

MINUTES
PLANNING & DEVELOPMENT COMMITTEE
OCTOBER 5, 2020
7:00 p.m.

Members in Attendance via Videoconference: Chris Fahl, Chair
Jeff Risner, Vice-Chair
Sarah Grace, Member
Arian Smedley, Member

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

Items Discussed:

- County Sanitary Sewer Extension (addendum)
-Fahl – contractual dates need to be extended to October 20, 2026

ITEMS NEEDED ON THE NEXT CITY COUNCIL AGENDA:

1. Addendum

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, OCTOBER 5, 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, Auditor Hecht, and Law Director Eliason.

COMMUNICATIONS:

Council Member Fahl reported that several of her constituents are very concerned about trick-or-treating in the neighborhoods. She would appreciate information regarding COVID-19 and the City trick-or-treat's plans for this year.

Council Member Clodfelter reminded everyone that voter registration ends tonight at 9:00 p.m. for the General Election. Early voting begins tomorrow morning at 8:00 a.m. at the Board of Elections Office at 15 S. Court Street.

Council Member Crowl announced that the Environment & Sustainability Commission will be meeting Wednesday, October 7, at 6:00 p.m. Also, he received a note from the Briarwood Drive neighborhood thanking the City Street Department for trimming their islands.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported the following:

- 2020 Leaf Pickup Schedule is now available, and can be viewed on the City's Website. Pickup will begin October 12th.
- Richland Avenue Pedestrian Passageway update – current completion date is October 17th.
- The City COVID-19 grants have been issued to HAPCAP, one for housing mortgage/rent relief and the other for City Utility assistance. Applications and monies are currently available for both.

ORDINANCES FOR SECOND READING:

0-103-20

AN ORDINANCE AUTHORIZING THE CREATION OF THE UNIVERSITY ESTATES INCENTIVE DISTRICT WITHIN THE CITY OF ATHENS; DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN SUCH INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE; DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO

BE MADE TO BENEFIT OR SERVE THE REAL PROPERTY WITHIN SUCH INCENTIVE DISTRICT; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; CREATING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS; AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT WITH THE PROPERTY OWNERS IN SUCH INCENTIVE DISTRICT.

0-104-20

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 23, ZONING CODE, TO INCLUDE SOLAR ENERGY SYSTEMS.

0-105-20

AN ORDINANCE DESIGNATING SEAMAN'S GROCERY, LOCATED AT 305 WEST UNION STREET, AS A LOCAL HISTORIC DESIGNATION.

0-106-20

AN ORDINANCE DESIGNATING THE ATHENS DOWNTOWN HISTORIC DISTRICT AS A LOCAL HISTORIC DESIGNATION.

0-109-20

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO, OR TO EXTEND THE AGREEMENT WITH THE BOARD OF ATHENS COUNTY COMMISSIONERS FOR THE PURPOSE OF OBTAINING THE SERVICES OF THE PUBLIC DEFENDER'S OFFICE THROUGH DECEMBER 31, 2021.

0-110-20

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$123,411 OF NOTES BY THE CITY OF ATHENS, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF RENEWING NOTES PREVIOUSLY ISSUED FOR THE PURPOSE OF PAYING PART OF THE COSTS OF ACQUIRING A NEW PUMPER TRUCK AND RELATED EQUIPMENT; AND DECLARING AN EMERGENCY. Crawl moved for Suspension of the Rules as our pumper truck loan is due on October 16th; Fahl seconded. Suspension of the Rules was approved unanimously. Crawl moved for Adoption; Risner seconded. Adoption was approved unanimously.

ORDINANCES FOR FIRST READING:

0-111-20

AN ORDINANCE ACCEPTING THE PLAT OF THE HERROLD AVENUE COMMERCIAL SUBDIVISION.

0-112-20

AN ORDINANCE AUTHORIZING AN ADDENDUM TO THE AGREEMENT WITH THE BOARD OF ATHENS COUNTY COMMISSIONERS TO EXTEND SANITARY SEWER COLLECTION SERVICES TO UNINCORPORATED PORTIONS OF THE COUNTY, IN ACCORDANCE WITH ORDINANCE 99-17; AND DECLARING AN EMERGENCY. Fahl moved for Suspension of the Rules to ensure that the County can meet grant funding opportunities; Risner seconded. Suspension of the Rules was approved unanimously. Fahl moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

0-113-20

AN ORDINANCE AUTHORIZING THE PAYMENT OF A PRIOR YEAR EXPENSE; AND DECLARING AN EMERGENCY. Crowl moved for Suspension of the Rules in order to make this prior year payment; Fahl seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-114-20

AN ORDINANCE AMENDING THE 2020 APPROPRIATION ORDINANCE. Crowl moved for Suspension of the Rules in order to meet the City's financial obligations; Smedley seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-115-20

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 7, TRAFFIC CODE, CHAPTER 7.05, PARKING REGULATIONS, SECTION 7.05.13, IMPOUNDING OF VEHICLES. Discussion: Kotses noted that this change could encourage better use of the property within the City limits by eliminating the current impound lot.

