

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

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

Also present: President Knisely, Mayor Patterson, Service-Safety Director Horan Moseley, and Law Director Eliason.

DISPOSITION OF MINUTES:

Papai moved approval of the minutes of the Regular Session held August 21 and Special Session held August 28, 2017; Fahl seconded. Minutes were unanimously approved as presented.

COMMUNICATIONS:

President Knisely reported receipt of notice from the Ohio Division of Liquor Control for a TREX D5 permit, spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30 a.m., for the Corner on Union, LLC, 120 West Union Street. This permit has been approved by the Mayor, and City Council has the opportunity to respond until September 18, 2017.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson has filled a vacancy on the Joint Police Advisory Commission (JPAC) with the appointment of Hashim Pashtun, a Ph.D. candidate in Environmental Engineering at Ohio University.

Treasurer McClure presented the City's second quarter 2017 Interest Income and Reconciliation reports (see attached). She pointed out that the total interest earned is \$137,556.38, well on the way to meeting our goal. However, some of that interest is earned on the debt proceeds that have been invested for the swimming pool construction, and that the City is paying out some interest on that as well.

President Knisely asked if there is anything unusual or outstanding, or anything that is a different trend for the City this year.

McClure responded, there is not. Everything seems to be doing well.

ORDINANCES FOR THIRD READING:

0-93-17

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN LPA/STATE PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR GUARDRAIL REPLACEMENT/UPGRADE ON STATE ROUTE 50; AND DECLARING AN EMERGENCY. Papai moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-94-17

AN ORDINANCE AUTHORIZING DISPOSAL OF AN ATHENS TRANSIT BUS NO LONGER NEEDED FOR A MUNICIPAL PURPOSE. Papai moved for Adoption; Butler seconded. Adoption was approved unanimously.

0-96-17

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE SECTION 13.04.10, UNNECESSARY NOISE, FOR SCHEDULED BANDSTAND PERFORMANCES, HOSTED BY THE CLEAN AND SAFE HALLOWEEN COMMITTEE ON OCTOBER 28 AND OCTOBER 29, 2017 (HALLOWEEN WEEKEND). Papai moved for Adoption; Butler seconded. Adoption was approved unanimously.

0-97-17

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING, TO ALLOW VENDING IN A DESIGNATED AREA ON OCTOBER 28 AND OCTOBER 29, 2017 (HALLOWEEN WEEKEND). Papai moved for Adoption; Smedley seconded. Adoption was approved unanimously.

0-98-17

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE SECTION 7.05.26(C), REGULATION OF CITY PARKING GARAGE RATES, ON OCTOBER 28 AND OCTOBER 29, 2017 (HALLOWEEN WEEKEND). Papai moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-100-17

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 7, TRAFFIC CODE, CHAPTER 7.01, GENERAL PROVISIONS, CHAPTER 7.05, PARKING REGULATIONS AND CHAPTER 7.09, PENALTIES. Fahl moved for Adoption; Papai seconded. Adoption was approved unanimously.

0-101-17

AN ORDINANCE AMENDING TITLE 3, ADMINISTRATIVE PROVISIONS, OF THE ATHENS CITY CODE, CHAPTER 3.07, ADMINISTRATIVE DEPARTMENTS; BOARDS AND COMMISSIONS, SECTION 3.07.70, THE ATHENS CITY COMMISSION ON DISABILITIES. Fahl moved for Adoption; Butler seconded. Adoption was approved unanimously.

0-102-17

AN ORDINANCE AUTHORIZING THE EXTENSION OF CITY WATER SERVICE AND INSTALLATION OF A WATER TAP, BEYOND THE CORPORATE LIMITS, ON PEACH RIDGE ROAD. Butler moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-104-17

AN ORDINANCE AUTHORIZING THE MAYOR TO HIRE A DIRECTOR OF ARTS, PARKS, AND RECREATION AT A PAY RATE OF 50% THROUGH THE ASSIGNED PAY GRADE. Fahl moved for Adoption; Smedley seconded. Discussion: Papai does not support hiring in at 50% through the pay grade.

