

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, FEBRUARY 20, 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, Auditor Hecht, and Law Director Eliason.

DISPOSITION OF MINUTES:

Risner moved approval of the minutes of the Regular Session of Council held February 6, 2017; Fahl seconded. The minutes were unanimously approved as presented.

COMMUNICATIONS:

President Knisely thanked the Public Works Department and City staff involved in repair and notification of the recent water break and boil order that affected the entire City. She noted that there are many ways citizens can sign up to receive emergency alerts via text, email, or a phone call through different sites, including Nixle and Athens Ready.com. Citizens who do not have access to a computer can call the main City Hall number to request information, and possibly make other arrangements.

Council Member McGee and TGC Director Thompson accompanied the President on a tour of the Materials Recovery Facility today. The facility processes 5 tons of recycling an hour, 30 tons per day, and 4500 tons per year of materials coming from Athens and Hocking counties. A new informational video will be forthcoming on the City's Website that will include items not to put in your recycling such as, no lightbulbs, electronics, hangers, chains, batteries, and no hardbound books. These items can be taken to the Recycling Center site in Chauncey.

The annual Fire Department report is now available in the City Council office. The Fire Department answered 1000 calls this past year, plans to establish a fire safety program for the Ohio University freshman class (75% of O.U. calls are false alarms). Firefighters also conducted inspections of 900 commercial properties.

Council Member Cochran suggested the Mayor's office send out a press release of the various informational resources available to the public for emergency communication.

Cochran heard from a citizen who lives in the neighborhood near the Public Library who is hopeful that the traffic signal and pedestrian walkway planned at the intersection of Home Street will occur at the front end of this project.

She has also heard from a citizen regarding the lack of “smoke free” signage in our parks.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson shared communications he received commending the Athens City Police Department.

He reported that on March 1st between 8 a.m. and 4 p.m., there will be a live fire training exercise at the former IBX Towing building located behind the Community Center.

ORDINANCES FOR THIRD 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. Fahl moved for Adoption; Risner seconded. Adoption was approved unanimously.

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. Fahl moved for Adoption; Papai seconded. Adoption was approved unanimously.

0-06-17

AN ORDINANCE AMENDING ORDINANCE 86-16; AUTHORIZING SIDEWALK ENHANCEMENTS ON WEST UNION STREET (PROJECT #305); AND AMENDING THE 2017 APPROPRIATION ORDINANCE. Papai moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-07-17

AN ORDINANCE DECLARING CERTAIN VEHICLES NO LONGER NEEDED FOR A MUNICIPAL PURPOSE. Papai moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-08-17

AN ORDINANCE AUTHORIZING THE REPLACEMENT OF DEFECTIVE WATER METERS; AND AMENDING THE 2017 APPROPRIATION ORDINANCE. Butler moved for Adoption; Risner seconded. Adoption was approved unanimously.

0-09-17

AN ORDINANCE AUTHORIZING THE PURCHASE OF SOFTENING SALT FOR THE WATER TREATMENT PLANT. Butler moved for Adoption; Fahl seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND 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.

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.

0-14-17

AN ORDINANCE AMENDING THE 2017 APPROPRIATION ORDINANCE. Risner moved for Suspension of the Rules in order that appropriate postings can be made in this month's financial reports; Papai seconded. Suspension of the

Rules was approved unanimously. Risner moved for Adoption; Fahl seconded. Adoption was approved unanimously.

ORDINANCES FOR FIRST READING:

0-15-17

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO AUTHORIZE AND ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACT(S) FOR CONSTRUCTION AND ENGINEERING SERVICES FOR THE NORTH CONGRESS AREA SEWER LINE (PROJECT #289).

0-16-17

AN ORDINANCE AMENDING THE 2017 APPROPRIATION ORDINANCE, AND ORDINANCE 77-16; AUTHORIZING ENGINEERING SERVICES FOR THE EAST STATE STREET/US 33 PROJECT #288.

0-17-17

AN ORDINANCE CLOSING A PORTION OF COURT STREET BETWEEN WASHINGTON AND CARPENTER ON SATURDAY, JUNE 17, FROM 6:00 A.M. TO 1:00 A.M. ON SUNDAY, JUNE 18, 2017, FOR "BOOGIE ON THE BRICKS" A FAMILY MUSIC AND ARTS FESTIVAL.

0-18-17

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE SECTION 13.04.10, UNNECESSARY NOISE, IN THE DOWNTOWN AREA, ON SATURDAY, JUNE 17, AND UNTIL 1:00 A.M. ON SUNDAY, JUNE 18, 2017, FOR "BOOGIE ON THE BRICKS" A FAMILY MUSIC AND ARTS FESTIVAL.

0-19-17

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING, TO ALLOW VENDING IN A DESIGNATED AREA ON SATURDAY, JUNE 17, AND UNTIL 1:00 A.M. ON SUNDAY, JUNE 18, 2017, DURING THE "BOOGIE ON THE BRICKS" FAMILY MUSIC AND ARTS FESTIVAL.

0-20-17

AN ORDINANCE AUTHORIZING THE PAYMENT OF A PRIOR YEAR EXPENSE; AND DECLARING AN EMERGENCY.

0-21-17

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 3, ADMINISTRATIVE PROVISIONS, CHAPTER 3.07, ADMINISTRATIVE DEPARTMENTS; BOARDS AND COMMISSIONS, SECTION 3.07.50, ESTABLISHMENT OF COMMISSION (ATHENS MUNICIPAL ARTS COMMISSION).

