responsibility to think about and care for their community – let’s do what we can to keep our family, friends, and neighbors healthy – again, all ages are at risk because we don’t yet know what the long-term complications of this disease might be – medically, there is so much we need to learn about the coronavirus – finally, it is important to keep our community healthy, strong, and vibrant, both socially and economically

-Mayor – there is a public health advisory system in place at coronavirus.ohio.gov – Athens County is currently at a level yellow, but should we be classified as a level red, the entire County will be required to wear masks under Orders by the Governor

-Cynthia Bronte, Blackburn Road – asked about enforcement of face masks at the Athens County Fair

-Law Director – the City has no authority on the fairground property, so that will be up to the Fair Board to enforce

-Crowl – asked that the Ordinance be read, as there is a lot of confusion in the “chat room,” mostly with regard to the exceptions

-Grace – read through the four conditions requiring masks and the 12 exceptions

-Clodfelter – asked about distancing from persons who are out exercising, jogging, questioning that 6 feet is not far enough, and whether this Ordinance should increase that space

-Grace – feels it is important that the City provide consistency with measures that are currently in place from the State and the CDC