

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, DECEMBER 5, 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, Service-Safety Director Horan Moseley, Law Director Eliason, and Auditor Hecht.

COMMUNICATIONS:

President Knisely has received notice from the Ohio Environmental Protection Agency regarding the National Pollutant Discharge Elimination System (NPDES) Permit that has been filed for the Athens County's landfill on State Route 691.

Also, just a reminder to folks that it is the property owner's responsibility to clear snow and ice from City sidewalks within four hours after the snow has stopped.

Council Member Butler acknowledged that there is a boil order in effect for North May Avenue, addresses 1-16, until 5:00 p.m. on December 6th.

Council Member Papai commented on the retirement of Lantz Repp as Mobility Manager from the Hocking-Athens-Perry Community Action Agency. City Council will be forwarding a congratulatory letter to him, and thanking him for his many accomplishments.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported the following:

- Friday, December 9, at 3:00 p.m. is the ribbon-cutting ceremony for the Columbus Bikepath Spur. It will take place on the Columbus Road side of the bridge.

ORDINANCES FOR THIRD READING:

0-130-16

AN ORDINANCE AUTHORIZING DESIGN ENGINEERING OF THE 2017 WATERLINE REPLACEMENT (PROJECT #310). Butler moved for Adoption; Papai seconded. Adoption was approved unanimously.

0-131-16

AN ORDINANCE AUTHORIZING DISPOSAL OF (2) ATHENS TRANSIT BUSES NO LONGER NEEDED FOR A MUNICIPAL PURPOSE. Papai moved for Adoption; Risner seconded. Adoption was approved unanimously.

0-132-16

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A LEASE AGREEMENT WITH THE ATHENS COUNTY AGRICULTURAL SOCIETY; AND DECLARING AN EMERGENCY. Papai moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-134-16

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$625,000 OF NOTES BY THE CITY OF ATHENS, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS 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. Butler moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-135-16

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$450,000 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 IMPROVEMENT TO THIS MUNICIPALITY'S WASTEWATER TREATMENT PLANT; AND DECLARING AN EMERGENCY. Risner moved for Adoption; Butler seconded. Adoption was approved unanimously.

0-136-16

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$50,000 OF NOTES BY THE CITY OF ATHENS, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF RENEWING NOTES ISSUED TO PAY PART OF THE COSTS OF ACQUIRING A NEW FIRE TRUCK AND RELATED EQUIPMENT; AND DECLARING AN EMERGENCY. Risner moved for Adoption; Butler seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

0-137-16

AN ORDINANCE AUTHORIZING RIGHT-OF-WAY ACQUISITION, CONSTRUCTION, AND CONSTRUCTION ENGINEERING OF THE McKINLEY AVENUE EXTENSION PROJECT (#302).

0-138-16

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN LPA/FEDERAL LOCAL-LET AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE McKINLEY AVENUE EXTENSION PROJECT (PROJECT #302); AND DECLARING AN EMERGENCY.

0-139-16

AN ORDINANCE AMENDING ORDINANCE 34-16, RICHLAND AVENUE BETWEEN THE BRIDGES LIGHTING PROJECT (#291).

0-141-16

AN ORDINANCE SUSPENDING ATHENS CITY CODE SECTION 7.05.03, CONTINUOUS PARKING IN THE SAME LOCATION, FROM, MONDAY, DECEMBER 12, 2016, UNTIL MIDNIGHT ON SUNDAY, JANUARY 1, 2017; AND DECLARING AN EMERGENCY. Papai moved for Suspension of the Rules in order to meet the effective date; Fahl seconded. Suspension of the Rules was approved unanimously. Papai moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-142-16

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT EXTENSION TO PROVIDE FINANCIAL SUPPORT FOR THE OPERATION OF THE ATHENS COUNTY ECONOMIC DEVELOPMENT COUNCIL.

0-143-16

AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY NO LONGER NEEDED FOR A MUNICIPAL PURPOSE; AND DECLARING AN EMERGENCY.

0-145-16

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 17, MUNICIPAL INCOME TAX, CHAPTER 17.01.051, COLLECTION AT SOURCE; WITHHOLDING FROM QUALIFYING WAGES AND CHAPTER 17.01.08, CREDIT FOR TAX PAID; AND DECLARING AN EMERGENCY.

ORDINANCES FOR FIRST READING:

0-148-16

AN ORDINANCE AMENDING THE 2016 APPROPRIATION ORDINANCE. Risner moved for Suspension of the Rules in order to pay an invoice; Butler seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-149-16

AN ORDINANCE DECLARING CERTAIN VEHICLES NO LONGER NEEDED FOR A MUNICIPAL PURPOSE.

0-150-16

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ATHENS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017.

