

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

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

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

Kotses moved to amend the Agenda to move the Ordinance for Third Reading after Ordinances for First Reading; Risner seconded. Motion to Amend was approved unanimously.

DISPOSITION OF MINUTES:

Risner moved approval of the minutes of the Special Session of Council held June 12, 2017, and the Regular Session held June 19, 2017; Papai seconded. The minutes were unanimously approved as presented.

President Pro Tem Butler welcomed Arian Smedley. Council Member Smedley has been appointed to replace Jennifer Cochran.

COMMUNICATIONS:

Council Member Papai received an email about the bike path crossing on West Union Street and the confusion of bicyclists and motorists with regard to the installation of a flashing caution light. She requested a public service announcement on the City's Website, Facebook Page, and The Government Channel to educate the public on safety in this area.

Council Member Risner acknowledged receipt of email from constituents concerning the safety of children with regard to motorists not obeying residential speed limits, requesting drivers take caution and slow down.

Council Member McGee has received several emails from Ohio University students requesting that the Athens Transit System consider a route to the Strouds Run area, as well as extending operating hours to midnight or even 2:00 a.m.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Acting Mayor Knisely reported the following:

- Power outage this evening from midnight to approximately 10:00 a.m. on West State Street between Court and Congress, and at the intersection of College and Washington.
- Boil Order in place from 5:00 p.m. this evening in the general area of Wonder Hills.
- Court Street closings this weekend will include a Cruise-In Friday evening; and Bounty on the Bricks being held on Saturday.
- Street improvements update.
- New signage for bicycles on Court Street and the uptown area “Walk Your Bike”.
- New signage directing the public to the kiosks on Union Street.
- Notices from the Ohio Division of Liquor Control:
 - Transfer of permit from Kenny’s Panda Restaurant, LLC to JS China Panda, Inc. at 965 C E. State Street;
 - New D3 and D3A permits to Athens Pyramids, LLC, dba Athens Pyramids, 5 Mill Street; and
 - New D5I permit to AVI Food Systems, Inc., 10 S. Green Drive (beer and wine inside Peden Stadium).

Papai moved to request a hearing be held in Athens on the new D3 and D3A permits to Athens Pyramids, LLC; Butler seconded. Discussion: Papai noted that this permit is in the uptown block that has the most assaults and requiring police presence in the hours when alcohol is extensively used.

Acting Mayor Knisely indicated that the City has 109 liquor permits with a population of 25,000.

Motion was defeated in a 3-3 tie vote, with Kotses, McGee, and Risner voting in opposition.

- Pool Update – a bid was received for \$6.9 million and the Board of Control accepted the bid.

Law Director Eliason explained that the architect’s estimate for the new pool was \$6.4 million and to stay within the 10% allowable the bid would need to be less than \$7,040,000. Two bids were received, both above the 10%. The bidders were allowed to deduct certain items to lower their bid price.

Papai asked about the items removed from the bid.

Eliason responded that the following items were deducted from both bids:

- Item #7 – Install (1) slide in lieu of (2);
- Item #8 – Stainless Steel Bike Racks in lieu of painted;
- Item #9 – Custom iron gate at entrance;
- Item #11 – Light broom finish on all P1 concrete;
- Item #12 – Black vinyl coated chain link fence; and
- Item #18 – Canopy over concessions.

President Pro Tem Butler announced that paving will take place tomorrow on Second Street and Mound Street, and on Wednesday, August 9, West State, Byard, and Pratt streets.

Also, City Council has received a letter from John Spofforth, 7 Brown Avenue, of his filing of a complaint against the valuation of his property (see attached).

ORDINANCES FOR SECOND 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).

0-78-17

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.

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: McGee pointed out that several members of Council could have a conflict of interest, and should be mindful that a conflict may exist if the Council Member is either an employee of Ohio University, or his/her spouse is an employee of Ohio University.

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.

0-83-17

AN ORDINANCE AUTHORIZING A PILOT RESIDENTIAL PARKING PERMIT PROGRAM. Discussion: Caleb Brown, resident, (see attached email and petition). Mr. Brown hopes that either along with this Pilot Program or perhaps upon review after the Pilot Program, that the program can be more inclusive of all City residents.

Joan Kraynanski, Mound Street, acknowledged that this Pilot Program is to gauge the usefulness of a residential parking permit, and the administrative operations of the program.

Service-Safety Director Horan Moseley, speaking on behalf of the Mayor, said that he would rather move from 24-hour parking to 48-hour parking City-wide. If that is successful, it could then be extended to 72-hours. The City may find that storage parking is no longer an issue.

Papai understood that the Mayor was in favor of moving forward with the Pilot Program and continuing the 24-hour parking regulation.

Horan Moseley indicated that the Mayor, after attending the Ohio Town Gown Summit, stated that the Oxford representatives felt their parking permit system was cumbersome, with many residential complaints.

Papai countered that Oxford never had a 24-hour parking regulation, and started from scratch with residential parking permits. The City of Athens has had many years of understanding what the 24-hour parking regulation affords our community, and is very knowledgeable about enforcement. We can acknowledge that the 24-hour parking regulation does work, however, it does inconvenience some residents. She would like to see the Pilot Program move forward as an added option for those meeting the outlined criteria.

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.

ORDINANCES FOR FIRST READING:

0-87-17

AN ORDINANCE AUTHORIZING THE ADOPTION OF AN AGREEMENT WITH THE ATHENS CITY FIREFIGHTERS LOCAL 3351, AND OHIO COUNCIL 8, AFSCME, AFL-CIO, CONCERNING WAGES AND WORKING CONDITIONS.

0-88-17

AN ORDINANCE AMENDING THE 2017 APPROPRIATION ORDINANCE. Risner moved for Suspension of the Rules in order to allocate funds needed to meet the next payroll in the Water and Sewer Departments; Papai seconded. Suspension of the Rules was approved unanimously. Discussion: Papai asked about the need to appropriate additional funds to meet personnel costs through the end of the year.

Auditor Hecht pointed out that budgeting is difficult when employees are compensated out of as many as three different departments and fund lines, noting that the funds are available for appropriation.

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

0-89-17

AN ORDINANCE AMENDING ORDINANCE 69-17; AUTHORIZING THE PAYMENT OF A PRIOR YEAR EXPENSE; AND DECLARING AN EMERGENCY.

ORDINANCE FOR THIRD 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. Papai moved for Adoption; Risner seconded. Discussion: Eddie Smith, Executive Director of SOPEC, believes the City will receive a lot of benefits as a participant in the gas aggregation program through

NOPEC. NOPEC's lobbying presence within the PUCO will be a tremendous asset in making sure Southeast Ohio is well represented at the State level.

McGee asked if Ohio University is part of this gas aggregation program, and whether the City Schools are potential customers.

Smith clarified that Ohio University is not part of this program, noting that both Ohio University and the City Schools would be considered mercantile customers, making them ineligible to participate in an opt-out aggregation program.

Adoption was approved unanimously.

ANNOUNCEMENTS & OTHER BUSINESS:

Risner moved to accept the Auditor's June, 2017, Financial Reports; McGee seconded. Motion was approved unanimously.

Papai moved the reappointments of Guy Philips and Mary Ann Reeves to continue serving on the City's Historic Preservation Commission; Risner seconded. Reappointments were approved unanimously.

Butler moved to appoint Kelly Lawrence to serve on the Athens Municipal Arts Commission; Papai seconded. Appointment was approved unanimously.

Acting Mayor Knisely announced a current vacancy on the Community Relations Commission. Those interested in serving should contact Clerk of Council Debra Walker.

President Pro Tem of Council

ATTEST:

Clerk of Council