

**ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, JUNE 5, 2017,
7:00 P.M.**

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

Also present: President Pro Tem Butler, Acting Mayor Knisely, Service-Safety Director Horan Moseley, Law Director Eliason, and Auditor Hecht.

DISPOSITION OF MINUTES:

Cochran moved approval of the minutes of the Regular Session of Council held May 15, and the Special Session held May 22, 2017; Fahl seconded. The minutes were unanimously approved as presented.

COMMUNICATIONS:

Council Member Fahl is in receipt of correspondence from the Law Director advising Council of a favorable ruling for the City in the Wireless Communications, Substitute Senate Bill 331, found in violation of the One-Subject Rule. The City joined a lawsuit with other Ohio cities, citing SB 331 as unconstitutional. The Franklin County Court of Common Pleas found the Micro Wireless amendments to Chapter 4939 were not constitutionally enacted.

Council Member Papai has received several communications regarding the new municipal pool. A clarification from MSA Sport has verified that the lap diving pool will be 4' at the shallow end and 7' at the deep end. She feels anything less than that would be a major disappointment to lap swimmers doing flip turns. There also seems to be concern within the community about the deepest end of the "leisure" pool being only 3'6" in depth. The concern is that it is too much like a "tot" pool. She would like clarification on that.

Service-Safety Director Horan Moseley indicated that in a recent conversation with Keith Hall, MSA Sport, he indicated that the lap pool, at the shallow end, will be the standard 4'6" depth.

Papai requested follow-up on the depth of the zero entry "leisure" pool.

Service-Safety Director Horan Moseley also clarified that the landscape architect for the project recognizes the need to maintain as many trees as possible that are currently on the site.

McGee has received a communication inquiring about the lap pool vs. open swimming in that area and, again, the issue of water depth.

Also, citizens are quite concerned about the varying traffic patterns throughout the City with the various street projects now underway. He urged safety and courteous driving, and hopes these projects are wrapped up as quickly as possible.

Kotses is in receipt of a message from a citizen who was threatened as she was riding a bicycle with her son on the east side of town. He encouraged all to practice respect on the roadways to all users.

He then presented a flyer, #YourMoveOhio, a joint effort of the Ohio Departments of Health and Transportation, (see attached) with suggested safety tips for active transportation while driving, busing, bicycling and walking.

In closing, he has been asked to attend the Ohio Action Institute in Columbus, a 3-day seminar starting tomorrow that will be focusing on active transportation.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS

Acting Mayor Knisely mentioned the City's software program available for download on iPhones. This App is called City Source, and it is a wonderful tool for being able to report concerns to the City, i.e. potholes, dead trees in the City right-of-way, etc. Also, there are 24-hour callout numbers in the telephone directory for more immediate problems such as was shared by Member Kotses that should be reported to the Police Department, or for waterline breaks or sewage backup should timely action be needed.

Treasurer McClure presented her 2017 1st quarter interest income and reconciliation reports (see attached). The City should have no problem reaching 2017 projections.

Council Member Risner asked if most of our investments are local.

McClure responded that CD's are local, there is some money invested in Star Plus Ohio, and she is using an Ohio Broker to invest in Treasury Bonds.

Risner feels it is important to that local funds coming in from local tax revenues should be invested locally.

McClure responded that most of our money is with the three major area banks.

ORDINANCES FOR THIRD READING:

0-64-17

AN ORDINANCE AUTHORIZING THE SOUTHEAST OHIO PUBLIC ENERGY COUNCIL (SOPEC), AS AGENT FOR THE CITY, TO ENTER INTO A NATURAL GAS PROGRAM AGREEMENT WITH THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC). Fahl moved for Adoption; Cochran seconded. Discussion: Eddie Smith, Executive Director of the Southeast Ohio Public Energy Council (SOPEC), is pleased to have the City of Athens taking a leadership role in this natural gas aggregation program. The City of Athens and Athens County were the only two participants when the mercantile program was started. This year that program was extended to 10 local governments in Southeast Ohio who are now benefitting because of the City's leadership in this collaborative, cooperative aggregation program. The next big step is into residential natural gas aggregation.

Papai wished to clarify that there is an opt-out period.

Smith responded, yes.

Papai requested clarification on any renewable options for gas.

