

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, OCTOBER 17, 2016, 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, and Law Director Eliason.

Fahl moved to appoint Councilman Kotses as Acting Clerk for this session; Papai seconded. Appointment was approved unanimously.

COMMUNICATIONS:

President Knisely noted that Council Members have received notice from the Ohio Division of Liquor Control of a D1 permit transfer (beer only for on premises consumption or in sealed containers for carry out) from North Moss Restaurants, LLC, 120 W. Union Street to Starting Gates, LLC, 120 W. Union Street, with a response deadline of November 14, 2016.

President Knisely announced the following:

Wednesday, October 19, at 7:00 p.m. City Council Members will be having an informal gathering with the Ohio University Board of Trustees to personally meet each other and to share interests and hopes for the City.

Friday, October 21, at 12:30 p.m. in Baker University Center, Room 236, City Council Members will be meeting with Ohio University Student Senate to share information about legislation.

Council Member Butler has received correspondence from John Spofforth offering suggestions for the Athens Municipal Arts Commission on available grant funds for government entities, and he also expressed a minor concern about parked trailers on Rardin Drive that may be difficult to see after dark due to lack of reflectors.

Butler has also received comments from Community members, both in support of and opposed to Airbnb's.

Council Member McGee has been contacted by the Audubon Society, thanking the Athens County Commissioners for installing bird sounds in the cupola of the Courthouse.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported the following:

- Is in receipt of a number of communications from concerned citizens regarding the proposed Home Street connector road. That concept has been rethought and is not likely to move forward.
- Has received a communication about the economic impact of the regulation for one parking space for each bedroom in rental units in the City's uptown, high density, area. He believes this law encourages students to bring their cars to campus since they have a parking space. This law tends to further congest the uptown area, and he suggested changing the law to read, one parking space per every three bedrooms. The Mayor will forward this email along to the Council.
- Shared a communication from Frank Porter suggesting that City Council sponsor an ordinance requiring all garden areas developed in our City Parks use native plantings and perennials. The Mayor will bring this proposal to a future Council committee meeting.

ORDINANCES FOR THIRD READING:

0-17-16

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 17, MUNICIPAL INCOME TAX, CHAPTER 17.03, TRANSIENT GUEST TAX, SECTION 17.03.01, DEFINITIONS, TO INCLUDE BED AND BREAKFASTS; AND AMENDING CERTAIN SECTIONS OF TITLE 23, ZONING CODE, CHAPTER 23.04, PERMITTED USES. Fahl moved for Adoption; Risner seconded. Discussion: Fahl emphasized that this ordinance does not change R-1 and R-2 zones. This only changes the R-3 and Business zones. This legislation will ensure that all Bed & Breakfasts pay the Transient Guest Tax. In transitional, multi-family, R-3 zones B & B's must be owner-occupied, or if there is a business on the street level, the B & B must be owner-managed, in order to provide sufficient oversight. In B-1 zones B & B's are considered a "Conditional Use" and in B-2 and B-2D, a "Permitted Use". All zones will require a Bed & Breakfast permit from the City.

Betty Hollow, Maplewood Drive, expressed concern about the term owner-managed. She also objects to this type of business use within the R-3 zones that can abut an R-1 zone. Businesses do not belong in residential districts.

Abe Alassaf, Westfield Place, questioned whether, living in an R-3 zone, he can advertise as an Airbnb.

Fahl explained that Airbnb is a way of marketing a Bed and Breakfast. So, yes, as long as all Code requirements are met.

Adoption was approved by a 6/0/1 vote, with Kotses abstaining.

0-107-16

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN THE CITY OF ATHENS AND OHIO UNIVERSITY FOR LAW ENFORCEMENT ASSISTANCE; AND DECLARING AN EMERGENCY. Butler moved for Adoption; Risner seconded. Discussion: Papai clarified that this is simply a mutual assistance agreement, not a financial agreement. Adoption was approved unanimously.

ORDINANCE FOR SECOND READING:

0-122-16

AN ORDINANCE AMENDING ORDINANCE 18-16 TO INCREASE THE APPROPRIATION AND AUTHORIZED EXPENDITURE FOR THE DEPOT LIFT STATION (PROJECT #286); AND DECLARING AN EMERGENCY.

ORDINANCES FOR FIRST READING:

0-123-16

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACT FOR DESIGN ENGINEERING OF THE WATER TREATMENT PLANT FACILITIES IMPROVEMENTS, PROJECT #307; AND REQUESTING THE AUDITOR TO BORROW FUNDS.

0-124-16

AN ORDINANCE AUTHORIZING A ONE-YEAR EXTENSION OF THE CURRENT FRANCHISE AGREEMENT WITH THE OHIO POWER COMPANY FOR USE OF THE CITY RIGHT-OF-WAY AS AUTHORIZED BY ORDINANCE 143-13 AND EXTENDED BY ORDINANCES 126-14 and 113-15. Discussion: Fahl noted that this is only a one-year agreement.

Cochran questioned whether the City actually has ongoing communication with AEP.

The Mayor has been meeting directly with AEP.

Fahl noted that within this agreement are certain City requirements addressing issues that have been of concern to residents.

Butler thinks this yearly contract helps with accountability.
Mayor believes good negotiations are happening with AEP through this agreement.

0-125-16

AN ORDINANCE AMENDING THE 2106 APPROPRIATION ORDINANCE.

0-126-16

AN ORDINANCE AUTHORIZING IMPROVEMENTS TO HIGHLAND PARK, PROJECT #308.

ONE-READING RESOLUTION:

R-11-16

A RESOLUTION EXPRESSING APPROVAL AND SUPPORT FOR THE DEVELOPMENT OF STATE AND U.S. BICYCLE ROUTES. Papai moved for Adoption; Cochran seconded. Discussion: Kotses explained that State Bicycle Route 20 will cross through the City of Athens, using the bike path coming in from Nelsonville. The only part of the route that exits onto the street is at Della Drive within the City. He doesn't see that as a problem for either cyclists or motorists. Adoption was approved unanimously.

ANNOUNCEMENTS & OTHER BUSINESS:

Fahl moved to accept the Auditor's September, 2016, Financial Reports; Cochran seconded. Motion was approved unanimously.

Mayor announced the following:

- Ribbon Cutting Ceremony for the Between the Bridges Project will be held tomorrow in front of the Convocation Center at 2:00 p.m.
- Walk the Walk for Mental Health Awareness will be held Saturday, and will begin at the County Courthouse at 11:00 a.m.
- Reminder of the giant puppet parade, Honey for the Heart, on Saturday, October 29, at 6:00 p.m.

Butler asked for clarification on the date of the AUBA Trick-or-Treat event. Papai responded that it will be held on Monday, October 31, on Court Street at 5:30 p.m.

Cochran moved to adjourn the meeting; Fahl seconded. Adjournment was approved unanimously.

President of Council

ATTEST:

Acting Clerk of Council