

**MINUTES: FINANCE & PERSONNEL COMMITTEE**  
**OCTOBER 14, 2019**  
**7:00 p.m.**

Members in Attendance: Jeff Risner, Chair  
Kent Butler, Vice-Chair  
Sam Crowl, Member  
Peter Kotses, Member

Administrators and/or  
Other Elected Officials: President Knisely  
Mayor Patterson

**ITEMS DISCUSSED:**

- Appropriations/Transfers
  - Auditor – will need to appropriate money in the Recreation Fund to cover year-end personal services – two notes will be coming forward that are due in December for the WTP and the WWTP
  
- Fire Truck (purchase)
  - Risner – the cost will be in the neighborhood of \$700,000 – Fire Chief would like to begin legislation soon, as it takes approximately 10 months for custom delivery
  
  - Mayor – Pumper 1002 is having issues – continual repairs are needed
  
  - Kotses – asked about the age of the truck being replaced, and whether the new truck would be bigger, or simply provide newer features
  - Mayor – newer features – it wouldn't be bigger – will provide information on the truck to be disposed of next week
  
  - Auditor – the most recent pumper truck will be paid off in a couple of years – the cost was similar – Ohio University pays the City \$50,000 annually to help with fire truck purchases
  - Butler – asked if Ohio University will be continuing funding for this new truck
  - Mayor – will press to continue that donation to the City
  - Risner – asked about the location for the majority of fire runs
  - Mayor – that would be Ohio University – retiring aging trucks is the responsible thing to do to protect our employees
  
- Amend Title 17 (Municipal Income Tax)
  - Auditor – Income Tax Administrator Tina Timberman is working on language to bring our City Code into compliance with the ORC

- Reduce Year-End Appropriations
  - Auditor – this is a State requirement – the City cannot appropriate more money than it receives – this is a blanket authorization for all departments

Mary Abel, Strathmore Blvd., requested to address an issue not on this Agenda. She noted that the County Commissioners have a quarter percent sales tax on the November ballot. The majority of that sales tax would come from food and retail establishments within the City. She questioned whether the City has had, or plans to have, conversations with the Commissioners about the City receiving a portion of that tax if it is passed, since the City is likely its biggest generator of that particular tax. She feels this should be negotiated to be used toward City endeavors

Risner – questioned whether the City has any legal leverage to seek a portion of the sales tax

-Mayor – has not met with the County Commissioners about this – it is a valid point, and he will begin that conversation

#### **ITEMS NEEDED ON THE NEXT CITY COUNCIL AGENDA:**

1. Appropriations/Transfers
2. Pumper Truck Purchase
3. Title 17 Amendments
4. Reduce Year-End Appropriations

**MINUTES**  
**PLANNING & DEVELOPMENT COMMITTEE**  
**OCTOBER 14, 2019**  
**7:00 p.m.**

Members in Attendance: Chris Fahl, Chair  
Jeff Risner, Vice-Chair  
Patrick McGee, Member  
Sarah Grace, Member

Administrators and/or  
Other Elected Officials: President Knisely  
Mayor Patterson

**Items Discussed:**

- Short-Term Rentals
  - President – Council Members are in receipt of comments and questions from former BZA Member Betty Hollow, questions from Jack Stauffer, and information from Diane McVey
  
  - Fahl – explained that the City Planning Commission is working on the zoning component of including Short-Term Rentals in residential areas, defined as a stay of 30 days or less, and this evening the discussion will be the accompanying legislation setting regulations, requirements, and licensing of such rentals (see attached table, and general planning outline)
  
  - McGee – concerned that the tourist home is not limited in number of stays
  - Fahl – stay limits are only for non-profit homestays
  - McGee – believes the tourist home will have an impact on residential neighborhoods
  - Fahl – countered that the tourist home will have more regulations than turning a house into a rental property, and it is unlikely that a tourist home would have 100% yearlong occupancy
  - McGee – appears there is a contrary push – currently the City encourages single family occupancy in R-1 zones, and this legislation will encourage investment for business in residential areas – he is concerned
  - Grace – doesn't believe tourist homes would be occupied often for a short-term stay – owner would be more likely to purchase and use as a traditional rental, that would be more lucrative
  - Fahl – believes there are community benefits
  - Risner – with fewer students occupying off-campus housing, wonders whether former student rental housing will turn into short-term rentals

-Councilman Kotses – agrees with McGee’s concerns – a sense of community is important in a residential zone – even with a long-term rental you can get to know that neighbor over the course of a year – protection of R-1 is paramount

