

# MINUTES: OCTOBER 10, 2022

## FINANCE & PERSONNEL COMMITTEE

Members in Attendance:

Sam Crowl, Chair  
Jeff Risner, Member  
Solveig Spjeldnes, Member  
Ben Ziff, Member

Administrators and/or  
Other Elected Officials:

President Knisely  
Mayor Patterson  
Service-Safety Director Stone

### ITEMS DISCUSSED:

- Community Center Roof Replacement (amend 0-50-22)
  - Crowl – architect’s estimate has increased from \$432,900 to \$485,035, and does not include a contingency – Administration would like to appropriate an additional \$67,100 to Capital Fund, 580, bringing the total project cost to \$500,000 – this is not only a new roof, it includes a solar deck and rack anchors for the solar panels – the roof is 43,000 square feet, about \$11.00 per square foot – the project bid cannot be awarded until this amendment is approved
  - Swank – this is a 12% increase from the original estimate – asked for detail about the requested increase
  - S-S Director Stone – it is just the dysfunction of demand in the current construction industry – shared that this afternoon there was only one bid received for the pickleball courts, and that bid came in 85% over the architect’s estimate – adding, a design professional, as per the ORC, must provide an estimate for a public improvement – a public entity may not award a bid that is greater than 10% of the estimate

### ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:

1. Amend 0-50-22

# MINUTES

## PLANNING & DEVELOPMENT COMMITTEE

### October 10, 2022

Members in Attendance:

Sarah Grace, Chair  
Sam Crowl, Member  
Micah McCarey, Member  
Solveig Spjeldnes, Member

Administrators and/or Other Elected Officials:

President Knisely  
Mayor Patterson  
Law Director Eliason  
Service-Safety Director Stone  
Deputy Service-Safety Director Chiki

### ITEMS DISCUSSED:

- Solar Array (Geoff Greenfield)
  - Deputy Service-Safety Director Chiki – shared that the City has been working very diligently over the last year to make this an efficient and economical long-term option to address greenhouse gas emissions
  - Geoff Greenfield – explained the updated name change from Third Sun Solar to Third Sun Kokosing Solar, noting that Kokosing is a 73-year old construction leader, #54 in nation, 3000 plus team members, Union benefits, largest construction employer in Ohio, family owned, and is employee centered – clarified that the same Athens team is in place operating in the Athens headquarters with expanded staff in Pittsburgh, Cincinnati, and Westerville – an investor in Ohio, Oaktree Capital Project Finance, will be handling the financing
  - 2022 Inflation Reduction Act – Tax Credit has been extended, an important part of making solar projects economical, with the Tax Credit locked in at 30%, requires prevailing wage and approved apprenticeship program, and storage is now eligible for Tax Credit, Direct Pay Provision, State and Local Municipalities are Tax Exempt entities
  - Project Update – currently in final engineering, phase modules purchased and in inventory – pool parking shade structure (same) – Recreation Center (coordinating with re-roof) – elimination of riverfront field (used to be two distinct ground mounts, one between the river and the Library and one behind the Holiday Inn), but due to potential flooding issues the ground mount will all be

behind the Holiday Inn – WWTP (coordinating with ball courts), Transformer upgrade (SOPEC grant)

7.3%, Cash Purchase; 12.8%, 25 year PPA; 16.4%, Bond Financing; and 40.6% Hybrid PPA/Bond – Optimum economics: Hybrid PPA with Bond Finance ownership at year 6 is optimum – after year 5 all of the tax credits and depreciation advantages would be used up and could sell to the City for a much lower price, and the City would be able to tap into the municipal bond financing

Environmental Impact – this solar project will offset an annual equivalent of 1,834 metric tons of CO<sub>2</sub> and 55,020 metric tons of CO<sub>2</sub> over its 30-year design life – this is the equivalent of: 4,550,691 miles driven by an average passenger vehicle per year; 2,021,194 pounds of coal burned for electricity per year; and 1,247,170 pounds of waste recycled instead of landfilled per year, an amazing environmental impact

Next Steps – updated PPA from Oaktree Capital (Kokosing Fund) instead of Dominion; improved PPA terms (reduction of annual escalator from 2% to 1.75% and reduction of year 6 buyout); construction will begin this winter at field and pool, and Community Center coordinated with re-roof

-McCarey – asked about the Power Purchase Agreement (PPA) Hybrid  
-Greenfield – it is a public/private partnership – private entity buys the system, pays to have it installed, takes the tax credit, and takes the depreciation, another tax advantage to shield income from other parts of the business – operates, maintains, and insures through 25 years – City has ability to purchase the system in any year – purchased within years 1-5 the price is very high – in year 6 the project costs less to buy

-Crowl – asked if the City is paying the private entity a per kilowatt hour price for the electricity

-Greenfield – yes, ten cents per kilowatt-hour, and increasing each year by 1.75%

-Crowl – asked about the price the City would be paying in year 6

-Greenfield – there is a terminal value floor price that effectively sets the price – each year of the terminal value will be a part of the document appendix

-McCarey – asked if there is regular reporting on the carbon neutral impact of this project

