

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, JUNE 3, 2019, 7:00 P.M.

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

Also present: President Knisely, Mayor Patterson, Auditor Hecht, and Prosecutor Branner.

COMMUNICATIONS:

President Knisely reported that a response has been received from Senator Frank Hoagland with regard to the Resolution adopted by City Council urging support of an increase in the fuel tax as proposed by House Bill 62. Senator Hoagland supports this increase, noting that additional monies made available through this increase are as follows: \$313 million for municipalities; \$270 million to the counties; and \$168 million to townships in Ohio.

Also, a notice from the Ohio Division of Liquor Control has been received notifying the Council of a transfer of C1, C2, and D6 permits due to an ownership change **FROM** Peter Williams, dba Petes BP, 542 Richland Avenue **TO** Petes BP, LLC, dba Petes BP, and owned by Bryan Wharton and Dan Fragassi.

Council Member Crowl announced the June meeting of the Environment & Sustainability Commission meeting on Wednesday, at 6:30 p.m. in the first floor Conference Room of the City Building.

Council Member Kotses announced that the Athens City School Board will be meeting on Thursday, June 27, at 6:30 p.m. in the high school auditorium.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported that Jessie Schmitzer, HAPCAP'S Athens County Transportation Mobility Manager, will be holding a series of public forums across the county in June to discuss a potential countywide Transportation Sales Tax Levy increase. Two forums will be held in the City on June 17, the first at 10:00 am and the second at 5:30 pm, both at the Athens County Library. This Levy would extend the Route 7 bus line from Albany, through Athens, to Nelsonville on an hourly schedule.

The Mayor has received several letters of concern from parents about the reduction in playground/greenspace at West Elementary as the student body increases in size during the next school year due to construction at East Elementary. He noted that this correspondence was also sent to the Athens City School Board and Superintendent.

ORDINANCES FOR THIRD READING:

0-46-19

AN ORDINANCE AUTHORIZING UNNEEDED OR OBSOLETE MUNICIPAL PERSONAL PROPERTY TO BE SOLD BY INTERNET AUCTION. Butler moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-47-19

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

0-48-19

AN ORDINANCE CLOSING A PORTION OF UNION STREET ON SUNDAY, AUGUST 25, 2019, FOR OHIO UNIVERSITY'S INVOLVEMENT FAIR. Kotses moved for Adoption; Crowl seconded. Discussion: McGee appreciates that this closure does not impact Court Street, and suggested that other event organizers consider using this location. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

0-49-19

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A GRANT AGREEMENT WITH THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) IN ORDER TO ACCEPT NOPEC ENERGIZED COMMUNITY (NEC) GRANT(S).

0-50-19

AN ORDINANCE AMENDING THE 2019 APPROPRIATION ORDINANCE. Risner moved to Table until an itemized list is made available by the Administration for an appropriation to the Athens Enhancement Fund; Grace seconded. Tabling was approved unanimously.

0-51-19

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 9.04, OUTDOOR FIRES, SECTION 9.04.01, OUTDOOR FIRES WITHOUT PERMIT, UNLAWFUL; AND CHAPTER 9.05, FIRE CONTROL; PETROLEUM LIQUIDS, SECTION 9.05.01, DEFINITIONS.

0-52-19

AN ORDINANCE AMENDING ORDINANCE 19-19 TO CORRECT THE PARCEL ID NUMBERS, GRANTING AN ENHANCED ACCESS EASEMENT TO ALLOW UTILITIES TO PROPERTY CONTIGUOUS TO HOPE DRIVE.

0-53-19

AN ORDINANCE AMENDING TITLE 17, MUNICIPAL INCOME TAX, CHAPTER 17.01, IN GENERAL, SECTION 17.01.18, LOCAL BOARD OF REVIEW; APPEAL TO LOCAL BOARD OF TAX REVIEW.

ORDINANCES FOR FIRST READING:

0-54-19

AN ORDINANCE AUTHORIZING FIBER OPTIC NETWORK CONSTRUCTION TO TRAFFIC SIGNALS ON EAST STATE STREET (PROJECT #328); AND AUTHORIZING AN INTERFUND TRANSFER.

