

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, NOVEMBER 4, 2019, 7:00 P.M.

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

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

President Knisely noted that Council Member Grace will be joining the meeting shortly, and would like to entertain a motion to amend the agenda to move the ordinance for first reading, 0-110-19, to be read after ordinances for second and first readings in order to allow Council Member Grace to participate in the discussion and vote.

Risner moved to Amend the Agenda for the stated reason; McGee seconded. Motion to Amend the Agenda was approved unanimously.

DISPOSITION OF MINUTES:

Fahl moved approval of the minutes of the Special Session held on October 14, 2019, and the Regular Session held October 21, 2019; Risner seconded. Minutes were unanimously approved as presented.

COMMUNICATIONS:

President Knisely brought forward the following Division of Liquor Control permit notifications:

- A Liquor Agency Contract to Nelsonville Grocery, Inc., dba Busy Day Market, 30 West Stimson Avenue, First Floor. City Council responses need to be postmarked no later than November 12, 2019.
- Transfer of a liquor permit **from** the Corner on Union, LLC, 120 West Union Street & Patio **to** Buck McFadden Restaurants, LLC, dba Ciro, 120 West Union Street & Patio. City Council responses need to be postmarked no later than November 22, 2019.
- Transfer of a liquor permit **from** Wilson Enterprises of Athens, LLC, 33 North Court Street **to** D & J Athens, LLC, 77 North Court Street. City Council responses need to be postmarked no later than November 29, 2019.

Council Member Butler acknowledged receipt of many emails in support of the Bailey's Trail System, as well as a few suggesting City Council should take a closer review of the City's financial commitment.

Council Member Kotses announced that the next Athens City School Board meeting will be held on Thursday, November 21, at 6:30 p.m. in the high school auditorium.

Council Member McGee is also in receipt of many emails in support of the Bailey's Trail System, acknowledging that he read each and every one.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson has also received a large number of emails regarding the Bailey's Trail System.

ORDINANCES FOR SECOND 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.

ORDINANCES FOR FIRST READING:

0-120-19

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 7, CHAPTER 7.05, PARKING REGULATIONS. Discussion: McGee questioned whether there has been any conversation between the Administration and uptown business owners about offering their employees a special rate in the City Parking Garage.

Mayor Patterson has been working on this matter. Also, he indicated that he has had a conversation with the Dean of Fine Arts at Ohio University about the difficulty of attending theater events at both the Athena Cinema and Kantner Hall, with the meters being enforced until 8:00 p.m., and felt it prudent to change the enforcement time to 7:00 p.m. Before requesting this change, he asked the Deputy Service-Safety Director to review the revenue for that extended hour, and was told there will be a decrease of about \$2800 per month. The revenue needed can still be met.

0-121-19

AN ORDINANCE REZONING PORTIONS OF COURT, STATE, CARPENTER, AND FERN STREETS FROM A B3 ZONE TO A B2D ZONE. Discussion: Fahl noted that this change will relax the parking restriction for first floor retail.

Mayor Patterson explained that B3 zoning is basically designed for a suburban neighborhood, whereas, a B2-D zone is designed for an urban neighborhood. This change was suggested in the original City Comprehensive Plan. He noted that a parking study revealed that there are a number of vacant parking spaces on the Court Street block between State and Carpenter for retail customer parking. This zoning change will bring the whole of Court Street into alignment as a B2-D zone.

Joan Kraynanski, Mound Street, informed City Council that this rezoning was proposed several years ago and the concern at that time was that the elimination of the ground floor parking requirements would push vehicles into the nearby neighborhoods. She would like a firm number on the number of parking places that will be forgiven if the zoning is changed to B2-D.

Fahl announced that a Public Hearing on this rezoning will be held on Monday, November 18, at 7:00 p.m.

Rob Delach, Morris Avenue, pointed out that removing the parking requirements provides business owners with flexibility.

0-122-19

AN ORDINANCE AMENDING THE 2019 APPROPRIATION ORDINANCE.

0-123-19

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$150,000 OF NOTES BY THE CITY OF ATHENS, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF RENEWING NOTES ISSUED FOR THE PURPOSE OF PAYING PART OF THE COSTS OF DESIGN ENGINEERING OF THE WATER TREATMENT PLANT FACILITIES IMPROVEMENTS, PROJECT #307; AND DECLARING AN EMERGENCY.

0-124-19

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$170,000 OF NOTES BY THE CITY OF ATHENS, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF RENEWING NOTES PREVIOUSLY ISSUED TO PAY PART OF THE COSTS OF IMPROVEMENTS TO THIS MUNICIPALITY'S WASTEWATER TREATMENT PLANT; AND DECLARING AN EMERGENCY.

0-125-19

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO HIRE A WATER LABOR SUPERVISOR AT A PAY RATE OF UP TO 40% THROUGH THE ASSIGNED PAY GRADE.

ORDINANCE FOR THIRD 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. Risner moved to Table to allow time for a review by an independent financial analyst; Grace seconded. Discussion: McGee emphasized that Council Members are not opposed to the Bailey's Trail System; this motion to Table is to be sure the City understands the full financial impact/benefit ratio, as he has noticed some inconsistencies.

Grace absolutely supports the Bailey's Trail System and the City investing in the project, however, she, too, has found multiple cases where there are inconsistencies. This is a significant expenditure for the City, and the City needs to be very clear as to its financial obligations. She is pleased that a more thorough analysis will be forthcoming.

Butler is not in favor of tabling, pointing to the withdrawal section offered within the document.

Mayor Patterson has been given the name of an independent analyst to review the pro forma that Quantified Ventures has submitted, and he will be contacting that person. He added, there is a need to diversify our local economy and he believes the Bailey's Trail System is a way the City can do that.

