

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, OCTOBER 2, 2017, 7:00 P.M.

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

Also present: President Knisely, Mayor Patterson, and Law Director Eliason.

DISPOSITION OF MINUTES:

Fahl moved approval of the minutes of the Regular Session held September 18, 2017; Risner seconded. Minutes were unanimously approved as presented.

COMMUNICATIONS:

President Knisely announced that Athens Public Transit is having “free-ride” day on Friday, October 6th.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported the following:

- In conjunction with Athens Public Transit “free-ride” day, is the Athens Area Stand Down on Friday, October 6, at the Athens County Fairgrounds from 10:00 a.m. to 2:00 p.m. Anticipated services for veterans, the homeless and those at risk of homelessness are: benefits information, legal services, health screening, food boxes, housing and job search information, supplies, haircuts and camaraderie.
- Ohio University Homecoming is this weekend. He presented the parade route map (see attached).
- October 8-14 is Fire Prevention Week.
- “Walk Your Wheels” signage is ready to be placed on sidewalks in the uptown area as a reminder that it is not legal to ride your bicycle or skateboards on these sidewalks. The same logo will also be appearing as wraps on the Big Belly receptacles and will include information on the Ordinance and associated fines. Parking Enforcement is authorized to issue an administrative fine to those

guilty of riding a wheeled device on these heavily pedestrian thoroughfares.

ORDINANCE FOR THIRD READING:

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

ORDINANCES FOR SECOND READING:

0-107-17

AN ORDINANCE AUTHORIZING DESIGN ENGINEERING OF THE RICHLAND PEDESTRIAN IMPROVEMENTS (PROJECT #311). Papai noted that the City has received \$1.8 million in funding from ODOT toward this project, and the City is currently authorizing \$260,000 toward design engineering services.

Discussion: Mary Costello, Northwood Drive, as a driver, is concerned about this crossing. She recommended a pedestrian light be installed. Vehicles back up to Peden Stadium and sit for several minutes while pedestrians continue to move across the street. This is a main artery into the City that is not being well-managed. The underground walkway will not be completed for at least a couple of years, and would like consideration of a pedestrian light in the interim. She questioned whether pedestrians will actually use the underground walkway. Also, as a taxpayer she raised the concern that a new sidewalk was just built in this very area, and now it will likely have to be removed to build this project.

John Spofforth, Brown Avenue, suggested murals be placed on City sidewalks as they are replaced. The City could apply for grant funding through the Ohio Arts Council.

Lee Gregg, resident and taxpayer, is concerned with the cost of the project, and she believes that Ohio University students will continue to cross at the most convenient point for them and not necessarily use the underground walkway.

0-109-17

AN ORDINANCE AUTHORIZING THE AUDITOR TO REDUCE 2017 YEAR-END APPROPRIATIONS.

0-110-17

AN ORDINANCE AMENDING THE 2017 APPROPRIATION ORDINANCE.

0-112-17

AN ORDINANCE DECLARING CERTAIN ITEMS NO LONGER NEEDED FOR A MUNICIPAL PURPOSE. Smedley moved to Amend to add a 1967 6x6 dump truck that has 358,933 miles on it; Fahl seconded. Amendment was approved unanimously.

ORDINANCES FOR FIRST READING:

0-114-17

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$423,411 OF NOTES BY THE CITY OF ATHENS, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF RENEWING NOTES PREVIOUSLY ISSUED FOR THE PURPOSE OF PAYING PART OF THE COSTS OF ACQUIRING A NEW PUMPER TRUCK AND RELATED EQUIPMENT; AND DECLARING AN EMERGENCY.

0-115-17

AN ORDINANCE AMENDING THE 2017 APPROPRIATION ORDINANCE.

0-116-17

AN ORDINANCE AUTHORIZING THE MAYOR TO JOIN A COALITION OF MUNICIPALITIES RETAINING SPECIAL COUNSEL FOR PURPOSES OF INITIATING LITIGATION TO CHALLENGE THE CONSTITUTIONALITY OF AMENDMENTS TO CHAPTER 718 OF THE OHIO REVISED CODE RELATING TO MUNICIPAL INCOME TAX; AND DECLARING AN EMERGENCY.

