

**ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, AUGUST 17, 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, and Law Director Eliason.

**DISPOSITION OF MINUTES:**

Crowl moved approval of the minutes from the Regular Session of Council held August 3 and Special Session held August 10, 2020; Grace seconded. Minutes were unanimously approved as presented.

**ORDINANCES FOR THIRD READING:**

**0-88-20**

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$283,300 OF NOTES BY THE CITY OF ATHENS, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF RENEWING NOTES PREVIOUSLY ISSUED TO PAY PART OF THE COSTS OF IMPROVEMENTS TO THIS MUNICIPALITY'S SANITARY SEWER SYSTEM; AND DECLARING AN EMERGENCY. Crowl moved for Adoption; Grace seconded. Adoption was approved unanimously.

**0-91-20**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN THE CITY OF ATHENS AND OHIO UNIVERSITY FOR LAW ENFORCEMENT ASSISTANCE. Grace moved for Adoption; Crowl seconded. Adoption was approved unanimously.

**ORDINANCE FOR SECOND READING:**

**0-93-20**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN EXTENSION AGREEMENT WITH THE UNITED SENIORS OF ATHENS COUNTY FOR SPACE UTILIZATION IN THE COMMUNITY CENTER; AND DECLARING AN EMERGENCY. Crowl moved for Suspension of the Rules since the current contract ends August 31, 2020; Risner seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Smedley seconded. Adoption was approved unanimously.

## **ORDINANCES FOR FIRST READING:**

### **0-94-20**

AN ORDINANCE REZONING 42 ELLIOT STREET, 20, 21 AND 25 CAMPBELL STREET, AND THE ABANDONED RAILROAD RIGHT-OF-WAY FROM A B3 ZONE (BUSINESS) TO AN M-INDUSTRIAL ZONE. Discussion: Fahl explained that much of this area is already zoned M, and this will create more space for manufacturing in order to help diversify our local economy and create good paying jobs in the community. The owners of adjacent and nearby parcels have been notified of the change, and a public hearing will be held Tuesday, September 8, at 7:00 p.m.

Clodfelter asked if the existing manufacturing businesses are interested in expanding or whether this is being done to attract new manufacturing companies. Mayor Patterson responded, "It is both."

Risner questioned whether there are other areas within the City that could be rezoned to further expand manufacturing opportunities.

Mayor Patterson responded that this area is shovel-ready. Locations are really limited within the City that are not in the floodplain and have utilities available to the sites.

Kotses noted that truck access is important and has recently been improved in this area.

### **0-95-20**

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 29, HOUSING REGULATIONS, CHAPTER 29.02, DIVISION OF HOUSING INSPECTION. Discussion: Fahl relayed that this change has been requested by the City's insurance carrier regarding our housing inspection process.

Law Director Eliason explained that our City Code has a procedure for seeking an administrative warrant for non-periodic inspections, but not for periodic inspections. The City's insurance carrier notified us that our coverage was being dropped for any lawsuits regarding rental inspections. This reasoning is predicated upon a 2016 Federal District Court decision that invalidated the entire Housing Code in the City of Portsmouth; there have been other cases of similar invalidations, and substantial attorney's fees have been awarded.

The procedure being added will provide grounds for probable cause for a periodic inspection when seeking an administrative warrant in a situation where a tenant refuses entry. Our insurance carrier has approved this language and once adopted they will resume coverage.

### **0-96-20**

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY PERMIT TO ROBERT AND LOIS WHEALEY, OWNERS, 100-102 MILL STREET, TO ALLOW A FENCE. Discussion: This will allow the owners to erect a fence in the City right-of-way.

**0-97-20**

AN ORDINANCE ACCEPTING A CERTIFICATE OF REGISTRATION FROM SPECTRUM MID-AMERICA, LLC, DBA SPECTRUM (ULTIMATE CONTROL BY CHARTER COMMUNICATIONS) FOR USE OF THE CITY'S RIGHT-OF-WAY.

