

**ATHENS CITY COUNCIL: REGULAR SESSION, TUESDAY, JANUARY 19, 2021, 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:**

Clodfelter moved approval of the minutes of the Regular Session held December 21, 2020; Kotses seconded. Minutes were unanimously approved as presented.

**COMMUNICATIONS:**

**President Knisely** is in receipt of the following:

- A letter from Police Chief Tom Pyle regarding the 2020 Law Enforcement Trust Fund and Drug Law Enforcement Fund Expenditures/Revenue, required by ORC Sections 2925.03 and 2981.13 (see attached). She affirmed that APD has no military-grade hardware, and the transition has been made from the older and more expensive ammunition costs of the 40 Caliber to 9MM weapons. She further explained that the body worn cameras automatically begin transmission once the sidearm is drawn, and are used upon deploying a Taser, and when cruiser red lights and sirens are in use.
- Read into the record, an email from David Wakefield regarding flagrant disregard for the City's mask ordinance (see attached). She directed Mr. Wakefield to file a complaint with the Ohio Department of Health and the Athens City-County Health Department.
- City HR Director Ron Lucas has passed along information regarding COVID-19 vaccine availability, by category, beginning January 19 for those 80 years and older, along with dates to register.

Attendee Ben Ziff asked if there is a plan to set aside vaccine for essential service workers.

President Knisely understands that 500 doses were made available to essential service workers, of which 450 were immediately distributed.

Council Member Smedley added, the phasing and eligibility is determined at the State level, and the City/County is expected to follow the State's plan for distribution.

- Letter from John Spofforth regarding a change in the City's extra garbage cost and service implementation (see attached).
- Two liquor permit applications:
  - transfer, in safekeeping, of a D1 permit, beer only on premises consumption or in sealed containers for carryout, from Starting Gates, LLC, 120 W. Union Street to El Tenampa Mexican Grill, Inc., 21 S. Court Street. Responses must be postmarked no later than February 8<sup>th</sup>; and
  - a new D3A permit to D&J Athens, LLC, 77 N. Court Street and patio, to extend the time to 2:30 a.m. Responses must be postmarked no later than February 16<sup>th</sup>.
- Council Member Grace noted that in contrast to the earlier letter received about an increase in enforcement of the mask ordinance, a letter was also received by Council Members asking when the City would be withdrawing the mask ordinance. She reminded the public that, regardless of the City's local mask ordinance, there is also a statewide mask mandate that is in effect of which the penalties are much harsher than our local law. We know that COVID-19 is predominately transmitted via respiratory droplets that are generated when we talk, breathe, sing, cough, sneeze, and that multi-layered cloth masks have been shown to block upwards of 80% of those droplets. The science is solid that masks block, slow, decrease the transmission of the virus. It is really important that we continue to abide by both the local and statewide mask requirements. Nationally, we have surpassed 400,000 deaths due to COVID-19. It is the leading cause of death in this country, above cancer and cardiovascular disease. This is a very serious disease that is killing Americans every day, every minute. The one thing that we know that we can do to help reduce the spread of this disease is to wear a mask, along with maintaining social distancing and handwashing, keeping in mind that 100,000 of the 400,000 deaths have occurred in the past five weeks. The number of new cases reported daily, locally, statewide and nationally, is higher now than it has ever been in this country. With the vaccine there is hope, but it is still important to keep wearing our masks. If wearing a mask can reduce the spread and save even one person from dying of COVID-19 it is more than worth it.

## **REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:**

**MAYOR PATTERSON** reported on the following:

- Shared a thank you from the City-County Health Department for the City's help in the purchase of the freezers needed to store the COVID-19 vaccine. Thursday and Friday of this week they will be vaccinating approximately 800 individuals. Approximately 240 of those are follow up vaccines. There are eight different pharmacies throughout the County that will be administering the vaccine, and this list is available on the City's Website.

Council Member Clodfelter asked if eligible persons should contact the City-County Health Department, or directly contact the pharmacy.

Mayor responded that the pharmacy can be directly contacted.

President understands that people are registering at multiple places.

Mayor added, he has zero intent to request that City Council rescind the City's face covering ordinance.

