

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, FEBRUARY 6, 2017, 7:00 P.M.

Athens City Council met in Regular Session at the above hour with the following members present: Butler, Cochran, Fahl, Kotses, McGee, Papai, and Risner.

Also present: President Knisely, Mayor Patterson, Service-Safety Director Horan Moseley, Law Director Eliason, and Auditor Hecht.

In honor of Scout Week, President Knisely introduced the local Boy Scout Troop 71 Color Guard who presented the flag and lead us in the Pledge of Allegiance.

DISPOSITION OF MINUTES:

Risner moved approval of the minutes of the Regular Session of Council held January 17, 2017; Fahl seconded. The minutes were unanimously approved as presented.

COMMUNICATIONS:

President Knisely shared a concern from both the Ohio Municipal League (OML) and Auditor Hecht regarding State legislation proposing centralized collection of the Municipal Income Tax. Proposed language includes a provision that would eliminate a portion of the sales factor, known as “throwback”, substantially reducing reportable tax revenue to municipalities with warehouse, distribution centers, and any business providing online sales. The OML and the Auditor are recommending City Council consider a Resolution in opposition to this proposal that is part of the Governor’s 2017-2018 Budget. Such a Resolution, with consensus of Council, could be discussed in a Committee of the Whole next week.

Papai acknowledged that this would be a loss of revenue to the City of Athens, and other municipalities.

Auditor Hecht responded, loss of both revenue and control. She added, there are about 580 cities/villages throughout the State who collect a local income tax. This allows us to provide local service to our citizens. With regard to eliminating “throwback”, there are several small businesses in Athens that do a tremendous amount of mail order business. It would be a big loss to the City.

Risner clarified that the Governor and the State Legislature is imposing a service upon the City that we don’t want, don’t need, and will charge us for that service.

Auditor Hecht agrees, the State will charge us to collect those taxes, and will retain 1% of the collection fee. The City will need to continue to have Tax Administrators to actually audit those tax returns as it stands to lose tens of thousands of dollars by not having them audited locally. A lot of money is recovered through the auditing process. The idea with this legislation is to promote tax uniformity and a business friendly tax program, and the City is not opposed to that, but the proposed legislation will absolutely hurt our municipalities. She appreciates Council's support.

President Knisely commented that this, coupled with other revenue loss from programs discontinued at the State level, have already had a profound affect, locally.

Mayor Patterson pointed out that with the administrative fee to be charged by the State, and the loss of local government funding, places a further burden on our taxpayers. The State continues to chip away at Home Rule, and our ability to manage ourselves.

Council Member Butler has received correspondence and had many conversations with residents concerned about proposed changes to our public schools and the impact such changes could have on our neighborhoods and the City of Athens as well. He encourages the City School Board to continue to have dialogue with City Administrators and Elected Officials, as this could shape our community for many years to come.

Council Member Papai added she, too, has been in many conversations regarding this issue. There is a lot of concern in the community. She is hopeful that a formal dialogue might occur between City Officials and the School Board Members.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported the following:

- Receipt of a letter from the 317 Board of plans for new construction of an addition to the existing 8-bed Respite Center located at 7976 Dairy Lane, within one-half mile of the City boundary. This will include minor rehabilitation to the existing facility, and the completed facility will be sixteen beds, and will be named in honor of two young Ohioans, Adam Knapp and Amanda Baker, who lost their lives while searching for an answer to their serious health issues. Comments and/or objections to the project must be submitted in writing and signed by a majority of the voting members

of the legislative body, and must be submitted within 30 days of this notice and received by the agency within 45 days of the notice. He added, the proposed development will be financed with Ohio Mental Health and Addiction Services capital funds, NAMI-Ohio capital grant, foundation grants and individual donor funds, and an application has been submitted to utilize the Capital Funds to End Homelessness initiative program of the Ohio Housing Finance Agency (OHFA).

