

**ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, JUNE 19, 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 June 5, 2017; Fahl seconded. The minutes were unanimously approved as presented.

COMMUNICATIONS:

Council Member Papai has received a concern about the backing up of traffic onto Union Street due to a business drive-thru, and that the side shoulder is in disrepair. Also, she is in receipt of concerns from residents that construction zones are pushing more vehicles onto neighborhood streets, and along with this influx of vehicles, speed and safety become an issue.

Council Member Fahl has also received concerns regarding neighborhood vehicular short-cuts through neighborhoods. Signs are now in place that state, "Entering a Residential Area, Please Slow Down." The residents are so happy with them, they would like them to stay permanently.

Council Member McGee has had several citizens continue to express concern with the Stimson roundabout, and are curious as to what the City and State propose for a left-hand turn from Rock Riffle onto Stimson Avenue. He hopes a decision will soon be forthcoming, and revealed to the public.

President Pro Tem Butler is in receipt of communication from several community members encountering challenges with the new Union Street parking system. They are either not aware of the parking App, or do not know how to access it, and they are receiving meter citations. He recommended a grace period until the parking kiosk is in place.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Acting Mayor Knisely presented the following communications:

- A note to Mayor Patterson from Dr. Cornelia Patterson, Ohio University Assistant Dean for Academic Engagement and Outreach for the Patton College of Education, that she has written to her Congressional Representatives regarding denial of the recent application for the Upward Bound Program. She has written to the State Department of Education asking for reconsideration, and the Mayor plans to do the same. This has been an important program for our community and for all of Southeast Ohio. This Program helps first generation college students with readiness skills and support services, preparing them to either seek higher education or identify a successful work path.
- Concerns with the State of Ohio Budget proposal that contains several items that are detrimental and potentially harmful to municipalities due to a loss of revenue to local communities. There are several changes: redirecting Local Government Funds (LGF) toward Opioid Programs, and a redistribution of the LGF to support unincorporated areas; elimination of the “throwback” language; and net operating loss.

Auditor Hecht addressed the income tax changes that have been attached to the Budget Bill. She believes these changes should stand alone in the Tax Bill. Also, the “Throwback” issue will allow mail order companies to choose where to pay their taxes, instead of paying from their home base operation. There is a lot of internet business in the City of Athens. Based on only the top five companies doing local internet sales, the City expects a \$50,000-\$70,000 loss from this reform. The Bill also adopts new language that allows net profit businesses to opt-in to centralized State collection of income tax. This is clearly a violation of Home Rule, and will cost the City money. She expects the City to have cash flow issues because we currently collect our own income taxes and receive tax revenue on a daily basis, instead of waiting to get a monthly check from the State, along with a 1% State service fee. There will also be changes in the penalty and interest assessments for withholding taxes, and withholding taxes is our largest source of revenue. This wouldn't be a financial impact, but would involve changes to the Athens City Code.

She added, there are also proposed cuts, \$30 to \$90 million in Local Government Funds.

She will report back to Council with updates.

President Pro Tem Butler announced that City Council will be in recess during the month of July, and tonight is the final meeting until August 7th.

ORDINANCES FOR THIRD 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 moved for Adoption; Risner seconded. Discussion: Cochran noted that potential benefits include economic development and public safety services.

Councilman McGee asked if this will have any benefits to the residents of Athens or businesses that do not reside on either Court Street or Richland Avenue.

Acting Mayor Knisely responded that this project will enhance transportation and safety features from the Armory to Fire Station 2, as it interconnects all of our traffic signals, existing traffic cameras, and upcoming parking kiosks, and it will offer City network to future uses at the Armory, provide instant emergency messaging capability to the message board on Richland Avenue, fiber connection for business to business linkages, and wireless access points along Court Street for public Wi-Fi.

Adoption was approved unanimously.

0-73-17

AN ORDINANCE AMENDING ORDINANCE 151-16, THE 2017 STAFFING LEVELS IN THE POLICE DEPARTMENT; AND DECLARING AN EMERGENCY. Risner moved for Adoption; Papai seconded. Adoption was approved unanimously.