- Stimson Avenue Project: construction will continue through the month of October, 2021. Phase I is underway to replace underground infrastructure with a projected completion scheduled the end of January. February through mid-July the north side of Stimson will be closed. One-direction traffic will be maintained with a detour to East State Street for the other direction. Mid-July through October the south side of the street will be closed. Reminded the public that this schedule is always dependent upon weather conditions.
- The Fire Department recently held socially distanced pinning ceremonies for the City's two newest firefighters, Austin Smith and Adam Kessler, have successfully completed their probationary period.
- In accordance with the Governor's Orders as of March 9, 2020, with the passage of HB 19, the City of Athens suspended all water shut-offs. While the moratorium ended December 1, 2020, to date the City has not shut off any water service due to non-payment. Currently, the City has 350 delinquent accounts, totaling \$164,470.00. The Utilities Billing Office will continue to work with account holders, offering payment plans for those that truly are being challenged due to the pandemic. In February, disconnect notices will be sent out to those in arrears for greater than 30 days. He urged those still struggling financially to contact the Utilities Billing Office for assistance.

Council Member Smedley asked for a report on the amount of money the City set aside through grants for this purpose, and how much of that grant money was utilized by account holders.

Mayor responded that \$75,000 in grant funding was available through HAPCAP. The City had anticipated more residents taking advantage of this program. He added, there is still other funding available through HAPCAP and he encouraged those in need to reach out to them for possible relief.

Council Member Smedley asked if the City has the flexibility to reserve additional funding for the same purpose for those still struggling.

Mayor responded, unfortunately, “no.” The CARES Act deadlines were set to end in December, 2020.

Council Member Smedley thanked the Administration for continuing to work with our residents since there is no CARES Act funding currently available.

Council Member Clodfelter suggested that information about possible funding through HAPCAP be shared in any delinquent notices that are mailed.

- January 25<sup>th</sup> from 5:30 to 6:45 p.m. the Mayor and his staff will be presenting his State of the City Address, via Zoom.
- The National League of Cities has appointed him to serve on the 2021 Information, Technology and Communications Federal Advocacy Committee. This will provide him with a platform to speak on the absolute need for rural broadband.

**Law Director Eliason** presented her 2020 report, see attached. She shared that the City Prosecutors handle not only misdemeanor cases within the City limits, but also those in the unincorporated areas of the County. The Athens County Commissioners, by statute, are required to cover that cost. For approximately 10 years they provided \$49,000 to the City. After a year-long study she requested additional compensation from the Athens County Commissioners, and as you can see from the report, her office received \$70,000, a \$20,697 increase from 2019.

## **ORDINANCES FOR FIRST READING:**

### **0-01-21**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ECONOMIC DEVELOPMENT REVOLVING LOAN FUND ADMINISTRATION AGREEMENT WITH THE OHIO DEVELOPMENT SERVICES AGENCY; AND DECLARING AN EMERGENCY. Crowl moved for Suspension of the Rules to meet the submission deadline of February 1<sup>st</sup>; Clodfelter seconded. Suspension

of the Rules was approved unanimously. Crowl moved for Adoption; Risner seconded. Adoption was approved unanimously.

**0-02-21**

AN ORDINANCE AMENDING ORDINANCE 74-20, 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); AND DECLARING AN EMERGENCY. Crowl moved for Suspension of the Rules to meet the associated effective date; Fahl seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Grace seconded. Adoption was approved unanimously.

**0-03-21**

AN ORDINANCE AMENDING ORDINANCE 145-17, AUTHORIZING THE CITY AUDITOR TO DEPOSIT 50% OF THE TRANSIENT GUEST TAX REVENUE INTO THE TOURISM FUND; AND DECLARING AN EMERGENCY. Crowl moved for Suspension of the Rules to include funds collected beginning January 1<sup>st</sup>; Kotses seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Grace seconded. Adoption was approved unanimously.