McGee agrees that the pay should not be increased to this level for a new hire.

Kotses is not in support of deviating from our compensation structure for a new hire. It sends the wrong message to current employees who may have been told that their pay rate could not be changed due to that structure. He believes it could lead to HR issues.

Butler would like to have hired internally, however, he trusts that the Executive Branch is making the right decision and hiring the best person for the position.

Smedley trusts the Mayor's judgment on the need for higher compensation for this new hire, noting satisfactory responses from the Administration regarding affordability.

Fahl commented that the Arts, Parks & Recreation Director has a lot of responsibility and should be well compensated.

Mayor Patterson pointed out that 50% through the City's Compensation Plan translates to the median income for peer municipalities across the state. He is asking to pay that median income to an individual who is currently being paid much more than that.

The vote tied with Butler, Fahl and Smedley voting in favor, and Kotses, McGee and Papai voting in opposition.

President Knisely, casting the tie-breaking vote, commented that the Mayor has worked with the City Auditor to assure that the funds are available

and will not jeopardize other expenses within the Arts, Parks & Recreation personnel and services budget. She voted in favor of the ordinance, and it was adopted by a 4-3 vote, again, with Kotses, McGee and Papai voting in opposition.

ORDINANCE FOR SECOND READING:

0-95-17

AN ORDINANCE BANNING PARKING AND CLOSING THAT PORTION OF COURT STREET FROM MULBERRY TO CARPENTER ON OCTOBER 28 AND OCTOBER 29, 2017, IN ANTICIPATION OF A LARGE NUMBER OF PEOPLE CONVERGING ON DOWNTOWN ATHENS (HALLOWEEN WEEKEND).

ORDINANCES FOR FIRST READING:

0-105-17

AN ORDINANCE AMENDING THE 2017 APPROPRIATION ORDINANCE. Fahl moved to Amend Section II to increase the transfer amount from \$4,000 to \$4,500 for the Fire Department damages due to lightning; Papai seconded. Amendment was approved unanimously.

0-106-17

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN LPA/STATE PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR SIGN REPLACEMENT ON US ROUTES 33, 50, AND STATE ROUTE 682; AND DECLARING AN EMERGENCY.

RESOLUTION FOR THIRD READING:

R-08-17

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. Fahl moved for Adoption; Smedley seconded. Adoption was approved unanimously.

ANNOUNCEMENTS & OTHER BUSINESS:

Fahl moved to appoint John Gutekanst, owner of Avalanche Pizza, to serve as a member on the Board of Zoning Appeals; Smedley seconded. Appointment was approved unanimously.

Butler wished to thank Joan Kraynanski for her many years of service to the Board of Zoning Appeals.

Mayor Patterson announced that on Thursday, September 14, at 4:30 p.m., in front of Margaret-Walter Hall (Ohio University Centennial Park) at Richland Avenue and South Green Drive, an opening ceremony will be held upon arrival of the traveling Viet Nam Memorial Wall. The Wall will be open to the public from September 14-17.

Also, tomorrow through Friday, he will be attending the National League of Cities, Crime Prevention and Public Safety Advocacy Council.

OPPORTUNITY FOR CITIZENS TO SPEAK ON LEGISLATIVE ITEMS AND CITY SERVICES NOT COVERED ON THE AGENDA:

Warren Haydon, Second Street, would like the City to consider offering an earned income tax credit to provide a refund for taxes paid up to the poverty level for those earning minimum to just above minimum wage (see attached).

Jessica Thomas, S. Shannon Avenue, has been active in following the school district's proposed changes and possible land donation from Ohio University to the Athens City School District for development of land at The Ridges. She questioned any role the City might have in the process, and whether the City is actively part of the development or the discussion and assessment of that property. She believes a lot of infrastructure will be affected and it will impact a lot of business and traffic in the area. She is just curious about the City's involvement and whether the City might incur some of the costs.

At approximately 7:40 p.m., Fahl moved to Adjourn; McGee seconded. Adjournment was approved unanimously.

President of Council

ATTEST:

Clerk of Council