0-151-16

AN ORDINANCE AUTHORIZING 2017 STAFFING LEVELS AND NON-UNION COMPENSATION; REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

0-152-16

AN ORDINANCE ADOPTING A FRINGE BENEFITS PACKAGE FOR NON-UNION PERSONNEL WITHIN THE CITY OF ATHENS AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY. Discussion: Service-Safety Director Horan Moseley shared that it was not her recommendation to place such restrictive language in the Non-FLSA Compensatory Time section. She feels salaried employees, exempt from these regulations, should be able to choose the manner in which they take hours that they have worked over 40 in any given week. As it now reads, anything greater than an 8-hour day cannot be used as compensatory time. During high event seasons this can be challenging.

0-153-16

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 7, TRAFFIC CODE, CHAPTER 7.02, EQUIPMENT; LOADS, TO ADD SECTIONS FOR OPERATION OF LOW-SPEED, UNDER-SPEED, UTILITY VEHICLES, OR A MINI-TRUCK UPON ANY STREET OR HIGHWAY WITHIN THE CITY OF ATHENS; AND DECLARING AN EMERGENCY. Discussion: Fahl indicated that many residents were concerned about allowing ATV's on City streets, and she wished to clarify that ATV's far exceed the allowable speed limit referenced in the State legislation, and they will not be permitted.

Papai mentioned that ACC 9.15, Parks, Opens Spaces and Nature Preserves, prohibits use of these types of vehicles, low-speed, under-speed, utility vehicles and mini-trucks on our bike trails.

Law Director Eliason noted that signs would need to be posted on the bike trails for enforcement purposes.

Papai requested that the Administration check to be sure signs are posted at certain points, as needed.

Mayor responded that the Hock-Hocking Adena Bikeway Committee is assigned the duty of such postings. He will check to see how that has been handled in the past.

McGee asked who might serve as the Police Chief's appointed designee to allow such vehicles during special events.

Service-Safety Director Horan Moseley responded that, in the Police Chief's absence, it would likely be APD Captain Harvey, but would certainly be a City staff member.

Joe Lalley, Senior Associate Vice-President for IT and Administrative Services at Ohio University, noted that the City and University are exploring whether the Ohio University Police Department could serve as inspector for the vehicles.

Service-Safety Director Horan Mosely indicated that the City does not have the staff available to provide inspection of these vehicles, deeming them road worthy.

Lalley believes the current understanding is that the University will conduct inspections on its own vehicles in order to take the burden off City staff.

Both the Service-Safety Director and Mr. Lalley suggested that language regarding inspections could be incorporated as part of the City of Athens-Ohio University MOU.

President Knisely agrees.

McGee would like consideration given to adding the word “City approved” for such vehicle usage during special events. The City may run the risk that there may be challenges by those who might consider a “fest” as a special event, even though it is not City approved. Should they be denied permission by the Chief, it could be a due process issue if their vehicles meet all safety standards. He is only questioning what criteria will be used by the Chief in making such determinations.

Law Director Eliason is comfortable moving forward with the Chief’s discretion on this, and is not concerned about any due process issues.

Mayor concurs with the Law Director; the language and process is sound.

McGee disagrees, he feels criteria should be in place as to how the discretion is to be used, and that it is inherent upon Council to establish that criteria.

RESOLUTION FOR SECOND READING:

R-12-16

A RESOLUTION DECLARING SINGLE-USE CARRYOUT BAGS AN ENVIRONMENTAL CONCERN.

ONE-READING RESOLUTION:

R-13-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATHENS, OHIO, TO SUPPORT THE STANDING ROCK SIOUX TRIBE’S OPPOSITION TO CONSTRUCTION OF THE DAKOTA ACCESS PIPELINE (DAPL). Discussion: Cochran commented, that although the Army Corps of Engineers has asked to halt construction on a section of the pipeline, the City’s formal action still stands to protect all clean water rights.

Cochran moved for Adoption; Papai seconded.

Papai noted that this Council has a history of approving legislation to protect the quality of our water.

McGee supports the right of citizens to protect their water.

Fahl believes it is important for communities to work together and support each other in protecting and promoting clean and safe drinking water.

Adoption was approved unanimously.

OTHER BUSINESS:

McGee moved to appoint Berry Dilley and to reappoint Carolyn Lewis and Joe Wessinger to serve on the Disabilities Commission; Fahl seconded. Motion was approved unanimously.

Cochran moved to reappoint David Ingram to serve on the City's Shade Tree Commission; Fahl seconded. Reappointment was approved unanimously.

Kotses moved to appoint Loran Marsan to fill the unexpired term of Lauren Miller on the Community Relations Commission; Fahl seconded. Appointment was approved unanimously.

President Knisely announced that the Monday, December 19, Regular Session of Council will be rescheduled to meet on Wednesday, December 14, at noon.

At approximately 8:15 p.m., Cochran moved to adjourn; Fahl seconded, and the meeting was adjourned.

President of Council

ATTEST:

Clerk of Council