

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, NOVEMBER 6, 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, Risner, and Smedley.

Also present: President Knisely, Mayor Patterson, and Auditor Hecht.

DISPOSITION OF MINUTES:

Fahl moved approval of the minutes of the Regular Session held October 16, 2017; Papai seconded. Minutes were unanimously approved as presented.

COMMUNICATIONS:

President Knisely acknowledged that all Council Members are in receipt of a notice from the Ohio Division of Liquor Control of a D5 permit transfer **FROM** Cats Den, Inc., dba Cats Den, 110 West Union Street, 1st floor, **TO** West Union 110, LLC, dba Cats Den, 110 West Union Street, 1st floor. Responses to this transfer must be postmarked no later than November 27, 2017.

Council Member McGee pointed out citizen concerns about the ten parking spaces on East Union Street that are reserved for vendors, but are unused most of the time. With such limited parking in the uptown area it is unfortunate that these spaces are generally unoccupied and yet not available for public parking until after 4:00 p.m. He suggested City Council consider amending this section of the Athens City Code.

Council Member Smedley reported that JPAC is planning safety tours in February. Community members are encouraged to assist in identifying risk areas that may need addressed.

Council Member Butler acknowledged receipt of an email from John Spofforth regarding water run-off concerns on his property

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson noted that the Athens City Code sets the maximum number of vendor licenses at ten, with a parking space available for each. City Council can choose to revisit this section of the code if they believe changes to

parking are warranted. He added, the license fee includes payment for these parking spaces.

The new Director for Arts, Parks & Recreation, Terri Moore, has been in office for a week and reported that she has toured all of the City parks and the Armory, read through the *Essence of Athens*, is looking at new pool elements within the design, holding staff meetings, and working on the 2018 departmental budget.

ORDINANCES FOR THIRD READING:

0-112-17

AN ORDINANCE DECLARING CERTAIN ITEMS NO LONGER NEEDED FOR A MUNICIPAL PURPOSE. Smedley moved for Adoption; Butler seconded. Adoption was approved unanimously.

0-115-17

AN ORDINANCE AMENDING THE 2017 APPROPRIATION ORDINANCE. Risner moved for Adoption; Papai seconded. Adoption was approved unanimously.

0-117-17

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 5, PUBLIC UTILITIES, CHAPTER 5.04, SEWER REGULATIONS, SECTION 5.04.05 WASTEWATER DISCHARGES. Fahl moved for Adoption; Risner seconded. Adoption was approved unanimously.

0-118-17

AN ORDINANCE AMENDING ORDINANCE 99-14; ESTABLISHING FEES AS REQUIRED BY THE ATHENS CITY CODE. Fahl moved to amend Section I to add a \$5.00 fee to Section 2903.08.1 for additional or replacement Occupancy Permit and Compliance forms; Papai seconded. Amendment was approved by a 6/1 vote, with McGee voting in opposition.

ORDINANCES FOR SECOND READING:

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.

0-120-17

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN LPA/STATE PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR LIGHTING UPGRADE AND REPLACEMENT ON EAST STATE STREET; AND DECLARING AN EMERGENCY.

0-121-17

AN ORDINANCE AMENDING THE 2017 APPROPRIATION ORDINANCE. Risner moved for Suspension of the Rules so that medical claims can be processed for payment; Papai seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Papai seconded. Adoption was approved unanimously.

ORDINANCES FOR FIRST READING:

0-122-17

AN ORDINANCE GRANTING VARIANCES FROM THE ATHENS CITY SUBDIVISION REGULATIONS TO DIVERSIFIED PROPERTIES FOR THE MADISON HEIGHTS MINOR SUBDIVISION, LOCATED ON THE CORNER OF EAST STATE STREET AND MADISON AVENUE, TO ALLOW LOT SPLITS.

0-123-17

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 7, TRAFFIC CODE, CHAPTERS 7.03, PASSENGERS; OPERATORS; ACCIDENTS, AND 7.09 PENALTIES.

0-124-17

AN ORDINANCE AMENDING TITLE 29, HOUSING REGULATIONS, CHAPTER 29.03, RENTAL DWELLING AND HOUSING PERMIT, SECTION 29.03.08.1, TENANT/OCCUPANT EDUCATION FORM, AND SECTION 29.03.09, DISPLAY OF PERMIT. Discussion: John Spofforth, Brown Avenue, would like this form to state that the legal size for garbage containers is 30 gallons. There are many much larger containers (40+ gallons) being placed for curbside pickup, without an additional charge for extra garbage being assessed. This is not fair and equal treatment.

President Knisely responded that the City is working toward uniform size containers.

0-125-17

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO, OR TO EXTEND THE AGREEMENT WITH THE BOARD OF ATHENS COUNTY COMMISSIONERS FOR THE PURPOSE OF OBTAINING THE SERVICES OF THE PUBLIC DEFENDER'S OFFICE THROUGH DECEMBER 31, 2018.

0-126-17

AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO HIRE A LEGAL SECRETARY II AT A PAY RATE OF 50% THROUGH THE ASSIGNED PAY GRADE.

0-127-17

AN ORDINANCE AMENDING ORDINANCE 04-17; REALLOCATING REVENUES FROM THE CITY INCOME TAX; AND DECLARING AN EMERGENCY.