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). Butler moved for Adoption; Cochran seconded. Discussion: Butler updated Council on the lap pool walking lanes showing two lanes at a consistent 4' depth, and noting that lighting will be at .1 or below all along the property line. All lighting will be LED (see attached). Detailed drawings can be viewed in the City Council office.

Acting Mayor Knisely reported that 1/3 of the leisure pool will be zero to 2' depth to accommodate children up to about 5 years of age, 1/3 is 2' to 3'6" depth for children of 7-8 years of age; and the remaining 1/3 will be 3'6" depth that will be used primarily by 12 year olds and up.

Adoption was approved unanimously.

ORDINANCE FOR SECOND READING:

0-75-17

AN ORDINANCE APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE NOPEC GAS AGGREGATION PROGRAM FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING AN OPT-OUT GAS AGGREGATION PROGRAM IN THE CITY OF ATHENS; AND DECLARING AN EMERGENCY.

ORDINANCES FOR FIRST READING:

0-76-17

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND ACCEPT BIDS, WHERE NECESSARY, FOR CONSTRUCTION OF THE WATER TREATMENT PLANT FACILITIES IMPROVEMENTS PROJECT (#307).

0-77-17

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND ACCEPT BIDS, WHERE NECESSARY, FOR ARTS/WEST RENOVATIONS PROJECT (#314). Butler moved for Suspension of the Rules so the work can be done at a time that will have the least impact on programming; Cochran seconded. Suspension of the Rules was approved unanimously. Butler moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-78-17

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND ACCEPT BIDS, WHERE NECESSARY, FOR THE PURCHASE OF AN EDUCATIONAL SMOKE TRAILER FOR THE FIRE DEPARTMENT. Discussion: Butler indicated that the City has an old trailer that has served the City's needs for a number of years in educating elementary age school children. This proposed new trailer will be accessible to all, and will serve not only young children, but also young adults.

McGee believes this is a very good opportunity to educate the public, however, he questioned how often it is used and whether a community partnership would be helpful in order to utilize it more extensively.

Acting Mayor Knisely responded that the current trailer is already used on a countywide basis.

0-79-17

AN ORDINANCE AMENDING THE 2017 APPROPRIATION ORDINANCE.

Risner moved for Suspension of the Rules to allow the Auditor to post the funds in order to make refunds on unclaimed checks, and to meet State requirements; Papai seconded. Suspension of the Rules was approved unanimously.

Discussion: Cochran asked about the longevity of the art installation through the Athens Photographic Project.

Service-Safety Director indicated that the traffic signal box wraps have a life expectancy of 3-5 years.

President Pro Tem Butler recently attended a Municipal Arts Commission meeting and understands that this project will be completed in a manner that can withstand outside exposure. He added, the City is not solely responsible for financing this project.

McGee expressed that some of the photographs showed a non-diverse culture which would be a disservice to the community, and many were outside the City of Athens. He questioned whether these important issues have been addressed.

Service-Safety Director will request an update, or a Council presentation.

Papai noted that this is a 317 Board funded program used as a therapeutic tool for our mentally ill residents, who are also a diverse part of our community. She agrees it would be a good idea to have an update.

Risner moved for Adoption; Papai seconded. Adoption was approved unanimously.

0-80-17

AN ORDINANCE VACATING A PORTION OF MOORE AVENUE, AKA MOORE STREET, BETWEEN FACTORY STREET AND ROBERTS ALLEY UPON PETITION OF THE ADJOINING PROPERTY OWNER, OHIO UNIVERSITY.

Discussion: Acting Mayor Knisely reported that at the same time the City is moving forward this legislation, Ohio University's Board of Trustees will be

moving forward a resolution authorizing the President to oversee the process to finalize the conveyance of the Habitat Parcel to the City of Athens (see attached).

0-81-17

AN ORDINANCE GRANTING VARIANCES FROM THE ATHENS CITY SUBDIVISION REGULATIONS TO WANDA CASH, 46 CANTERBURY DRIVE, TO ALLOW A MINOR LOT SPLIT.