Discussion: Fahl indicated that this is regulated by our City Code for those seeking use of the City right-of-way

**0-98-20**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO EXECUTE A TEMPORARY EASEMENT AND RIGHT-OF-WAY AGREEMENT WITH THE OHIO POWER COMPANY (AEP) FOR INSTALLATION OF ELECTRICAL EQUIPMENT AT THE WATER TREATMENT PLANT. Discussion:

Fahl explained that this temporary easement is for a micro-grid experiment in cooperation and partnership between the City and AEP.

**0-99-20**

AN ORDINANCE AMENDING ORDINANCE 45-20; AUTHORIZING THE MAYOR TO ENTER INTO AN ANNEXATION AGREEMENT WITH THE ATHENS TOWNSHIP TRUSTEES FOR PROPERTY LOCATED NORTH OF LUHRIG ROAD (TOWNSHIP ROAD 242); AND DECLARING AN EMERGENCY.

Discussion: Fahl moved for Suspension of the Rules explaining that this is a beginning step in the lengthy annexation process and the developer would like to be annexed by year-end; Clodfelter seconded. Suspension of the Rules was approved unanimously. Fahl noted that this is simply an amendment to correct the legal description and plat following a survey, and she moved for Adoption; Clodfelter seconded. Discussion: Grace mentioned that the Affordable Housing Commission met today and received an update on the project proposed for this annexation. She stressed the importance of this project that will provide suitable and safe housing for persons who qualify for housing assistance and persons with disabilities. Adoption was approved unanimously.

**0-100-20**

AN ORDINANCE AMENDING ORDINANCE 57-20; AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A WATER AGREEMENT WITH THE LE-AX REGIONAL WATER DISTRICT TO RELEASE, UPON ANNEXATION, CERTAIN PROPERTY WITHIN THEIR SERVICE AREA TO THE CITY OF ATHENS; AND DECLARING AN EMERGENCY. Fahl moved for Suspension of the Rules for the same reason cited for 0-99-20; Risner seconded. Suspension of the Rules was approved unanimously. Fahl moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

**ANNOUNCEMENTS & OTHER BUSINESS:**

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

**OPPORTUNITY FOR CITIZENS TO SPEAK ON LEGISLATIVE ITEMS AND CITY SERVICES NOT COVERED ON THE AGENDA:**

Sherri Oliver, Lamar Drive – (See attached remarks regarding the lay-off of the ARTS-West Program Specialist, Emily Beveridge, and the subsequent facility closure.)

Brandon Thompson, Coventry Lane, and member of the Athens Arts, Parks and Recreation Advisory Board, also voiced his concerns about the closure of ARTS West and the removal of Program Specialist Emily Beveridge. He has personally used the ARTS West facility on two separate occasions for business reasons, as well as for group meetings. He understands the financial concerns, but does not believe this is acting in the City’s best interest if we truly value the arts. He also believes this decision is very short-sighted. ARTS West is a jewel in our crown of offerings and this closing will stop its growth in the City of Athens. “If there is a plan to have Ms. Beveridge return in January, what will happen in the meantime? Do the arts not exist during that time? Do we not plan for the arts in 2021?” Even during this pandemic period, the arts have moved from in-person to virtual as have many other business practices. There are many opportunities that can be provided to the public through social distancing and if they cannot find these services in the City of Athens they will find them elsewhere, and the City will lose that support and revenue. Lastly, he shared that tourism in the State of Ohio increased by 4% between 2017 and 2019, and was almost 14% in this area, mostly due to the arts. If the City wants to continue that trend, and we don’t have someone working toward a 2021 plan the City will continue to lose. Let’s continue to value the arts.

At approximately 7:40 p.m. Fahl moved to Adjourn; Grace seconded. Motion was approved unanimously.

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President of Council

ATTEST:

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Clerk of Council