McGee referred to an email from Seth Brown of Quantified Ventures to Dawn McCarthy of the Wayne National Forest, answering several questions (see attached). He asked for further clarification to the last question: 8) Can they really "opt-out" of paying the money back? He questioned, "There will be ... financial implications to such an action.

Grace had felt comfortable and confident with the Ordinance withdrawal language, however, one of the documents from Quantified Ventures states, "The City can close out the contract by assuming its portion ... through traditional debt." She questions what the City is obligated to in terms of the debt.

Auditor Hecht has mixed feelings about this investment. She questioned moving forward without a better understanding of this 20-year financial commitment. The fact that this trail is not in the City limits, the City really needs to be able to justify using City dollars for this project. She appreciates the Mayor reaching out to an independent financial analyst.

Todd Swearingen, Athens County resident, spoke to the implications of carbon offset, carbon debt and global warming with the projected 181,000 annual visitors coming to the trail.

Susan Urano, representing the Athens County Foundation, expressed concern with the County's growing economic challenges. This trail is a big opportunity to transform lives in the area. She pointed out that to date \$4 million dollars has been received through grant funding. The Foundation is serving as the fiscal agent for Phase I of the trail, which is currently being built, with 14 miles completed by the end of December; the trail is stunning. This is the most collaborative project she has ever worked on in Athens County. This is a win-win for us and the Village of Chauncey.

Resident of Maple Grove Way in Athens, a Professor of Economics at Ohio University, believes this is the most exciting economic development project she has seen for our region. The Pay for Success model reduces the City's risk. The City is protected in many ways from the financial investment. The Pay for Success model has worked in a lot of other fields, but this is the first time it's been used for outdoor recreation, and it has garnered national attention. It has all the hallmarks of best practices in economic development. It has a broad coalition, it is a sustainable use of our natural resources, it promotes health and wellness, and it attracts and retains citizens. The benefits of economic development are widespread, transcending the hospitality industry to everyone

living in southeast Ohio through increased tax revenue for better infrastructure and services. This semester her class is working on issues to maximize the local benefits. Her students are working with the Village of Chauncey to help protect the citizens of Athens County to include affordable housing, as the process of gentrification will inevitably occur. They are also working on historic signage at the trailhead and throughout the trail system to encourage visitors to visit other areas in Athens.

Goeff Morgan, Edgewood Court, (see attached letter of support).

Chris Monday, Garfield Avenue, believes this is a good project, and he appreciates Council's motion to Table for a brief time to continue its careful deliberation on the financial implications to the City. He also expressed concern about gentrification, and is pleased that it is being addressed.

Joan Kraynanski, Mound Street, voiced concern about an annual City commitment to the trail of \$90,000 for 20 years. Several consequences come to mind, continued dwindling of State funds, lower payroll taxes due to decreasing student enrollment at Ohio University, and the cost of increased healthcare. She questioned whether it is fiscally prudent to commit City funds to the Bailey's Trail System. This \$90,000 commitment could be earmarked for the City's own needs and aspirations and benefit our health and safety by hiring an additional police officer, firefighter, or code officer, installing motion sensor solar lighting in neighborhoods, environmental sustainability (free reusable cloth bags with the City's logo would go a long way in reducing the use of plastic bags), and planting native trees, shrubs, flowering plants and grasses to promote a healthier ecosystem for bees, butterflies, and insects. She hopes City Council will consider weighing these ideas against a 20-year indebtedness that this legislation would impose.

Meredith Erlewine, Bryan Road, owner of Athens Bicycles, is an avid biker and supports the Bailey's Trail System (see attached letter).

Rob Delach, Morris Avenue, disclosed that he has already invested in a property in Chauncey, a small house that is currently rented. He believes this is an opportunity the City cannot pass up, and should move quickly (see attached letter).

Scott Creps, Millfield, teaches Eco-Tourism at Hocking College, and advised Council that his students will have an opportunity to maintain the trails and infrastructure through a sustainable trail development course, and have already partnered with the Appalachian Conservation Corps. He believes this project will be a win-win for a lot of folks.

Danny Twilly, Ohio University Assistant Professor in the Parks, Recreation and Leisure Program, Graham Drive, was involved in the project very early on. He asked what else this area has coming along that will bring visitors to Athens; this project will better our community.

Kari Boyle, representing the City-County Health Department, urged support of the Bailey's Trail System; it is a unique and incredible opportunity for our community. The trail will create opportunities for better health outcomes, economic development, and transportation.

Tabling was approved by a 4/2/1 vote, with Butler and Crowl voting in opposition, and Kotses abstaining.

ANNOUNCEMENTS & OTHER BUSINESS:

Fahl moved to appoint Patrick Daugherty to serve as an Alternate on the Housing Appeals Board; McGee seconded. Appointment was approved unanimously.

McGee moved to appoint Samorra Power, Sylvester Mata, Jr., and Preston Silvey to the Commission on Disabilities; Fahl seconded. Appointments were approved unanimously.

Mayor Patterson reminded Council that the City has been awarded a Transportation Alternatives Program grant (\$500,000 with a 5% match) and a Safety grant (\$505,000 with a 5% match) for streets in the uptown area. ODOT indicated that it would fund State Street between Congress and College and East Union Street, from Court to University Terrace. The City has since requested a change from East Union Street to Washington Street between Congress and College, and ODOT has authorized the change. This work will be done during the 2023 construction season. These improvements will be similar to those done on Union Street between Court and Congress. The City is exploring the possibility of threading conduit with fiber and creating uptown Wi-Fi. This will be a really nice enhancement in the uptown area.

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

President of Council

ATTEST:

Clerk of Council