Smith responded there is no renewable gas product that can be put into a pipeline at this time. The best option currently is a grant program that will create renewable generation access in association with the amount of gas that is being purchased.

Fahl noted that City residents will be receiving information in August or September notifying them of this natural gas aggregation program, with a notice to opt-out.

Papai indicated that Mayor Patterson will serve as one of only 15 Board of Directors of the Northeast Ohio Public Energy Council (NOPEC).

Fahl feels it is empowering that City residents can take ownership of their energy usage.

Adoption was approved unanimously.

0-65-17

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO SUBMIT AN APPLICATION AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT AGREEMENT; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN. Butler moved for Adoption; Risner seconded. Discussion: Butler acknowledged the possible use of solar panels as part of the project.

Acting Mayor Knisely presented the process and timeline for this program. Following the timeline for this loan application process will save the City a

considerable amount of money, as much as \$800,000 over the life of the loan. Adoption was approved unanimously.

0-66-17

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ACQUIRE RIGHT-OF-WAY, TO ADVERTISE AND ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACT(S) FOR CONSTRUCTION, ENGINEERING SERVICES, AND RIGHT-OF-WAY ACQUISITION SERVICES FOR THE WEST UNION STREET SIDEWALK EXTENSION PROJECT (#309). Papai moved for Adoption; Fahl seconded. Discussion: Cochran feels this is a much needed sidewalk; there is already a pattern of usage as a natural walkway.

Papai pointed out the recent addition of special needs housing in that area, and the importance to construct this sidewalk.

Adoption was approved unanimously.

0-67-17

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACT(S) FOR CONSTRUCTION AND ENGINEERING SERVICES FOR THE EAST STATE STREET/US 33 PROJECT (#288); AND AUTHORIZING THE AUDITOR TO MAKE AN INTERFUND TRANSFER. Papai moved for Adoption; Fahl seconded. Discussion: Papai noted that there continues to be concern with safety measures. The City needs to continue to push efforts in educating the public; PSA efforts are really important.

Fahl is pleased the City is moving forward with enhancing active transportation on East State Street.

Kotses understands that people believe this improvement will increase the danger, but this design has been measured and tracked, and proven time and again to be successful. He looks forward to the changes.

Butler appreciates the concerns brought forward from those who commute daily along this route. The City will be mindful of those as the project moves forward.

Adoption was approved unanimously.

0-70-17

AN ORDINANCE AUTHORIZING THE LEASE OF PROPERTY NOT CURRENTLY NEEDED FOR A MUNICIPAL PURPOSE. Fahl moved for Adoption; Risner seconded. Adoption was approved unanimously.

ORDINANCE FOR SECOND READING:

0-69-17

AN ORDINANCE AUTHORIZING THE PAYMENT OF A PRIOR YEAR EXPENSE; AND DECLARING AN EMERGENCY.

ORDINANCES FOR FIRST READING:

0-71-17

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR FUNDING FROM THE OHIO DEPARTMENT OF TRANSPORTATION JOBS AND COMMERCE THROUGH THE ATHENS COUNTY TRANSPORTATION IMPROVEMENT DISTRICT, FOR THE CENTRAL ATHENS FIBER OPTIC NETWORK PROJECT; TO EXECUTE CONTRACTS AS REQUIRED; AND DECLARING AN EMERGENCY. Discussion: Cochran pointed out that the area covered by this project extends from the Armory up Court to President and continuing down a portion of Richland, connecting Fire Station #2.

Risner strongly supports this type of infrastructure project. The City needs to make this kind of investment in high-speed internet connections for future growth.

Fahl believes this fiber optic network is essential for economic development.

Papai noted that the Athens County Economic Development Council enthusiastically supports this effort.

President Pro Tem Butler is supportive of these efforts in technological advancement.

0-72-17

AN ORDINANCE AMENDING THE 2017 APPROPRIATION ORDINANCE.

0-73-17

AN ORDINANCE AMENDING ORDINANCE 151-16, THE 2017 STAFFING LEVELS IN THE POLICE DEPARTMENT; AND DECLARING AN EMERGENCY.

0-74-17

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACT(S) FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING SERVICES FOR THE MUNICIPAL POOL, PROJECT (#292). Discussion: Butler indicated that \$7.1 million will be available for demolition of the existing

pool and structures; site clearing and grading; including some fill, landscaping; concrete work; fencing; signage; and new pool construction, not that the City will be saving money by keeping the pool on its original site.