**0-04-21**

AN ORDINANCE ESTABLISHING AN EXPANDED FAMILY AND MEDICAL LEAVE POLICY FOR CITY EMPLOYEES IMPACTED BY COVID-19; AND DECLARING AN EMERGENCY. Crowl moved for Suspension of the Rules to meet an effective date of January 1<sup>st</sup>; Smedley seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Grace seconded. Adoption was approved unanimously.

**0-05-21**

AN ORDINANCE AMENDING THE 2021 APPROPRIATION ORDINANCE AND AUTHORIZING AN INTERFUND TRANSFER. Crowl moved for Suspension of the Rules to allow the Auditor to post the funds by the end of January; Kotses seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

**0-06-21**

AN ORDINANCE AMENDING ORDINANCE 152-20, AN AGREEMENT WITH THE ATHENS CITY FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., AND THE CITY OF ATHENS PATROL OFFICERS AND LIEUTENANTS TO CORRECT SECTION 24.3, UNIFORM SCHEDULES; AND DECLARING AN EMERGENCY. Crowl moved for Suspension of the Rules in order to align with the effective date of the approved agreement; Smedley

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

**0-07-21**

AN ORDINANCE AFFIRMING THE MAYOR'S EXECUTION OF AN AGREEMENT WITH THE ATHENS CITY FIREFIGHTERS LOCAL 3351, AND OHIO COUNCIL 8, AFSCME, AFL-CIO, CONCERNING WAGES AND WORKING CONDITIONS. Crowl moved for Suspension of the Rules since the effective date of the contract was January, 2019; Clodfelter seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Smedley seconded. Adoption was approved unanimously.

**0-08-21**

AN ORDINANCE AUTHORIZING THE PURCHASE OF SOFTENING SALT FOR THE WATER TREATMENT PLANT.

**0-09-21**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO CLOSE STREETS IN THE UPTOWN AREA FOR SPECIAL EVENTS DURING THE 2021 CALENDAR YEAR, AND TO CHANGE REQUESTED DATES OR CANCEL EVENTS AS NECESSARY.

**0-10-21**

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE CHAPTER 13.04.10, UNNECESSARY NOISE, IN A DESIGNATED AREA.

**0-11-21**

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING, TO ALLOW VENDING IN A DESIGNATED AREA.

**RESOLUTIONS FOR FIRST READING:**

**R-01-21**

A RESOLUTION ESTIMATING THE AMOUNT OF INTERIM MONIES FOR DEPOSIT IN PUBLIC DEPOSITORIES; DIRECTING THE TREASURER TO TAKE PERIODIC APPLICATIONS AND TO AWARD INTERIM DEPOSITS AS MONIES BECOME AVAILABLE. Crowl moved for Suspension of the Rules in order to allow the Treasurer to begin accepting applications for a March 1<sup>st</sup> designation; Kotses seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Fahl seconded. Adoption was approved unanimously.

**R-02-21**

A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL TO DESIGNATE THE PUBLIC DEPOSITORIES FOR THE ACTIVE FUNDS OF THE CITY OF ATHENS; THE TERM FOR RECEIVING APPLICATIONS; AND THE TIME FOR DESIGNATION. Crowl moved for Suspension of the Rules, again, to allow the Treasurer to begin accepting applications for a March 1<sup>st</sup> designation; Clodfelter seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Fahl seconded. Adoption was approved unanimously.

**ONE-READING RESOLUTION:**

**R-03-21**

A RESOLUTION OF SUPPORT FOR THE OHIO DEVELOPMENT SERVICES AGENCY (ODSA) APPALACHIA ASSISTANCE LINE ITEM. Crowl move for Adoption; Grace seconded. Adoption was approved unanimously.

**ANNOUNCEMENTS & OTHER BUSINESS:**

Risner reminded everyone that garbage/recycling/composting pickup will be delayed a day this week due to the holiday.

Smedley shared publicly that she has decided not to seek another term on City Council.

Clodfelter moved to confirm the Mayor's Appointments of Gregory Lavelle and Katherine Jordan to serve on the Recreation Advisory Board; Kotses seconded. Appointments were approved unanimously.

At approximately 8:15 p.m. Fahl moved to Adjourn the meeting; Crowl seconded, and the meeting was adjourned.

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President of Council

ATTEST:

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Clerk of Council