-Risner – agrees

-Councilman Crowl – echoed Kotses’s comments – he, too, is concerned about short-term rentals in the R-1 zone

-Butler – has had several citizens approach him in favor of short-term rentals – he has had fewer comments from those who are against short-term rentals, but believes they have some valid points – times are changing and many visitors prefer staying in something other than a hotel chain – added, short-term rentals can help fixed-income homeowners to meet their monthly costs with additional income to pay mortgages and insurance

-Paige Alost, Athens County Convention & Visitors Bureau – noted that the most important reason for this conversation relates to the earlier discussion on the Bailey’s Trail System – this trail will bring many more visitors to our community – it is an opportunity to engage in peer to peer economy – tourism is a product of good community development – this framework will provide what the City is willing to accept in its neighborhoods

-Risner – asked which short-term rental seems to be the most desirable  
-Alost – probably the tourist home (whole home rental) – again, residents’ rights are extremely important to future visitors – need a balance – do not want to create an adversarial relationship between those who live here and those who visit – demand for short-term rentals may not be here today, but believes that will change

-Jack Stauffer, Elmwood – believes tourist homes in an R-1 zone is wrong, and not in the best interest of the City – Council Members should be defending our current property rights, not giving them away to those with special interests – taking existing property rights from 90% of the people, only to give to a few, 5% or less, cannot possibly be in the best interest of our community – do not take enjoyable property rights from the majority to give to a few – the proposed legislation states, for a homestay operated by the owner, that the owner must use the dwelling as their legal residence for 51% or greater of the year, is completely unenforceable – hospitality businesses should be conducted in a business zone – believes this will lower real estate values and desirability

-Mary Abel, Strathmore – asked why a homestay cannot have a separate or additional kitchen facility

-Fahl – it is a safety issue – you cannot have a stove – most people she has spoken with in R-1 zones really do not want to permit tourist homes – they are much more open to having homestays that are owner-occupied

-Zach Reizes, Atlantic – represents renters on the City's Affordable Housing Commission – is concerned with the lack of conversation about the interplay and overlap short-term rentals could have on affordable housing within the City – he fears that in our small community, that already has a shortage of affordable rental housing, these houses may be pulled off the market to become short-term rentals and rental costs will increase

- Rezone North Court Street from B3 to B2D

-Fahl – Planning Commission recommendation (see attached) – the change will allow a story higher for the maximum building height, no minimum lot width, side and rear lot footage, and more relaxed parking requirements – the B2D zone can use the City's Parking Garage for off-street parking

-Mayor – the change in zoning was first addressed in 1994 and again in 2010 – the main issues at the time were storage parking and noise – the City now has an unnecessary noise ordinance as well as a 24-hour parking in the same location ordinance – the rezoning parking requirement is removed for first floor retail space only; it does not change the parking for living space above the first floor

-Fahl – agrees, this is a better land use plan – it will make the uptown commerce area more cohesive

-Councilman Crowl – according to the history of the area, the B3 zone has been used as a buffer to the R-1 zone – how is this being addressed now, as this would incentivize more businesses along the north end of Court Street that might produce more noise

-Mayor – understands the noise concern but the unnecessary noise ordinance can mitigate it; a complaint can be made – does not believe this zoning change will cause an excess in noise

-Fahl – need to look at other tools for buffering, aside from zoning

-Grace – doesn't believe the zoning change will increase noise to the nearby neighborhoods

-Councilman Kotses – believes this zoning change is a step in the right direction

- Indigenous Peoples' Day
  - Fahl – has been approached by some community members to join with other communities across the nation to identify this particular day that is routinely referred to as Columbus Day, to re-identify it as Indigenous Peoples' Day, representative of our land's true ancestors – understands the City of Athens is a statutory city following the Ohio Revised Code and cannot legislatively change the name of this holiday, however, the City can change it in internal documents
  - Mayor – plans to recognize this date as Indigenous Peoples' Day through a proclamation
  - Risner – being an amateur historian, he questioned the need to change our history
  - Grace – commented that while it is a Federal holiday, the City doesn't even recognize Columbus Day in October, but floats it to December
  - Mayor – clarified that re-identifying the day as Indigenous Peoples' Day will have no effect on the City's calendar, it will continue to float this holiday

## **ITEMS NEEDED ON THE NEXT CITY COUNCIL AGENDA:**

1. Rezoning

**MINUTES**  
**TRANSPORTATION COMMITTEE**  
**OCTOBER 14, 2019**  
**7:00 p.m.**

Members in Attendance: Peter Kotses, Chair  
Patrick McGee, Vice-Chair  
Sam Crowl, Member