0-128-17

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO SUSPEND, TEMPORARILY, THE FEE FOR PARKING AT METERED SPACES IN THE MUNICIPAL PARKING GARAGE; AND DECLARING AN EMERGENCY. Discussion: Papai noted that free parking in the uptown areas has been on-going since 2001 to encourage the community to attend holiday events, shopping, and dining in the uptown area.

0-129-17

AN ORDINANCE SUSPENDING ATHENS CITY CODE SECTION 7.05.03, CONTINUOUS PARKING IN THE SAME LOCATION, FROM, SUNDAY, DECEMBER 17, 2017, THROUGH MIDNIGHT ON SUNDAY, JANUARY 1, 2018; AND DECLARING AN EMERGENCY. Discussion: Papai indicated that there is sufficient on-street parking in the community during this time. The continuous 24-hour parking regulation has been suspended during the holiday season since 2006.

0-130-17

AN ORDINANCE AUTHORIZING THE AUDITOR TO MAKE AN INTERFUND TRANSFER THAT WILL FACILITATE THE REPAIR OF THE ENGINEERING AND PUBLIC WORKS GATE AND BUILDING; AND DECLARING AN EMERGENCY. Papai moved for Suspension of the Rules in order that repairs can be made during this construction season; Fahl seconded. Suspension of the Rules was approved unanimously. Papai moved for Adoption; Risner seconded. Adoption was approved unanimously.

0-131-17

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO DISPOSE OF THE DAMAGED SEWER FLUSH TRUCK IN THE PUBLIC WORKS DEPARTMENT AND TO REPLACE SAID VEHICLE; AUTHORIZING THE AUDITOR TO MAKE AN INTERFUND TRANSFER; AND DECLARING AN EMERGENCY. Papai moved for Suspension of the Rules in order to continue to provide for the efficient delivery of City services; Fahl seconded. Suspension of the Rules was approved unanimously. Papai moved for Adoption; Fahl seconded. Discussion: Papai would like consideration for some type of barrier at this location since this has happened twice within the last couple of years.

Mayor responded that the City's engineer is looking at changes to this entrance.

Smedley noted that the \$60,000 insurance settlement is considerably lower than the City's cost for repair and replacement.

Mayor responded that the most expensive item to replace is the flush-truck. Unfortunately, the mileage on the truck exceeds 350,000 miles, and the adjusted price by the insurance company is \$20,000, leaving \$40,000 for repairs to the gate and building, which is reasonable.

Adoption was approved unanimously.

0-132-17

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$250,000 OF NOTES BY THE CITY OF ATHENS, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF RENEWING NOTES PREVIOUSLY ISSUED TO PAY PART OF THE COSTS OF IMPROVEMENTS TO THIS MUNICIPALITY'S WASTEWATER TREATMENT PLANT; AND DECLARING AN EMERGENCY. Discussion: Risner indicated that the City will pay down \$250,000 toward the cost of improvements to the Wastewater Treatment Plant.

0-133-17

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$325,000 OF NOTES BY THE CITY OF ATHENS, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF RENEWING NOTES ISSUED FOR THE PURPOSE OF PAYING PART OF THE COSTS OF DESIGN ENGINEERING OF THE WATER TREATMENT PLANT FACILITIES IMPROVEMENTS, PROJECT #307; AND DECLARING AN EMERGENCY. Discussion: Risner indicated that the City will pay down \$325,000 toward the cost of design engineering of the Water Treatment Plant improvements.

ANNOUNCEMENTS & OTHER BUSINESS:

Kotses moved the reappointments of Richard Linscott and Stefan Gleissberg to continue serving on the Environment & Sustainability Commission; Fahl seconded. Reappointments were approved unanimously.

Smedley moved to appoint Marlene De La Cruz-Guzman to serve on the Community Relations Commission; Butler seconded. Appointment was approved unanimously.

President Knisely indicated that a Special Session will be held next Monday, November 13, following the Committee meetings.

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

John Spofforth, Brown Avenue, issued a formal complaint to City Council to end the Miller Street run-off into his backyard, remove the landslide, and to compensate him for 34 years of this run-off. This is his home and he has suffered from clinical depression and became suicidal in 1984 from the damage to his property. President Knisely, Council Member Butler, former Council Member and now Mayor Patterson, Deputy Service-Safety Director Lucas, and City Engineer Andy Stone have all visited his backyard, yet nothing has been done to address this matter. He believes this is criminally negligent. He requested a full City Council meeting, a due process hearing, before the end of the year to settle this issue, or he will file suit in Court.

EXECUTIVE SESSION:

At approximately 8:05 p.m. Fahl moved to go into Executive Session to discuss Imminent Court Action and Collective Bargaining, and invited the Mayor, Service-Safety Director, Auditor, and Prosecutor Jessica Branner to attend. Risner seconded. A roll call vote was taken as follows: Butler, aye; Fahl, aye; Kotses, aye; McGee; Papai, aye; Risner, aye; and Smedley, aye. At approximately 8:45 p.m. Fahl moved to come out of Executive Session; Risner seconded. Motion was approved unanimously. Fahl then moved to adjourn the meeting; Risner seconded. Motion was approved unanimously.

President of Council

ATTEST:

Clerk of Council