-Greenfield – there is a data acquisition system through a live website – includes a feature that shows how much power, year to date, the system has produced and the equivalent greenhouse gas reduction goals

-Swank – the tennis courts are being placed very near the back of the Holiday Inn – asked about any provision to move them away from the hotel

-Greenfield – Third Sun Kokosing Solar is following the lead of the architects' design – noted, there is a driveway that will be maintained to permit access to the community gardens

-Swank – asked, with the current bond market, whether that has been factored into the agreement

-Greenfield – interest rate used for the analysis was 3.5 %

-Swank – asked if this would have any effect with SOPEC

-Greenfield – no effect, have been working closely with them – SOPEC will be able to continue to negotiate and maintain same rate – explained that SOPEC members get a low energy component on their electric bill – these facilities, because they are such large energy users, is even lower – rate is locked in until June 2023

-Swank – asked whether most entities purchase after five years – questioned what is most common

-Greenfield – optionality is what most clients want, it is a case-by-case basis – Kent State opted for purchase in year 9 – several others have decided to continue to buy the energy – the PPA will continue to operate until the City decides to buy it

-Crowl – asked about removal of the dog park

-Mayor – indicated that two new dog parks have been created – believes the City, after six years, will have the ability to purchase the system – the carbon fee brings in approximately \$100,000 annually – the savings alone for our grid energy costs can be deviated to other projects – the City's number one energy consumer is the Waste Water Treatment Plant, number two is the Water Treatment Plant; followed by the Community Center – this will be extremely beneficial to the City – will easily get the City of Athens to the 50% reduction of carbon emissions by 2030 – per capita the City is the lowest in the State, and one of the lowest in the nation – being good stewards of planet earth, this project is well worth pursuing

-Crowl – asked whether pollinators are still part of the plan

-Greenfield –yes

- Sunday Creek Horizons

-Grace – see attached detailed scope of work update

-Mayor – requested Council extend the contract for an additional \$22,500 to continue developing the remote work infrastructure at the Armory, and to facilitate funding through the Appalachian Community grant program

-Service-Safety Director Stone – Sunday Creek Horizons' expertise has been invaluable to this Armory project – goal is to put the Armory back to public use

-Crowl – asked about any other projects being considered for Sunday Creek Horizons

- Mayor – would like to keep Sunday Creek Horizons on as a consultant next year for EV electrification, and to assist with the Appalachian Community grant applications for planning and implementation – a large effort being discussed is for active transportation, connecting trails throughout the region

-McCarey – questioned collaboration of the grant application on a regional level  
-Stone – all indications are that projects having a regional benefit will be more successful – feedback for high scoring will involve more than one community – as part of the Armory endeavor this project will allow a share-working facility, along with other communities, Cochocton, Somerset, and Glouster that have similar projects on deck

-McCarey – asked about any particular radius

-Stone – looking at shovel ready communities in Appalachian Ohio

- Title 7, Traffic Code and Title 13, General Offenses (City Code update, Law Director)

-Eliason – each year the Ohio Legislature updates certain sections of the Ohio Revised Code – the changes being recommended will bring our Athens City Code (ACC), Titles 7 and 13 in line with current State law – if adopted by the end of the year these changes will be reflected in next year’s ACC supplement – Section 7.05.31, Private Tow-Away Zones, has been included to show updated language – recommends this section be removed to allow the Council time to further review, as concerns with this section were discussed in an earlier meeting – noted that APD often cites under the City Code – it is important to keep out City Code updated

-Crowl – questioned whether Section 7.01.02, Definitions, should include micro-mobility e-scooters, and whether a bicycle is considered a vehicle in (BBB) “Vehicle”

-Eliason – a bicycle is considered a vehicle

-Crowl – believes that Section 7.04.04(C), Slow Moving Vehicles, “In a case involving a violation of this section, the trier of fact, in determining whether the vehicle was being operated at an unreasonably slow speed, shall consider the capabilities of the vehicle and its operator” is somewhat vague.

-Eliason – explained that the “trier of fact” would be the Court, and the Court would decide whether the vehicle was being operated at an unreasonably slow speed

-Crowl – understood that a bicycle is allowed to take up a full lane of traffic, and questioned the added language in Section 7.04.06(F), Proper Lane for Travel, “and far enough to the right to allow passing by faster vehicles if such passing is safe and reasonable...”

-Spjeldnes – asked whether these changes should reflect provisions for sound signalization to assist the hearing impaired – need to consider ADA compliance – appreciates the comments on removing the towing language, but she, personally, does not have a problem including it – questioned whether, if this new language

is adopted, whether the Council could come back later and make changes to the City's towing regulations

-Eliason – yes, the Council could still make other amendments to this section

-Swank – questioned if Section 7.05.31 is removed whether our current code would be in effect

-Law Director – yes

-Swank – agrees with Spjeldnes, he is fine with leaving in the recommended language

-McCarey – asked whether “jaywalking” is included in these changes

-Law Director – that section may not have been updated

-Grace – clarified that not all sections of the ORC have been updated

-Swank – questioned, if this legislation is not completed by the end of the year whether it can be carried over into the next year

-Law Director – responded that it can, however, for it to be codified it would need to be adopted by year-end