Administrators and/or  
Other Elected Officials: President Knisely  
Mayor Patterson  
Auditor Hecht

**ITEMS DISCUSSED:**

- Towing Regulations (ACC Chapter 7.06.17)
  - Kotses – the current Athens City Code charges were set in 2002 at \$50.00 and the Ohio Revised Code sets the charge at \$129.00 – Ohio University Student Senate has brought forth a Resolution suggesting the City consider only raising the rate to \$75.00 – after talking with tow operators and the cost of towing and recovery services he is comfortable with the fee aligning with the State Code for vehicles under a gross weight of 10,000 pounds for unauthorized parking in a marked tow area – only one of the City’s three towing agencies continues to patrol private parking lots, the other two come only on an as needed basis – Police Chief Pyle agrees that the City should be following the State Code
  - Crowl – questioned whether the City can charge \$75.00, or if the State Code preempts that
  - Kotses – understands that if the City continues to have a different charge, lawsuits would continue to occur
  - McGee – pointed out that the State Code has a maximum, but does not state a minimum – he believes the City has the right to impose a minimum fee – it needs to be challenged in the Court system – a \$75.00 fee seems more reasonable
  - Crowl – not sure it makes sense that the fee for a small town like Athens should be the same as for much larger cities, like Columbus, Cleveland and Cincinnati where tows are likely to be over much longer distances
  - Councilman Risner – asked if the City receives any part of the fee
  - Kotses – the fee goes to the tow operator
  - Councilman Risner – so, the City derives no payment from towing
  - Mayor – only if it is in a regulated tow zone on public right-of-way, then a citation is given, and the City receives the imposed fine

-Kotses – this is a business -- questioned why the City is regulating business

-Beth Clodfelter, South Shannon – pointed out that citizens are already frustrated with recent City fee increases, and raising this fee from \$50.00 to \$129.00 will not go over well with the public – if the City derives no financial benefit she believes the fee should be raised to the \$75.00 fee proposed by Student Senate

-Kotses – fees associated with actual city services are different from a fee charged for an illegally parked vehicle that could have been avoided

-Clodfelter – bottom line, people's vehicles get towed, tourists' vehicles get towed – doesn't seem like a good way to do business – if the City can charge a lower fee, it should

-Adam Boesinger, Ohio University Student Senate Off-Campus Commissioner – questioned whether patrolling by tow companies would be considered predatory towing – clarified that the \$75.00 fee suggested by Student Senate is the current \$50.00 fee adjusted for inflation

- ODOT LPA Agreement

-Kotses – for an ODOT project – bridge deck repair on State Route 56, west of Kenny Drive, in March, 2020 – ODOT paying 100% of cost

-Councilman Butler – asked if this project will include widening the bridge area

-Mayor – believes that it does – will report back to Council

- Richland Bridge Over Coates Run

-Kotses – amend Ordinance 100-18 to authorize an additional \$94,000 to the Street Rehabilitation Fund

-McGee – asked if the State is picking up any of the overage

-Kotses – the City is consulting with ODOT and awaiting a response

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

1. LPA Agreement
2. Richland Bridge

**ATHENS CITY COUNCIL: SPECIAL SESSION, MONDAY, OCTOBER 14, 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, and Auditor Hecht.

**ORDINANCES FOR THIRD READING:**

**0-96-19**

AN ORDINANCE AUTHORIZING THE MAYOR TO RE-DESIGNATE HOCKING.ATHENS.PERRY COMMUNITY ACTION PROGRAMS (HAPCAP) TO ADMINISTER ATHENS PUBLIC TRANSIT. Kotses moved for Adoption; Butler seconded. Discussion: McGee asked whether there is an increase in cost.

Kotses explained that in 2018 the City's local match was 10% and this year it is 20%, or \$225,000.

McGee asked who determines the cost.

Kotses responded that it is dependent upon ODOT funding.

Mayor Patterson mentioned that the new Bus Route 7 from Albany through Athens to Nelsonville instituted in August had 1000 riders its first month. The Mayor of Albany shared with him that job attainment was made easier for some riders.

Kotses noted that he attended the recent County Transportation meeting and learned that the second month of Route 7 (September) the ridership increased by an additional 200.

Adoption was approved unanimously.