0-55-19

AN ORDINANCE AUTHORIZING DESIGN ENGINEERING SERVICES FOR THE WEST UNION STREET IMPROVEMENTS PROJECT (#322). Discussion: Risner asked if this design includes establishing a connection between Union and State Streets.

Mayor Patterson responded that it is not part of this design. A conversation has taken place with the State about the possibility of receiving ARC access road funding for that connector.

Kotses asked if in the future this connector should receive funding if it could be rolled into this project.

Mayor Patterson said the funding years do not line up. It would likely be a 2022 project.

Beth Clodfelter, Shannon Avenue, has been attending West Side Neighborhood meetings and the residents have expressed a lot of concern about such an access road to connect State and Union, and she hopes a conversation with the group can take place prior to moving forward with the connector road.

0-56-19

AN ORDINANCE AUTHORIZING A SLIP REPAIR ON UNIVERSITY ESTATES BOULEVARD; AND DECLARING AN EMERGENCY.

0-57-19

AN ORDINANCE DECLARING A REAL AND PRESENT EMERGENCY, THUS OBTAINING THE FORMAL BIDDING PROCEDURE, FOR RESIDENTIAL AND FRANCHISE AREA REFUSE AND RECYCLING COLLECTION SERVICES.

Discussion: President Knisely explained that the Service-Safety Director reported that acceptable bids had not been received for a number of circumstances. This Ordinance will extend the contract to the current hauler for an additional year, and the contract will be put out to bid again next year.

McGee asked how much of an increase the expenditure is in 2019 over the 2018 contract price.

President Knisely responded that in June, 2018, the contract amount was \$1,342,206 and the 2019 contract extension is \$1,420,000.

Fahl asked if the current contract includes the composting program.

Mayor Patterson responded that the composting program is still in the pilot stage, and is not part of this extension.

Fahl would like the bidding process to begin earlier next time, and would like the City to include sustainability guidelines as part of service contracts going forward.

Risner asked, if this ordinance is approved, if the Administration will be bringing forward a garbage rate increase to cover the cost.

Mayor Patterson responded that an increase will be coming forward.

Judy Roman, Northwood Drive, asked how much of an increase in cost might be needed.

Mayor Patterson indicated that is unknown at this time.

Bruce Underwood, Director of Athens Hocking Recycling, requested the City clarify the issue of licensure.

0-58-19

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) FOR ISSUE I FUNDS; TO EXECUTE CONTRACTS AS REQUIRED. Discussion: McGee noted that these funds, if received, will be used toward the Stimson Avenue Improvements Project.

0-59-19

AN ORDINANCE AMENDING THE 2019 APPROPRIATION ORDINANCE.

0-60-19

AN ORDINANCE AUTHORIZING THE AUDITOR TO ENTER INTO A MERCHANT AGREEMENT WITH GOVERNMENT PAYMENT SERVICE (GPS), INC., TO ALLOW THE INCOME TAX DEPARTMENT TO ACCEPT CREDIT CARD PAYMENTS.

0-61-19

AN ORDINANCE AUTHORIZING THE PROMOTION OF A FIRE LIEUTENANT TO A FIRE CAPTAIN IN ACCORDANCE WITH THE NON-UNION PERSONNEL FRINGE BENEFITS PACKAGE, ORDINANCE 143-18; AND DECLARING AN EMERGENCY.

0-62-19

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 43, WIRELESS TELECOMMUNICATIONS FACILITIES, CHAPTER 43.07(A), SPECIAL USE PERMIT APPLICATION AND OTHER REQUIREMENTS.

0-63-19

AN ORDINANCE CLOSING A PORTION OF WEST STATE STREET BETWEEN COURT AND CONGRESS ON SATURDAY, JULY 13, 2019, FROM 8:00 A.M. TO 9:00 P.M.; AND CLOSING A PORTION OF COURT STREET BETWEEN WASHINGTON AND CARPENTER, AND STATE STREET BETWEEN CONGRESS AND COLLEGE ON SATURDAY, JULY 20, 2019, FROM 6:00 A.M. TO MIDNIGHT FOR OHIO BREW WEEK.