McGee emphasized the need to maintain the practical features of the pool, and set aside “extras” if the bids come in tight. He, again, expressed his concern about the depth of the “leisure” pool, and the need to have deeper water available for use by middle and high school age children. He would like to see a visual of the lap lanes that can be opened to accommodate this age group.

Service-Safety Director Horan Moseley responded that the intent of this design is to accommodate all pool users. She indicated that the lap lane closest to the “leisure” pool area will be 4’6” moving south to the full 7’ depth. These eight lap lanes can be easily retracted for “open” swimming. She also clarified that the added alternatives do not include the main pool features and splash pad, but “extra” items such as the breezeway cover and artistic features.

Acting Mayor Knisely noted that MSA Sport’s cost estimate is \$6.9 million, so the authorized \$7.1 million will allow a bid to be accepted within the allowable 10% over the estimate, and the Administration is confident that the bids can bring in the pool essentials.

S-S Director Horan Moseley added that the salt chlorination process did increase the cost.

Papai clarified that all the lap lanes at one end are 4’6” to 7’ at the other end.

Kotses understands that to be the orientation as well.

S-S Director Horan Moseley will get that clarification.

ANNOUNCEMENTS & OTHER BUSINESS:

Kotses moved to appoint Laura Olbers to serve on the Community Relations Commission; Fahl seconded. Appointment was approved unanimously.

Acting Mayor Knisely requested City Council meet in Special Session next Monday at 7:00 p.m.

McGee moved to adjourn at approximately 8:10 p.m.; Fahl seconded. Motion was approved unanimously.

President Pro Tem of Council

ATTEST:

Clerk of Council

RECORD OF PROCEEDINGS

Minutes of Athens City Council (Pub. Hrg.)

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held June 5, 2017

**ATHENS CITY COUNCIL: PUBLIC HEARING, MONDAY, JUNE 5, 2017,
7:00 P.M. - (NOPEC) PLAN OF OPERATION AND GOVERNANCE FOR THE
AGGREGATION OF COMPETITIVE RETAIL NATURAL GAS.**

Council Members in Attendance: Butler, Cochran, Fahl, Kotses, McGee, Papai, and Risner.

Also Present: President Knisely, Mayor Patterson, Service-Safety Director Horan Mosely, Auditor Hecht, and Law Director Eliason.

Attendance by the Public: (see attached list)

President Pro Tem Butler opened the Public Hearing to discuss the (NOPEC) Plan of Operation and Governance for the Aggregation of Competitive Retail Natural Gas for the City of Athens.

Acting Mayor Knisely explained that this is the first of two public hearings to allow an opportunity for City Council and the citizens to ask questions regarding this natural gas aggregation program that is being offered by the City of Athens. Following the two public hearings, City Council will be authorizing final approval of the (NOPEC) Plan of Operation and Governance for the purpose of jointly establishing and implementing a natural gas aggregation program. If approved by the Council, citizens will be notified, in writing, with an opt-out notice. The program designed to offer lower natural gas prices to City residents should be in place in October.

The public hearing adjourned at approximately 7:05 p.m.

Kent Butler
Kent Butler
President Pro Tem of Council

ATTEST:

Debra L. Walker
Clerk of Council

ATTENDANCE SHEET

PUBLIC HEARING: (NOPEC) Plan of Operation and Governance for the Aggregation of Competitive Retail Natural Gas

Monday, June 5, 2017, at 7:00 p.m.

NAME:

- | | |
|--------------------------|-----------|
| 1. <u>David M. Corp</u> | 16. _____ |
| 2. <u>Maureen Miller</u> | 17. _____ |
| 3. <u>Kaura Olbers</u> | 18. _____ |
| 4. <u>Arian Smedley</u> | 19. _____ |
| 5. <u>Conor Morris</u> | 20. _____ |
| 6. <u>Kathy Hecker</u> | 21. _____ |
| 7. <u>Eddie Smith</u> | 22. _____ |
| 8. _____ | 23. _____ |
| 9. _____ | 24. _____ |
| 10. _____ | 25. _____ |
| 11. _____ | 26. _____ |
| 12. _____ | 27. _____ |
| 13. _____ | 28. _____ |
| 14. _____ | 29. _____ |
| 15. _____ | 30. _____ |