- Columbia Gas, over the past five years, has instituted an infrastructure program to replace 320,000 failure prone risers, as well as installing more than 1.4 million automated meter reading devices. Columbia Gas would like to continue this program through 2022.
- Received a copy of a letter from Christ Lutheran Church that is being sent to Senators Brown and Portman, condemning the President's Executive Order banning nationals of seven countries, Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen from entering the United States for at least 90 days. The Mayor is in support of the letter.
- Letter from the Village of New Straitsville, reported results of the donation by Athens of a cigarette butt bin. The Village has collected about 5 pounds of cigarette butts. The Mayor added, the City of Athens has collected, over a period of one year, about 62 lbs., or 33,000 cigarette butts, keeping them out of our County landfill and storm sewers. These cigarette butts are recycled and get reformed into such things as park benches, pipe casings, and jewelry.

ORDINANCES FOR SECOND READING:

0-01-17

AN ORDINANCE GRANTING A VARIANCE FROM THE ATHENS CITY SUBDIVISION REGULATIONS, CONTINGENT UPON DEED RESTRICTIONS, FOR PROPERTY LOCATED AT 2 & 4 DALTON AVENUE, TO ALLOW A MINOR LOT SPLIT.

0-02-17

AN ORDINANCE TO REZONE 110 WEST UNION STREET FROM A SPLIT R-3 AND B-1 ZONED PARCEL TO A B-1 ZONE.

0-06-17

AN ORDINANCE AMENDING ORDINANCE 86-16; AUTHORIZING SIDEWALK ENHANCEMENTS ON WEST UNION STREET (PROJECT #305); AND AMENDING THE 2017 APPROPRIATION ORDINANCE.

0-07-17

AN ORDINANCE DECLARING CERTAIN VEHICLES NO LONGER NEEDED FOR A MUNICIPAL PURPOSE.

0-08-17

AN ORDINANCE AUTHORIZING THE REPLACEMENT OF DEFECTIVE WATER METERS; AND AMENDING THE 2017 APPROPRIATION ORDINANCE.

0-09-17

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

ORDINANCES FOR FIRST READING:

0-10-17

AN ORDINANCE CLOSING PRESIDENT STREET AND PORTIONS OF COURT, UNION AND PRESIDENT STREETS ON SATURDAY, APRIL 15, 2017, FROM 7:00 A.M. TO 6:00 P.M. FOR THE INTERNATIONAL STREET FAIR.

0-11-17

AN ORDINANCE CLOSING A PORTION OF COURT STREET ON FRIDAY, JUNE 2, AUGUST 11, AND SEPTEMBER 22, 2017, FOR A CRUISE-IN.

0-12-17

AN ORDINANCE AUTHORIZING RENEWAL OF A CONTRACT WITH COMPLUS DATA INNOVATIONS FOR CONTINUED SOFTWARE/HARDWARE SERVICES IN THE DIVISION OF PARKING ENFORCEMENT; AND DECLARING AN EMERGENCY. Discussion: Papai questioned whether there is increased cost associated with updating our hardware to add the Park Mobile software, and requested that specifics be provided prior to approval.

The Mayor did indicate that there is no pass through of the service fee to the customer.

The Auditor clarified that there is a Verizon fee associated with the cost of Wi-Fi hotspots, and that a credit card transaction fee is assessed to the customer.

0-13-17

AN ORDINANCE ACCEPTING THE DONATION BY ATHENS HEALTH REALTY LLC OF 34.917 ACRES AND ATHENS HEALTH REALTY HOLDINGS, INC. OF 10.296 ACRES TOTALING A LITTLE OVER 45 ACRES, MORE OR LESS, OFF COLUMBUS CIRCLE ROAD AND WHOSE SOLE MEMBER AND SHAREHOLDER, RESPECTIVELY, IS FRANK MURPHY. Discussion: This land donation will be maintained as a conservation area, and is in line with our Comprehensive Plan in identifying and protecting land that is of conservation value. This donation by Mr. Murphy is greatly appreciated.