0-64-19

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE SECTION 13.04.10, UNNECESSARY NOISE, IN THE UPTOWN AREA, ON SATURDAY, JULY 13, 2019; AND SATURDAY JULY 20, 2019, FOR OHIO BREW WEEK.

0-65-19

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, JULY 13, 2019; AND SATURDAY, JULY 20, 2019, DURING THE OHIO BREW WEEK EVENT.

0-66-19

AN ORDINANCE CLOSING A PORTION OF COURT STREET BETWEEN STATE AND CARPENTER, ON SATURDAY, AUGUST 10, FROM 6:00 A.M. TO 1:00 A.M. ON SUNDAY, AUGUST 11, 2019, FOR "BOOGIE ON THE BRICKS" A FAMILY MUSIC AND ARTS FESTIVAL. Discussion: Kotses is uncomfortable moving this event forward with such short notice, citing events with uptown street closures on the weekends both before and after the date of this event. Part of the street closure process is to speak with the Uptown Business Owners in the affected area, and that has not yet happened for this event. While the event organizers requested closing Court Street between Union and State Streets, he and the Administration met with the promoter late last week and compromised a closure that would close only the one block between State and Carpenter, and keeping intersections open.

Fahl agrees, the street closure request should have come to Council sooner than June. Next year she would like to see a complete summer plan of all events to better complement each other and better serve the community, possibly as early as February or March.

Grace has received several concerns about the number of street closures this summer. She believes the compromise to move this event to the furthest block of Court Street is a good one, but that it may limit the area for children's

events, and suggested the possibility of closing the half block between Court and Domino's.

McGee mentioned earlier that the area on Union between Court and College could be better utilized; it has great potential, and it would lessen the hardship on uptown merchants. This location works very well with the International Street Fair. This area should be considered for future events.

Crowl agrees that closing the same couple of Court Street blocks each time should be limited. Union Street has worked well for events held at that location, and it lessens the impact on the Court Street businesses.

Cory Fletcher, Event Coordinator, stated that Boogie on the Bricks has been an uptown annual event since 2004. The Board will be grateful for whatever accommodations the City provides, and will work tirelessly to make this event fun, safe, and successful. However, he expressed concerns that limiting the footprint of the event from two blocks to one block will significantly hamper their ability to offer an acoustic stage area, their community educational presentation stage, a severely limited vendor and non-profit space, and possibly the need to reduce or eliminate the children's area. The Board asks that the City give consideration to returning this event to encompass a two-block area, if not this year, then for future events.

McGee asked if it would be possible this year to shift locations.

Fletcher believes it would be difficult this year, adding that the half block proposed by Council Member Grace would be helpful.

Mayor Patterson questioned whether this event will move forward in August in coming years, or if it is likely that it will return to June.

Fletcher said that the Board would be amenable to coordinating with other street closure event organizers next year; the event does not need to be in August.

Brandon Thompson asked, aside from safety, whether there are other parameters associated with street closures.

President Knisely noted that such parameters can be incorporated in guidelines as they are developed.

0-67-19

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE SECTION 13.04.10, UNNECESSARY NOISE, IN THE UPTOWN AREA, ON SATURDAY, AUGUST 10, AND UNTIL 1:00 A.M. ON SUNDAY, AUGUST 11, 2019, FOR "BOOGIE ON THE BRICKS", A FAMILY MUSIC AND ARTS FESTIVAL.

0-68-19

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, AUGUST 10, AND UNTIL 1:00 A.M. ON SUNDAY, AUGUST 11, 2019, DURING THE "BOOGIE ON THE BRICKS" FAMILY MUSIC AND ARTS FESTIVAL.

ONE-READING RESOLUTION:

R-05-19

A RESOLUTION STRONGLY URGING OHIO GOVERNOR DEWINE AND MEMBERS OF THE OHIO GENERAL ASSEMBLY TO SUPPORT THE RESTORATION OF THE LOCAL GOVERNMENT FUND (LGF) TO PRE-RECESSION LEVELS IN SUB. HB 166, THE STATE OPERATING BUDGET.

Discussion: President Knisely commented that, historically, these Local Government Funds (LGF) have been designated for municipalities since as early as 1934. In 2005 the City was receiving \$812,000 in (LGF) and that amount has been decreasing each year to a 2018 level of \$373,000.