Discussion: Fahl pointed out that this is a clear indication of the State usurping yet again local Home Rule.

President Knisely clarified that this amendment will allow centralization of business income tax at the State level, with a 1% administrative processing fee charged to the City.

Mayor Patterson agreed, this is eroding of our Home Rule. He encouraged Council to support this legislation, noting that the cost for the City to join this lawsuit will be \$4000.

0-117-17

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 5, PUBLIC UTILITIES, CHAPTER 5.04, SEWER REGULATIONS, SECTION 5.04.05 WASTEWATER DISCHARGES. Discussion: Fahl explained that this legislation will allow trucked-in septage to our Wastewater Treatment Plant, pointing out that there will be no industrial or fracking waste allowed.

Mayor Patterson clarified a question from last week about increased flow rates improving operation. He has been informed by the WWTP staff that higher flow rates are no more optimal than low flow rates; it is a balancing act.

0-118-17

AN ORDINANCE AMENDING ORDINANCE 99-14; ESTABLISHING FEES AS REQUIRED BY THE ATHENS CITY CODE. Discussion: Fahl pointed out that the fee for accepting septage in accordance with 0-117-17 will be \$.05 cents per gallon.

Mayor Patterson explained that the recent improvements to the Wastewater Treatment Plant were designed to accept septage. The \$.05 cent per gallon fee is about 7-8 times more than that charged for standard residential sewage. He mentioned that haulers are held to a very high standard.

Risner asked how the fees will be collected and whether the City could accept septage from a camper or Winnebago.

Mayor Patterson will find out and report back.

0-119-17

AN ORDINANCE CLOSING A PORTION OF COURT STREET ON MONDAY, OCTOBER 30, 2017, FROM 6:00 P.M. TO 7:30 P.M. FOR TRICK-OR-TREAT HOSTED BY THE ATHENS UPTOWN BUSINESS ASSOCIATION; AND DECLARING AN EMERGENCY. Papai moved for Suspension of the Rules in order to meet the event date; Fahl seconded. Suspension of the Rules was approved unanimously. Papai moved for Adoption; Fahl seconded. Adoption was approved unanimously.

ONE-READING RESOLUTION:

R-09-17

A RESOLUTION OF THE ATHENS CITY COUNCIL DECLARING THAT THE FACILITIES DECISIONS OF THE ATHENS CITY SCHOOL DISTRICT (ACSD) WILL HAVE A SIGNIFICANT IMPACT ON THE CITY. Discussion: Papai moved for Adoption; Fahl seconded. Discussion: Papai commented that as Third Ward Representative, many residents residing in this Ward have children attending East Elementary and West Elementary, as does the Middle School. As a Council

Member she hears not only from her own constituents, but also from many within the entire voting community. She believes that any of the options currently being discussed by the Athens City School District (ACSD) will impact the City in some manner, and felt it important to put this in writing.

Smedley is unclear what this Resolution is trying to address, noting that our Mayor served on the ACSD Steering Committee, an important step in bridging communication between ACSD and the City. She added, ACSD has its own elected Board charged with overseeing administration of ACSD, and whose goal is to create a fair, equitable and sustainable educational system for all students. Collaboration can and should happen once a clear plan has been established, but we need to respect their need to work through the decision-making process. She would like to see language more toward the spirit of collaboration.

Kotses pointed out that the City is weighing in on a much larger region. As an At-Large Council Member he represents a 10 square mile radius of the City. The ACSD is approximately 88 square miles. He believes there will be a time when City Council will be ready to make declarations and decisions on how facilities changes will affect the City, but he doesn't feel this is the time. The ACSD is still working through their planning and feedback process. He's apprehensive about moving forward with this Resolution.