0-22-17

AN ORDINANCE AMENDING ORDINANCE 142-16; INCREASING THE CITY'S 2017 COMMITMENT TO PROVIDE FINANCIAL SUPPORT FOR THE OPERATION OF THE ATHENS COUNTY ECONOMIC DEVELOPMENT COUNCIL. Discussion: Fahl would like Executive Director Sara Marrs-Maxfield to attend an upcoming Council committee meeting to address EDC's recently adopted Strategic Plan.

0-23-17

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 7, TRAFFIC CODE, CHAPTER 7.04, TRAFFIC RULES, SECTIONS 7.04.40 (B) AND (L), PROCESSIONS AND PARADES; PERMIT REQUIRED.

0-24-17

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 7, TRAFFIC CODE, CHAPTER 7.03, PASSENGERS; OPERATORS; ACCIDENTS, SECTIONS 7.03.40, SIDEWALK VIOLATIONS, 7.03.99 PENALTY, AND 7.09.99 (G), PENALTIES.

ONE-READING RESOLUTIONS:

R-02-17

A RESOLUTION STRONGLY OPPOSING THE STATE OF OHIO GOVERNOR'S PROPOSED 2017-2018 BUDGET, WHICH PROPOSES CENTRALIZED COLLECTION OF NET PROFIT TAX RETURNS AND OTHER PROVISIONS RELATED TO THE MUNICIPAL INCOME TAX WHICH WILL CAUSE A SUBSTANTIAL LOSS OF REVENUE NEEDED TO SUPPORT THE HEALTH, SAFETY, WELFARE AND ECONOMIC DEVELOPMENT EFFORTS OF OHIO MUNICIPALITIES. Risner moved for Adoption; Fahl seconded. . Discussion: Risner cited our Auditor's office as very efficient; the City of Athens does not need or want this change, nor should we be charged for it.

Auditor Hecht added, her office collects taxes, assists citizens with their tax forms, can answer questions about previous years' filings, and our City office is easily contacted. If the State legislation is approved, local availability will

become non-existent. Local businesses would need to contact a representative from the State for assistance. The Auditor expressed concern that these tax regulations are included as part of the State's budget; it should be a standalone issue. She noted that the Ohio Municipal League likened this action to the Federal Internal Revenue Service wanting to collect our State taxes, and by the way, we're going to keep part of your tax dollars as our administrative fee. This legislation is in opposition to our Home Rule, to provide a tax rate that provides the needed services for our community. This State collection will create a hardship for the City. The "throwback" rule alone will cost the City about \$68,000 a year just from our top 10 employers with their online sales. She appreciates Council approving this Resolution, and encouraged voters to contact their representatives in opposition to this.

Kotses is aware that the City of Marietta is drafting a similar resolution.

Mayor views this as simply another measure to erode Home Rule, and it will push municipalities to continue to raise taxes to offset the 1% State administrative fee. He has mailed six letters to State Representatives and to the Governor voicing his dissension of centralized tax collection.

Adoption was approved unanimously

R-03-17

A RESOLUTION IN OPPOSITION TO THE PRESIDENTIAL EXECUTIVE ORDER BANNING ENTRY INTO THE UNITED STATES FOR MIGRANTS FROM SEVEN MUSLIM-MAJORITY COUNTRIES AND REFUGEES FROM AROUND THE WORLD. Fahl moved for Adoption; Papai seconded. Adoption was approved unanimously.

ANNOUNCEMENTS & OTHER BUSINESS:

Risner moved to accept the Auditor's January, 2017, Financial Reports; Cochran seconded. Motion was approved unanimously.

Cochran moved to reappoint Ed Newman and Clifford Hamilton to the City's Environment & Sustainability Commission; Fahl seconded. Reappointments were approved unanimously.

President Knisely shared a request received from Earl Cecil, Executive Director of the 317 Board, asking City Council to waive its right to the full 45 day comment period for state funds for the new construction of an addition to the existing 8-bed Respite Center located on Dairy Lane. She explained, the letter indicates a 30-day delay will result in a minimum 60-90 day delay in breaking ground and opening because the OHFA funding is critical as leverage to raise

additional funds. The Ohio Department of Mental Health & Addiction Services would like to open before the end of this year to maximize existing state resources committed to the project.

Papai understands the importance of this facility but questioned whether it is wise to waive the comment period, and asked the Law Director to advise.

Law Director Eliason indicated that she has spoken with Service-Safety Director Horan Moseley, and is aware of other factors the Mayor may want to address.

The Mayor explained that the facility is currently located in a B-3 zone, as opposed to R-3, and it may likely need a variance for residential on the first floor. Also, it may need ACC Title 41 review, as well as some small distance issues that may require a variance.

Risner asked how these other factors impact the comment period.

The Mayor believes the comment period is tied only to the OHFA funding.

Papai suggested asking a representative from the 317 Board to committee next Monday to provide clarification.

Mayor Patterson announced two ways citizens can receive emergency alerts: www.local.Nixle.com/city-of-athens-ohio, and www.athensready.com/subscriptions. You can set the alerts you would like to receive by text, email, or voice phone calls.

EXECUTIVE SESSION:

At approximately 8:15 p.m. Fahl moved to go into Executive Session to discuss pending litigation, and invited the Mayor, Service-Safety Director, Auditor, and Law Director to attend. Papai seconded. A roll call vote was taken as follows: Butler, aye; Cochran, aye; Fahl, aye; Kotses, aye; McGee; Papai, aye; and Risner, aye. At approximately 8:45 p.m. Cochran moved to come out of Executive Session; Fahl seconded. Motion was approved unanimously. Cochran then moved to adjourn the meeting; Fahl seconded. Motion was approved unanimously.

President of Council

ATTEST:

Clerk of Council