Butler asked about Impacted Cities funds for having a State University in the community.

Auditor Hecht said those Impacted Cities funds were eliminated just last year. She added that these types of funds, like the (LGF), supports our General Fund and its loss impacts our ability to fund Police, Fire, and Code Enforcement. The loss of hundreds of thousands of dollars is significant to the City. Another State funding source was through Estate Taxes, approximately \$300,000 annually, and that has been discontinued as well.

Fahl said that without such funding the City cannot fulfill its Home Rule authority, cited within the Constitution, to provide needed services.

McGee questioned, as the (LGF) decreases, whether other State funding sources have increased.

Auditor Hecht responded that grant revenue may have increased for project funding, but that only speaks well of the City's grant writers; it is not funding that can be relied upon each year.

Mayor Patterson added that the City has been very successful in delivering grant projects to completion. He believes this Resolution is vitally important when you look at the reduction in (LGF) since 2005.

Risner pointed out that the (LGF) is general revenue funding, a stream of funds the City can rely on in revenue projections for the annual budget. Grant money is not a stable funding source, and cannot be relied upon for budgeting; there is no guarantee.

Grace agrees, grant funding has allowed the City to do some great projects but it is restricted, and is entirely different from the (LGF) that provides

money for safety and services. Both types of funding are important, but for very different reasons.

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

ANNOUNCEMENTS & OTHER BUSINESS:

Kotses moved to Remove Ordinance 18-19 from the Table; Grace seconded. Motion was approved unanimously.

0-18-19

AN ORDINANCE AMENDING ORDINANCE 84-18 TO INCREASE THE APPROPRIATION AND EXPENDITURE FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING SERVICES FOR THE RICHLAND AVENUE PEDESTRIAN PASSAGEWAY PROJECT (#311); AND DECLARING AN EMERGENCY. Kotses moved to Amend to remove the WHEREAS, to reduce the appropriated amount in Section I from \$429,865 to \$150,000 due to the increased construction timetable, and reduce the authorized expenditure from \$3,664,994 to \$3,645,129, and the amount to be expended from the Street Rehabilitation Fund from \$1,762,799 to \$1,742,934; Risner seconded.

Discussion: Butler expressed his support for this project; it enhances safety in the area which is much needed and beneficial.

Grace, also, is very much in support of this project. She believes it will make a significant difference in pedestrian, bicycle, and automobile traffic flow through the area which has been needed for a very long time.

McGee has opposed this project from the outset; he believes it is a boondoggle. He has asked time and again for consideration of alternatives. Also, if this project is being done for safety reasons then it is important that something be instituted to protect pedestrians now, and not wait until the project is underway. He continues to believe that there are other options to remedy the situation.

Amendment was approved unanimously.

Kotses moved for Suspension of the Rules in that the grant funding deadline by ODOT is June 10; Butler seconded.

Kotses moved for Adoption; Butler seconded. Discussion: Kotses noted that the City's current share is approximately \$1.4 million on a \$3.3 million project. That does not take into consideration any additional funds coming from Ohio University over and above the \$400,000 already committed. Additionally, the City has recently applied for a Transportation Improvement District grant for up to \$250,000. The project will begin March 1, 2020, with a completion date by September 11, 2020. He believes it could be said that this is the most failing vehicle intersection within the City. This project will correct that and will provide for the safety of pedestrians.

Mayor Patterson clarified that the funding mechanism for Transportation Improvement District grants are specific to economic development. Within a mile radius of this project the number of businesses in the area is large.

Chris Monday, Garfield Avenue, understands the validity of this project, and that it is not strictly for safety although that is a big aspect of it. He agrees with McGee that, in the meantime, because of the safety aspect it seems there should be some measures taken toward that in the interim.

Michael Fletcher, Lemaster Road, The Plains, Ohio, has been following this process. He questioned elevating the roadway instead of elevating the pedestrians to cross over the roadway.

Adoption was approved by a 6/1 vote; with McGee voting in opposition.

At approximately 8:45 p.m., McGee moved to Adjourn; Kotses seconded. Motion was approved unanimously.

President of Council

ATTEST:

Clerk of Council