Grace recalls that the business requesting the change to allow the impound lot to be outside the City limits is near a current bus route. She suggested including language that would require that the lot be within possibly a half mile of our public transit route to ensure that someone will have less than five miles to walk to retrieve their vehicle.

Clodfelter agrees.

Interim S-S Director believes the property subject to this change is on State Route 550, approximately two miles outside the City limits.

Fahl is uncomfortable changing our City Code to accommodate a single business.

Smedley recalls during the earlier discussion on this topic that now there are better transportation options available such as the City's On-Demand service, Lyft, as well as others to supplement our public transit service.

Crowl asked for clarification on this amended language and how that relates to the current Ohio Revised Code language.

Law Director Eliason will review and provide an answer to Councilman Crowl and Chair Kotses.

Interim S-S Director pointed out that the current City lot being used for the storage of vehicles is of some concern as it is in or near the City's wellhead protection area on Columbus Road.

0-116-20

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, SECTION 11.04.06, TO TEMPORARILY REDUCE THE VENDOR'S LICENSE THROUGH DECEMBER 31, 2020; AND DECLARING AN EMERGENCY. Kotses moved for Suspension of the Rules in order to allow the reduced permit fee to begin this month; Clodfelter seconded. Suspension of the Rules was approved unanimously. Kotses moved for Adoption; Risner seconded. Discussion: Kotses indicated that this will be a reduction of 50% through December 31, 2020.

Smedley asked the reason for the December 31st end date.

Mayor responded that the date could be extended if needed, however, vending tends to slow down in January and February.

Adoption was approved unanimously.

0-117-20

AN ORDINANCE ESTABLISHING A "COMPLETE STREETS" POLICY FOR THE CITY OF ATHENS. Discussion: Kotses explained that this is a holistic look at street projects, offering multi-modal systems working together. This legislation was tabled last year as Council Members requested annual reporting be included. A reporting mechanism has now been added. This legislation does not guarantee that every element becomes present on every street project, citing Grant Street added only enhanced pedestrian facilities, but no additional multi-modal systems. This is age-friendly legislation, and it also aligns with the City's Comprehensive Plan.

Crowl believes this is an important policy and that the reporting feature is a positive inclusion. He recalls there being some question about allowing the Director of Engineering to approve exceptions without reporting on the reasons for such exceptions.

Kotses indicated that having this legislation offers additional points and makes the City more competitive when applying for grants to secure outside street funding opportunities.

0-118-20

AN ORDINANCE AMENDING ORDINANCE 83-20 TO EXTEND THE PILOT PROGRAM FOR INSTALLATION OF TEMPORARY SIDEWALK EXTENSIONS WITHIN THE PUBLIC RIGHTS-OF-WAY; AND DECLARING AN EMERGENCY.

Kotses moved for Suspension of the Rules in that the pilot expired on October 1st and the City would like to continue it through November 15th; Clodfelter seconded. Suspension of the Rules was approved unanimously. Kotses moved for Adoption; Risner seconded. Adoption was approved unanimously.

0-119-20

AN ORDINANCE ESTABLISHING GUIDELINES FOR APPROVAL AND INSTALLATION OF TEMPORARY SIDEWALK EXTENSIONS (PARKLETS) FOR USE BY THE GENERAL PUBLIC AT APPROPRIATE LOCATIONS WITHIN THE PUBLIC RIGHTS-OF-WAY; AND AMENDING ATHENS CITY CODE TITLE 11, BUSINESS REGULATIONS, CHAPTER 11.06, MISCELLANEOUS BUSINESS REGULATIONS; SECTION 11.06.02, EXCEPTIONS.

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

Genesis Vaughn (she/her/they/them), West Stimson Avenue, is employed in the City as a community health worker, HIV prevention, and affiliated with Athens County Cop Watch (ACCW), was pleased that on June 22nd Athens City Council passed a Resolution recognizing racism as a public health crisis, as have many other Ohio municipalities. Four months later, he finds himself disappointed that no investigation or further action has been taken. It is no surprise that black people and other people of color continue to face disproportionate levels of police violence. If you think that racist policing is not an issue in Athens, please think again. ACCW has done all of your investigation for you, and they have found that not only are black people arrested about 1.5 times more often than white people, but are also experiencing use of force 2.6 times more than white people. Racism is indeed an issue. This October as APD's contract is renegotiated, please remember that this month is also National LGBTQ history month. Policing is and always has been a direct threat to the lives of queer and trans people, especially those of color, particularly transwomen of color. Let's stop making empty promises; let's start protecting our community. Defund APD, black lives matter.

