

**ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, OCTOBER 21, 2019, 7:00 P.M.**

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

Also present: President Knisely, Mayor Patterson, and Law Director Eliason.

**DISPOSTION OF MINUTES:**

Risner moved approval of the minutes of the Regular Session of City Council held October 7, 2019; Crowl seconded. Minutes were unanimously approved as presented.

**COMMUNICATIONS:**

**President Knisely** announced that City Council will be holding its annual meeting with Ohio University President Nellis and administrative staff at noon on Thursday, October 31, at the Ohio University Inn.

City Council will be holding a public hearing on Monday, November 18, at 7:00 p.m. to consider a recommendation from the City Planning Commission to rezone portions of Court Street, East & West Carpenter Street, East & West State Street, and Fern Street from B3 to B2D.

**Council Member Butler** acknowledged receipt of emails expressing concern about the proposed R-1 short-term rental legislation.

**REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:**

**Mayor Patterson** reported the following:

- The ODOT State Route 56 bridge project will include widening the bridge by 6 feet, to create two 11' wide lanes and two 4' shoulders.
- The new pumper truck will be very similar to the most recent pumper truck, with a slightly larger cab.
- Recognition from America in Bloom for our community's vitality in the population category from 22,000-30,000
- Received a request from a resident on Central Avenue to lift restricted parking when school is not in session during teacher in-service days, holidays, and summers. His staff will be reviewing adjustments to accommodate the residents.

## **ORDINANCES FOR THIRD READING:**

### **0-100-19**

AN ORDINANCE ADOPTING THE ATHENS COUNTY MULTI-JURISDICTIONAL NATURAL HAZARD MITIGATION PLAN FOR THE CITY OF ATHENS. Butler moved for Adoption; Risner seconded. Adoption was approved unanimously.

### **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. Butler moved for Adoption; Crowl seconded. Adoption was approved unanimously.

### **0-105-19**

AN ORDINANCE AMENDING THE 2019 APPROPRIATION ORDINANCE. Risner moved for Adoption; Crowl seconded. Adoption was approved unanimously.

### **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. Risner Moved for Adoption Grace seconded. Adoption was approved unanimously.

### **0-107-19**

AN ORDINANCE AMENDING ORDINANCE 142-18, STAFFING LEVELS; AND DECLARING AN EMERGENCY. Risner moved for Adoption; Grace seconded. Adoption was approved unanimously.

### **0-108-19**

AN ORDINANCE AMENDING ORDINANCE 71-16; AUTHORIZING NON-UNION PAY GRADES; AND DECLARING AN EMERGENCY. Risner moved for Adoption; Crowl seconded. Adoption was approved unanimously.

### **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. Risner moved for Adoption; Crowl seconded. Adoption was approved unanimously.

## **ORDINANCE FOR SECOND 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, after receiving studies from other recreational trails, noticed that all of the funding was from private sources, and questioned whether there are examples of a municipality assisting in such funding.

Paige Alost, Executive Director of the Athens County Convention & Visitors Bureau, is not aware of any such projects being funded by a municipality or a county.

McGee asked for additional clarification on how long the trail might be delayed if it does not receive funding from the City and County.

Mayor Patterson responded that without City and County funds there would be a longer buildout time, possibly 7-10 years, vs a quicker buildout using the pay for success model of which the City and County could realize the visitor impact sooner.

Debbie Phillips, CEO of Rural Action, explained that the collaborative financing for construction, that includes local City-County funding, has various moving parts and timelines in order to receive new market tax credits. If the complete financing package is not in place by the end of the year she's not sure how that will affect those tax credits.

Crowl expressed a citizen's concern that outside entrepreneurs are already showing interest in the Chauncey area, and asked if Rural Action is working on issues that will affect the Village of Chauncey.

Phillips responded that Rural Action's role will be to work with the local communities at the trailheads to set up economic opportunities. She believes the trail will have an economic impact, and shares concern that outsiders may come in and buy up valuable property in the trailhead area. So, Rural Action's focus will be to assist the local residents with those business amenities that will grow from the trailheads.

Crowl asked if there is anything that is happening now to include the citizens of Chauncey.

Phillips commented that there have been some initial efforts through public meetings with local citizens to view the area and talk about the types of amenities that will be needed at the trailhead in Chauncey, as well as a workshop sponsored by the Athens County Foundation and the Ohio University Innovation Center. Rural Action is just ramping up with their role in this development.

Todd Swearingen, Guysville, agrees that the Bailey's Trail System is a good proposal with potentially positive impacts, unfortunately carbon debt has not been calculated as part of this project.