0-82-17

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 3, ADMINISTRATIVE PROVISIONS, TO ADD CHAPTER 3.12, EFFORTS TO CHANGE SEXUAL ORIENTATION OR GENDER IDENTITY WITH A MINOR. Discussion: Kim Welter, Director of Policy & Finance for Equality, a statewide non-discrimination advocacy organization, reported that there are more than 70 licensed therapists in 20 states who advertise that they perform reparative therapy, including three in Ohio. There are also those who couch conversion therapy behind phrases like, "behavior modification" and "ex-gay support groups." Currently, conversion therapy on minors is legislatively banned in eight states and the District of Columbia. These legal bans prevent mental health professionals from attempting to change a child's sexual orientation and gender identity. There are 18 municipalities supporting this effort, three in Ohio, including Cincinnati in 2015, Toledo, and Columbus. This ban will make a difference to Southeast Ohio's children.

0-83-17

AN ORDINANCE AUTHORIZING A PILOT RESIDENTIAL PARKING PERMIT PROGRAM. Discussion: Papai understands that the Administration may have some issues with this legislation and would like a report on those this evening.

Risner is supportive of this pilot program.

Acting Mayor Knisely indicated that the Administration is also supportive of this pilot. The Mayor and Service-Safety Director have met with the Planner, Code Director, and the Police Chief to discuss items they would like incorporated as part of this pilot, so that it is an administratively workable program, which is an essential feature.

Service-Safety Director Horan Moseley listed the following issues:

- According to the Police Chief, to alleviate the pilot area from the 24-hour regulation is unenforceable at 72 hours.

- Would like to request that the pilot area, for enforcement and review, be reduced to a defined block area running East of Lancaster Street and including Ark, Fremont, Mound, Ring, Pine, Fort, Congress, Spring, Grosvenor, Franklin, and Evans (see attached map).
- Would like to promote this pilot program in the fall, affording all residents in the area notification of the program.
- Requests a 6-month pilot to begin in January, 2018.
- Requests a \$150 annual fee to secure use of public space; fee would be waived for the pilot.
- The legislation defines one permit per residence, noting that there are duplexes, apartments, etc. in these defined areas, and Administration is not sure of the multiplying effect.
- There is no plan to erect signs, but vehicle stickers would be provided for enforcement, identifying it is owned by a resident of the street.

Papai noted that the streets in the legislation proposed this evening are not all included in the defined area suggested by the Administration.

Service-Safety Director indicated that the Police Chief believes 19 streets is too broad an area.

Papai questioned why none of the proposed streets are on the west side.

Service-Safety Director responded that the residential parking program request came from a resident of Mound Street, and this circular geographical area approved by the Administration can be easily enforced on a regular basis.

McGee asked about the increase in the fee from \$25.00 to \$150.00.

Service-Safety Director believes if it is \$25.00, it may as well be zero, questioning who wouldn't want a parking permit on their street for \$25.00.

Papai clarified that the resident's street address would have to meet the parking limitations prior to applying for the permit.

Service-Safety Director does not believe the limitations are enforceable. It would require additional review. She would like to see surveys conducted. The Administration needs time. This isn't a program that can be rolled out quickly.

Papai feels the Administration is basically changing the intent of the ordinance, and the pilot program presented to the Council from the beginning, by opening it up to a 72-hour permit for every resident living in an R-1 zone, and not just those who have one or no off-street parking spaces. She asked the Law Director to comment.

Law Director Eliason understands this is a pilot program. However, if the City decides, after the pilot, to authorize a permanent residential parking permit

program, she would like more definitive language based on documentation for qualifying streets, in case there is some sort of challenge to it later on.

Joan Kraynanski, Mound Street, pointed out that this pilot program request is a citizen initiative. She was advised a year ago to speak with the Mayor and Police Captain about best practice in instituting this program. She met with them in 2 one-hour sessions as they discussed workable ideas. She questioned why the Administration suggested a \$150.00 annual permit fee. Other municipalities with similar programs charge \$25.00. She stressed that the resident is not getting a permanent parking space; they are not even guaranteed a parking space, only a reprieve from the 24-hour parking regulation.