Fahl, speaking as Chair of the Planning & Development Committee, noted that the City is a plan oriented community with information that could be valuable to ACSD's process. This change in structure and society will have a large impact on both the City and County. We should work together to identify opportunities and discuss the impact of infrastructure needs, management, maintenance, and cost.

Risner pointed out that City Council does not have any legislative power at this time on this issue. The ACSD plans have yet to be formalized.

Butler represents the 1st Ward in which West Elementary resides, and is hearing concerns from his constituents about the future of their neighborhood school. He respects ACSD's planning process, and he views this Resolution in the spirit of communication.

In his role during the ACSD Steering Committee process, the Mayor pressed the need to keep schools within the City. As a quasi-governmental

entity the School Board will be asking the electorate to vote on any needed levy to move its plan forward.

Alan Swank, resident, presented the attached letter.

Julia Stout, property owner on the near east side, and as the mother of a child with a disability, is concerned that the current educational system is not equitable and fair to children with disabilities. The resources are spread out over multiple schools instead of being concentrated in one school. Equality matters, as does a good education.

Barbara Stout, owns property on the east side, commented on the complexity of this facilities planning issue. She understands that this will affect the City of Athens. She respects that the School Board has put a lot of time, deep thought and energy into this issue, and City Council should wait until the planning process is complete before weighing in.

Noriko Kantake, resident, noted that the City of Athens provides for less than half of the school district's student body. She does agree that this is a historic shift in K-12 education. This historic shift needs to happen now so that children with disabilities can attend school with their peers in order to learn functional communication and behavior strategies. These services are not currently available in our school system. The City Council's actions to intervene in School Board policy can have a tremendous impact on people with disabilities.

Yi Ting Wang, resident, commented that since the ACSD does not have a final plan, it is difficult to assess any impact to the City at this time. She acknowledged that there are a lot of concepts that need to be addressed.

Amber Duff, resident, just wants the system to work correctly for a better educational system.

Meredith Price-Mullins, resident, thanked the Council for discussing possible and on-going changes with ACSD, about how those changes might affect the City and the taxpayers, and working toward a viable solution.

Kotses moved to postpone indefinitely R-09-17; Smedley seconded. Discussion: Fahl believes good planning means collaborating with many different stakeholders. Better planning through outreach leads to a better outcome.

Papai is concerned about postponing the Resolution indefinitely.

Butler questioned the meaning of postponing indefinitely.

President Knisely responded that the Resolution can be reconsidered when deemed appropriate.

The vote was taken with Kotses, Risner, and Smedley voting in favor and Butler, Fahl, and Papai voting in opposition. President Knisely, casting the deciding vote, would like to give ASCD the time needed to complete their process, therefore, voting in favor of the motion to postpone indefinitely. Motion was approved by a 4-3 vote.

ANNOUNCEMENTS & OTHER BUSINESS:

Fahl moved to remove from the Table:

0-108-17

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 3, ADMINISTRATIVE PROVISIONS, CHAPTER 3.07, ADMINISTRATIVE DEPARTMENTS; BOARDS AND COMMISSIONS, TO ADD SECTION 3.07.76 TO ESTABLISH THE ATHENS CITY AFFORDABLE HOUSING COMMISSION. Risner seconded. Motion was approved unanimously.

Risner moved to approve the City of Athens/Ohio University December 1, 2016, Affordable Housing Recommendation Report; Fahl seconded. Motion was approved unanimously.

Fahl moved to reappoint Rose Dikis to an additional 3-year term on the Disabilities Commission, and to appoint Douglas Brooks to serve the unexpired term of Lori Kinney on the Disabilities Commission; Papai seconded. Motion was approved unanimously.

Fahl moved to approve the one percent for art brochure as recommended by the Athens Municipal Arts Commission (AMAC); Butler seconded. Discussion: Carol Patterson, Chair of AMAC, noted language changes were made to the brochure for clarity only, nothing substantive, and permission was received from the artist to use the image of the miners. Motion was approved unanimously.

At approximately 8:30 p.m. Risner move to Adjourn; Fahl seconded. Motion was approved unanimously.

President of Council

ATTEST:

Clerk of Council