**0-97-19**

AN ORDINANCE AUTHORIZING THE MAYOR TO RE-DESIGNATE HOCKING.ATHENS.PERRY. COMMUNITY ACTION PROGRAMS (HAPCAP) AS CONTRACT ADMINISTRATOR FOR THE OHIO RURAL INTERCITY BUS PROGRAM (GoBus); AND DECLARING AN EMERGENCY. Kotses moved for Adoption; Butler seconded. Discussion: Kotses commented that there is no cost to the City for this program. In fact, the City receives approximately \$24,000 annually for GoBus ticketing services provided at the Community Center.

**0-98-19**

AN ORDINANCE SUSPENDING ATHENS CITY CODE SECTION 7.05.03, CONTINUOUS PARKING IN THE SAME LOCATION, FROM, SUNDAY, DECEMBER 15, 2019, THROUGH MIDNIGHT ON WEDNESDAY, JANUARY 1, 2020. Kotses moved for Adoption; Grace seconded. Adoption was approved unanimously.

**0-99-19**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO SUSPEND, TEMPORARILY, THE FEE FOR PARKING AT METERED SPACES IN THE MUNICIPAL PARKING GARAGE. Kotses moved for Adoption; Fahl seconded. Discussion: Risner asked about loss of revenue during this time.

Mayor Patterson will provide that information.

Adoption was approved unanimously.

**0-101-19**

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 3, ADMINISTRATIVE PROVISIONS, CHAPTER 3.07, ADMINISTRATIVE DEPARTMENTS; BOARDS AND COMMISSIONS, SECTIONS 3.07.70 and 3.07.71, ATHENS CITY COMMISSION ON DISABILITIES. Fahl moved for Adoption; Grace seconded. Adoption was approved unanimously.

**ORDINANCES FOR SECOND READING:**

**0-104-19**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND ACCEPT BIDS, WHERE NECESSARY, FOR DESIGN OF THE COLUMBIA AVENUE SANITARY SEWER.

**0-105-19**

AN ORDINANCE AMENDING THE 2019 APPROPRIATION ORDINANCE.

**0-106-19**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO, OR TO EXTEND THE AGREEMENT WITH THE BOARD OF ATHENS COUNTY COMMISSIONERS FOR THE PURPOSE OF OBTAINING THE SERVICES OF THE PUBLIC DEFENDER'S OFFICE THROUGH DECEMBER 31, 2020.

**0-107-19**

AN ORDINANCE AMENDING ORDINANCE 142-18, STAFFING LEVELS; AND DECLARING AN EMERGENCY.

**0-108-19**

AN ORDINANCE AMENDING ORDINANCE 71-16; AUTHORIZING NON-UNION PAY GRADES; AND DECLARING AN EMERGENCY.

**0-109-19**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO PAY THE HEAD LANDSCAPER AND APR LABOR SUPERVISOR A RATE IN ACCORDANCE WITH ORDINANCE 143-18, THE NON-UNION PERSONNEL FRINGE BENEFITS PACKAGE, SECTION 20, PROMOTION; AND DECLARING AN EMERGENCY.

## **ORDINANCE FOR FIRST READING:**

### **0-110-19**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PROVIDE FINANCIAL SUPPORT FROM THE CITY'S TRANSIENT GUEST TAX TO THE OUTDOOR RECREATION COUNCIL OF APPALACHIA (ORCA) FOR FUNDING THE BAILEY'S TRAIL SYSTEM ALONG WITH OTHER RECREATIONAL ACTIVITIES. Discussion: McGee, while not opposed to the project, questioned whether the project would still be funded if the City of Athens decided not to provide financial support. He believes that there may be other funding sources, expressing concern about this 20-year financial commitment for the City.

Mayor Patterson noted that the City could seek eligible grant funding sources toward the payment to ORCA.

Fahl questioned whether the City's financial commitment could be paid off early.

The Mayor responded that it can.

Crowl understands that the City can withdraw from this agreement with a 90-day notice prior to the end of ORCA's fiscal year, and asked if this is dependent upon the City entering into an agreement of financial support with the County.

President Knisely clarified that the City does not have to enter into a separate agreement with the County. The City's financial commitment is contingent upon the County's commitment. She understands that the County Commissioners will be giving consideration to their financial support at an upcoming meeting.

McGee questioned how the City can withdraw from a 20-year financial commitment early, if a bond is in place.

President Knisely responded that the City is not entering into a bond agreement. The Port Authority is considering a bond which would provide the cash upfront to start the construction.