Damon Krane (he/him), Hudson Avenue, affiliated with ACCW, thinks Athens City Council's June 22nd Resolution was great; it just lacks any results. City Council committed to a review of the Athens City Code with a racial equity lens, including all internal policies and practices; this course of action is totally sensible, it just wasn't followed. The City subsequently announced that there is no problem with racism in local policing and that no reallocation of police funding would be considered. He questioned whether City Council plans to approve next year's budget and renew APD's contract without thoroughly investigating local policing. A group of concerned citizens came together and conducted the investigation called for. This group obtained and analyzed hundreds of pages of local police data and found clear evidence of racist local policing, plus an

unusually high amount of money being spent on that policing. Police Department funding has increased by 17% since 2017. Between APD and OUPD, \$10,000,000.00 per year is being spent on two departments whose jurisdictions are limited to a city of 25,000 people eight months of the year and about 10,000 people over the summer. That is substantially higher police spending per capita than the State of Ohio spends per capita on all local and state policing combined. The ACCW started publishing their findings on June 5th, and yet there is still no response. ACCW is calling upon City Council to do what it pledged to do in June; show us what being anti-racist looks like and actually work to end racism.

Delfin Bautista (they/them), Ohio Avenue, affiliated with ACCW as well as the Southeast Ohio Rainbow Alliance, comes before Council as a trans and queer person of color, as a person who has come to call Athens home, and has worked with many on Council. He comes before you scared, tired, and angry. In June City Council issued a bold statement, “racism is a public health crisis.” This Resolution committed the City to creating a work group to promote racial equity and community engagement. He asked what steps have been taken to move from words to action; words are great but words are not enough. Words will not prevent black members of our community from being profiled and harassed by the police. Words will not dismantle systems of injustice within the City that prides itself for being inclusive. Leaders are needed who boldly embody accomplishments through both words and actions. He invited City Council to affirm that a true problem exists, and that changes are needed now. There is both anecdotal evidence and quantitative research that reflects that racism exists in Athens. He asked, “What are you doing and what will you do?”

Ellie Hamrick (she/they), Columbus Road, affiliated with ACCW, commented that these are desperate times for many people in our county. Even before the global pandemic Athens had the highest rate of food insecurity in the State, 19.3% of County residents not having enough food; this is an emergency. So, why last year did the City’s budget include \$5.5 million for APD and no money at all to combat poverty and food insecurity. “Is it because police are needed to keep us safe?” Sociologists, anthropologists, geographers and public health scholars consistently find that policing does not keep people safer. Both nationally and here in Athens there is no correlation between police spending per capita and the violent crime rate. The only way to prevent violent crime and support public safety is to ensure that everyone’s basic needs are met. Your decisions affect people’s lives. The only sensible solution is a massive redirection of resources away from harmful and unnecessary policing and to support ending poverty.

Bailey Plumley, Member of ACCW and an Ohio University student, expressed concern that an APD officer has been sued twice for excessive use of force, has been behind at least 16 use of force incidents since April, 2018, and deploys force at more than three times the rate of the average APD officer. This officer is six times more likely to do so with a black person than a white person,

and he arrests black folks at 1.6 times the rate of white folks, which is not even the worst on the force. This officer also deploys his Taser an average of 2.49 times per year compared to a department average of 0.2. His excessive use of force conduct in a 2019 incident has been described by the Police Chief as, “justified and restrained,” and none of his six performance reviews included any negative feedback from his fellow officers. This officer is a threat to public health and should be dismissed from the force.

Brendan Moran, West State Street and Member of ACCW, asked that APD’s contract be renegotiated with community input. A clear pattern has been outlined of APD racist policing, and he would like to see alternatives to policing in Athens, such as the White Bird Clinic’s CAHOOTS model in Oregon that teams an EMS and social worker to address issues of non-emergency medical care, homelessness, intoxication, substance abuse, suicide, and other mental health issues. This program handles 20% of local 911 calls, and costs roughly \$9.00 per capita, a savings of approximately \$8.5 million per year. ACCW believes such a program will yield similar results in Athens. CAHOOTS is not designed to address violent crimes. This is where the Cure Violence model steps in to treat violence as a disease by detecting and identifying high risk individuals and changing social norms. This program addresses a wide range of violent behaviors. Alternatives to policing are efficient, cost effective, and humane. ACCW would like the City to defund APD and fund social services.

At approximately 8:15 p.m. Crawl moved to Adjourn; Fahl seconded. Motion was approved unanimously.

President of Council

ATTEST:

Clerk of Council