She believes this is a valid request and hopes City Council moves the pilot program forward. It's time to try something to relieve the burden on the close-in neighborhoods that are constantly under the eyes of Parking Enforcement.

Papai reiterated that the Administration is attempting to change the intent of the ordinance which is to relieve residents within our older neighborhoods, who have one or no off-street parking spaces, from moving their vehicle every 24-hours. Many residents in R-1 zones would not qualify for this program because they have two or more off-street parking spaces for their residence. Again, this program is to alleviate some of the problems with the 24-hour parking regulation, rather than redoing that regulation which seems, overall, to have worked well for the City. This R-1 residential parking permit is assisting only those who have very limited parking because of the area in which they live.

0-84-17

AN ORDINANCE AMENDING ORDINANCE 59-17; AUTHORIZING 2017 STREET PAVING AND REPAIRS (PROJECT #312). Papai moved for Suspension of the Rules in order to correct the funding sources for our annual street paving; Fahl seconded. Papai moved for Adoption; Cochran seconded. Adoption was approved unanimously.

0-85-17

AN ORDINANCE AMENDING ORDINANCE 66-17; AUTHORIZING BIDS, CONSTRUCTION, AND RIGHT-OF-WAY ACQUISITION FOR THE WEST UNION STREET SIDEWALK EXTENSION PROJECT (#309). Papai moved for Suspension of the Rules authorizing a sidewalk extension on Union Street, again, to correct the funding sources; Fahl seconded. Suspension of the Rules was approved unanimously. Papai moved for Adoption; Cochran seconded. Adoption was approved unanimously. Adoption was approved unanimously.

0-86-17

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN LPA/STATE PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE RESURFACING ON STATE ROUTE 56; AND DECLARING AN EMERGENCY.

ONE-READING RESOLUTIONS:

R-05-17

A RESOLUTION EXPRESSING THE CITY OF ATHENS COMMITMENT TO REDUCING GREEN HOUSE GAS EMISSIONS THROUGH IMPLEMENTATION OF A CLIMATE ACTION PLAN. Fahl moved for Adoption; Cochran seconded. Discussion: Papai said if we are truly going to implement a greenhouse gas emissions plan, then we need to look at our parking.

Cochran fully supports this resolution. This is an important initial action to take.

McGee supports this resolution, and hopes that it is more than just words, tying in support to explore energy alternatives for emergency backup generation for the City Building and Law Administration Building.

Adoption was approved unanimously.

R-06-17

A RESOLUTION EXPRESSING THE APPRECIATION OF THE CITY OF ATHENS, OHIO, TO COUNCIL MEMBER JENNIFER COCHRAN FOR HER PUBLIC SERVICE. Papai moved for Adoption; Fahl seconded. Adoption was approved by a 6-1 vote, with Cochran abstaining.

ANNOUNCEMENTS & OTHER BUSINESS:

Fahl moved to reappoint Meredith Price Mullins as a member of the Environment & Sustainability Commission; Papai seconded. Reappointment was approved unanimously.

McGee moved to appoint Brian Bucher to replace Darrell Purdy on the Disabilities Commission; Fahl seconded. Appointment was approved unanimously.

Risner moved to accept the Auditor's May, 2017, financial reports; Cochran seconded. Motion was approved unanimously.

EXECUTIVE SESSION:

At approximately 8:40 p.m. Fahl moved to go into Executive Session to discuss collective bargaining and two matters of pending litigation, and invited the Acting Mayor, Service-Safety Director, Auditor, and Law Director to attend. Cochran seconded. A roll call vote was taken as follows: Cochran, aye; Fahl, aye; Kotses, aye; McGee; Papai, aye; and Risner, aye. At approximately 8:50 p.m. Papai moved to come out of Executive Session; Fahl seconded. Motion was approved unanimously. Cochran then moved to adjourn the meeting; Fahl seconded. Motion was approved unanimously.

President Pro Tem of Council

ATTEST:

Clerk of Council