If the City receives this land, the Mayor hopes that it will be named the Murphy Park Conservation Area.

0-14-17

AN ORDINANCE AMENDING THE 2017 APPROPRIATION ORDINANCE.

Discussion: Risner explained that the reason for decreasing the appropriations is due to a lower 2016 carryover. The carryover from year to year is typically about \$2 million, and the 2016 carryover was only about \$1.3 million.

Cochran asked about the decrease of \$25,000 from the University Courtyard, and what is included in the \$20,000 being appropriated for the Mayor's renovations.

The Auditor explained that the University Courtyard payment is an agreement in lieu of taxes that was entered into at the time it was built. The payment was made to the City, and the City then paid the school district their share of the property taxes. This property was sold the end of 2016, so the fiscal year payment will be pro-rated from \$50,000 to \$25,000. The Mayor's Office (staff space) renovations started last year, but were not completed. Due to the lower balances in the General Fund, in order for the Mayor to complete the project, the money is now being funded out of Capital Improvements.

The Mayor noted that the \$20,000 is being used for a long overdue City Building interior enhancement, and to address inefficient employee work space.

Papai asked about the decrease of \$500,000 in other structures and \$100,000 in land improvements.

The Auditor explained that these are both in the Recreation Department budget. The \$500,000 was approved for the municipal pool design and was paid out last year, so no need for that in this year's budget, and the \$100,000 was only reduced by half of the available funds.

The Mayor clarified that these fund reductions in Recreation are separate from levy funds.

ANNOUNCEMENTS & OTHER BUSINESS:

Fahl moved to accept the Auditor's December, 2016, Financial Reports; Risner seconded. Motion was approved unanimously.

Fahl moved to reappoint John Golzy to the Board of Zoning Appeals; Risner seconded. Reappointment was approved unanimously.

McGee moved to reappoint Noah Trembly, Robin Brigante, and Scott Dennis to the Disabilities Commission; Risner seconded. Reappointments were approved unanimously.

Butler moved to reappoint Mark Ferguson to the Recreation Advisory Board; Fahl seconded. Reappointment was approved unanimously.

Cochran moved to reappoint Geoff Buckley to the Shade Tree Commission; Fahl seconded. Reappointment was approved unanimously.

Butler moved to appoint Josh Birnbaum and Chelsa Peterson to the Athens Municipal Arts Commission; Fahl seconded. Appointments were approved unanimously.

Fahl moved to adjourn the meeting; Papai seconded, and the meeting was adjourned at approximately 7:50 p.m.

President of Council

ATTEST:

Clerk of Council

**ATHENS CITY COUNCIL: PUBLIC HEARING, MONDAY, FEBRUARY 6, 2017,
7:00 P.M. – REZONING OF 110 WEST UNION STREET.**

Council Members in Attendance: Butler, Cochran, Fahl, Kotses, McGee, Papai, and Risner.

Also Present: President Knisely, Mayor Patterson, Service-Safety Director Horan Mosely, Auditor Hecht, and Law Director Eliason.

Attendance by the Public: (see attached list)

President Knisely opened the Public Hearing to discuss the Rezoning of 110 West Union Street.

Council Member Fahl explained that this hearing is to consider a recommendation from the Athens City Planning Commission to change the current split R-3 and B-1 Zone for a parcel located at 110 West Union Street, to a B-1 Zone for the entire parcel. She then opened the discussion for public comment.

Chris Wolfe, resident, owns the adjacent property at 108 West Union Street. Mr. Wolfe commented that this proposed zoning change at 110 West Union Street will create an R-3 zoned island for his property. He has spoken with the City Code Director expressing an interest in rezoning his property as well from an R-3 zone to a B-1 zone.

Fahl responded that if Mr. Wolfe would like to rezone his parcel, he will need to begin the process with the City Planning Commission, who will then submit a recommendation to City Council.

The public hearing adjourned at approximately 7:05 p.m.

Chris Knisely
President of Council

ATTEST:

Clerk of Council