Auditor Hecht emphasized that the City is not signing a bond. The City is pledging a portion of our Transient Guest Tax revenue to ORCA. ORCA is working with the Port Authority on a bond.

McGee continued to question that the City would have no legal liability for this 20-year financial commitment.

Auditor Hecht pointed to the opt-out language as part of this legislation, adding that the City's financial pledge is a minimum of \$90,000 annually for 20 years, with a maximum payout of up to \$125,000, depending upon the success of the trail and increased revenue brought in through our Transient Guest Tax.

Grace read Section IV of Exhibit "A" attached to this legislation: "Any Member may withdraw from ORCA upon ninety (90) days' written notice to each of the other Members. Withdrawal will be final after the ninetieth (90<sup>th</sup>) day,

EXCEPT THAT all obligations, financial or otherwise, to ORCA assumed by the Member prior to submitting the notice of intent to withdraw shall continue until the end of ORCA's then-current Fiscal year.”

Auditor Hecht explained that the City is committing to giving money to ORCA for funding the Bailey's Trail System, along with other recreational activities. ORCA will then be working with the Port Authority to make bond payments. The County will be entering into the same agreement.

McGee is hearing conflicting terms of a “pledge” and a “contract” along with the term “bond”. He believes it is crucial when signing documents for this project that the Administration understands that City Council is approving this solely on the understanding that the City has the right to withdraw under the outlined circumstances.

Butler also emphasized the importance in authorizing the use of public dollars and questioned, if the City should withdraw its funding, whether the Mayor would continue to hold his seat on the ORCA Board.

Mayor Patterson pointed out that City Council authorized the establishment of ORCA and the Mayor's seat on the Board.

Dawn McCarthy, Wayne National Forest, responded to Councilman McGee's question as to whether the trail would be funded without the City's support. She said that it would, eventually. Instead of building it over the next 2-3 years, they would be reliant upon grant cycles that could take 10-15 years, reducing the impact on local communities. To date, the Athens County Foundation has received a National Forest Foundation Grant in partnership with REI for \$150,000, and Rural Action just received an Appalachian Regional Commission Power Grant for \$1.2 million, \$150,000 going toward construction, with most of that funding going toward the support system for the infrastructure, including entrepreneurial development and support, training, workforce development, community activation and marketing. The Bailey's Trail System will provide benefits to the City of Athens through increased outdoor recreational access and increased health benefits.

McGee asked for clarification of entrepreneurial development and support.

McCarthy explained that Rural Action would be working with Acenet, developing business workshops, business analytics, and providing resources. As a result of the ARC Power Grant, the Appalachian Conservation Corps, an Americorps program, will work with local young adults, teaching them trail building and maintenance in order to translate that into an educational career in natural resource management.

McGee asked whether there are studies of existing trails that are very similar to the Bailey's, and whether this trail will provide overnight tourism, or simply day trips to the trail system.

Danny Twilly, Ohio University Assistant Professor in the Parks, Recreation and Leisure Program, Graham Drive, responded that the NE Vermont trail is a small community and has seen visitation increase about 20% over the last eight

years (140,000 visitors last year, with \$10 million in direct spending in a single year). The NW Arkansas trail is in a rural, isolated area, about 30 miles from Fayetteville, and is seeing between 90,000-150,000 visitors annually with about \$27 million in direct spending. The size of the Bailey's trail (88 miles) should draw people because it is so large and unique to the area.

McGee asked about accessing these figures.

Twilly will provide Council Members with articles on these two trails. Adding that, while this will be a mountain bike trail, it will attract other user groups such as hikers and trail runners.

### **RESOLUTION FOR SECOND READING:**

#### **R-09-19**

A RESOLUTION ACCEPTING THE PETITIONS AND ARTICLES OF INCORPORATION OF THE ATHENS UPTOWN SPECIAL IMPROVEMENT DISTRICT (SID), DECLARING IT NECESSARY TO IMPROVE CERTAIN AREAS OF UPTOWN ATHENS; AND DECLARING AN EMERGENCY.

Discussion: Crowl asked for clarification on the City's cost as part of this SID, whether it is the cost of the front footage owned by the City in the SID.

Fahl responded that is correct.

Mayor Patterson pointed out that Ohio University has also agreed to invest and pay for University property front footage. Changing the look and feel in the uptown area would be a helpful recruitment tool. He clarified that the City's share would be for the Armory, City Building, and Parking Garage.

At approximately 8:00 p.m. Fahl moved to adjourn; Risner seconded. Motion was unanimously approved.

---

President of Council

ATTEST:

---

Clerk of Council