Debbie Phillips, Rural Action CEO, shared that this project shows great promise in cultural tourism, outdoor recreation, and ways to diversify the local economy. There is increasing interest in looking at the ecosystem service provided by trees. Longstanding trees have tremendous value in helping mitigate carbon impact. This trail is an opportunity to use the assets we have, while offering great ecological benefits.

**ORDINANCES FOR FIRST READING:**

**0-111-19**

AN ORDINANCE TO REPEAL AND REPLACE ATHENS CITY CODE TITLE 35, CABLE COMMUNICATIONS.

**0-112-19**

AN ORDINANCE AUTHORIZING AMENDING ORDINANCE 100-18, CONSTRUCTION AND CONSTRUCTION ENGINEERING SERVICES FOR THE RICHLAND BRIDGE OVER COATES RUN PROJECT (#321).

**0-113-19**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN LPA/STATE PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR A BRIDGE REPAIR PROJECT WITHIN THE CORPORATION BOUNDARY ON STATE ROUTE 56 (PID 99578); AND DECLARING AN EMERGENCY.

**0-114-19**

AN ORDINANCE REPEALING ORDINANCE 25-19; AMENDING ATHENS CITY CODE, TITLE 17, CHAPTER 17.01, MUNICIPAL INCOME TAX, TO ADD SECTION 17.01.066, ELECTION TO BE SUBJECT TO OHIO REVISED CODE SECTIONS 718.80 THROUGH 718.95; AND REPLACING IT TO INCORPORATE THE OHIO REVISED CODE SECTIONS BY REFERENCE.

**0-115-19**

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 17, CHAPTER 17.01, MUNICIPAL INCOME TAX, SECTION 17.01.03, DEFINITIONS.

**0-116-19**

AN ORDINANCE AMENDING THE 2019 APPROPRIATIONS ORDINANCE.

**0-117-19**

AN ORDINANCE AUTHORIZING THE AUDITOR TO REDUCE 2019 YEAR-END APPROPRIATIONS.

**0-118-19**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH FINLEY FIRE EQUIPMENT CO., INC., TO PURCHASE A FIRE PUMPER TRUCK; AND DECLARING AN EMERGENCY.

**0-119-19**

AN ORDINANCE AUTHORIZING DISPOSAL OF A 1997 FIRE PUMPER TRUCK NO LONGER NEEDED FOR A MUNICIPAL PURPOSE. Discussion: Mayor Patterson noted that the trade-in value is only \$13,000. The City will likely be seeking to dispose of the truck through a sealed bid as opposed to trade-in or donation since the City received approximately \$30,000 through a sealed bid with the last pumper truck.

**RESOLUTION FOR THIRD 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. Risner moved for Adoption; Butler seconded. Adoption was approved unanimously.

**ANNOUNCEMENTS & OTHER BUSINESS:**

Risner moved to Accept the Auditor's September, 2019, Financial Reports; Crowl seconded. Motion was approved unanimously.

Crowl moved to Accept the September, 2019, Credit Card Transactions, Risner seconded. Motion was approved unanimously.

Grace moved to confirm the Mayor's appointment of Robert Delach to the Board of Zoning Appeals; Crowl seconded. Appointment was approved unanimously.

**OPPORTUNITY FOR CITIZENS TO SPEAK ON LEGISLATIVE ITEMS AND CITY SERVICES NOT COVERED ON THE AGENDA:**

A statement regarding short-term rentals in residential zones from Joan and Steve Safran, Utah Place, was read into the record (see attached).

Jack Stauffer, Elmwood Place, noted that 51% residency would be impossible to monitor and/or enforce as part of the proposed legislation on short-term rentals, and such legislation would immediately affect the City's near and far eastside residential neighborhoods. He believes the City's current B-3, R-3, and R-2 zones could meet the demand of short-term rental housing. In October 2016, he quoted Council Member Fahl from an *Athens Messenger* article

regarding Bed & Breakfast legislation, stating that, "...We will work through this so that people have their property rights and ... their neighborhoods will all be respected and protected."

This legislation will bring noise, parking problems, traffic issues, litter, etc. to our residential neighborhoods. It is Council's job to protect City residents, not diminish their property rights. He hopes Council Members will think this through, using logic and common sense, and make the best decision for all residents and not just the few who wish to profit in R-1 zones.

Stephanie Goldsberry, Tulane-North May, requests the City slow down the process to allow short-term rentals in R-1 zones, emphasizing parking as an issue.

Mrs. Goldsberry is concerned about Cable Lane traffic not stopping at the stop sign. This is a serious situation that needs addressed now.

At approximately 8:30 p.m., Butler moved to Adjourn the meeting; McGee seconded, and the meeting was adjourned.

---

President of Council

ATTEST:

---

Clerk of Council