

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, NOVEMBER 20, 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, Law Director Eliason, and Auditor Hecht.

DISPOSITION OF MINUTES:

Fahl moved approval of the minutes of the Regular Session held November 6, 2017, and the Special Session held November 13, 2017; Papai seconded. Minutes were unanimously approved as presented.

COMMUNICATIONS:

President Knisely is in receipt of the following:

- Notice from the Department of Commerce, Division of Liquor Control, that all permits to sell alcoholic beverages will expire on February 1, 2018. In order to maintain permit privileges, every permit holder must file a renewal application.
- Letter from John Spofforth notifying Council Members and the City that he is seeking action regarding water run-off onto his property at 9 Brown Avenue from Miller (see attached).
- Council Member Kotses has been appointed by the Athens City School Board to serve as City liaison.

ORDINANCES FOR THIRD READING:

0-118-17

AN ORDINANCE AMENDING ORDINANCE 99-14; ESTABLISHING FEES AS REQUIRED BY THE ATHENS CITY CODE. Fahl moved for Adoption; Risner seconded. Adoption was approved unanimously.

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

0-123-17

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 7, TRAFFIC CODE, CHAPTERS 7.03, PASSENGERS; OPERATORS; ACCIDENTS, AND 7.09 PENALTIES. Fahl moved for Adoption; Papai seconded. Adoption was approved unanimously.

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

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

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

0-127-17

AN ORDINANCE AMENDING ORDINANCE 04-17; REALLOCATING REVENUES FROM THE CITY INCOME TAX; AND DECLARING AN EMERGENCY. Risner moved for Adoption; Fahl seconded. Adoption was approved unanimously.

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

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

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

ORDINANCES FOR SECOND READING:

0-134-17

AN ORDINANCE TO REZONE THE MADISON HEIGHTS MINOR SUBDIVISION, PROPERTY LOCATED ON THE CORNER OF EAST STATE STREET AND MADISON AVENUE.

0-135-17

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 3, ADMINISTRATIVE PROVISIONS, CHAPTER 3.11, DOMESTIC REGISTRY, SECTION 3.11.01, DEFINITIONS, AND SECTION 3.11.02, DOMESTIC PARTNERSHIP CRITERIA.

0-136-17

AN ORDINANCE AMENDING THE 2017 APPROPRIATION ORDINANCE. Risner moved for Suspension of the Rules; Papai seconded. Suspension of the

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

ORDINANCES FOR FIRST READING:

0-138-17

AN ORDINANCE AUTHORIZING A ONE-YEAR EXTENSION OF THE CURRENT FRANCHISE AGREEMENT WITH THE OHIO POWER COMPANY FOR USE OF THE CITY RIGHT-OF-WAY, PURSUANT TO ORDINANCE 59-12, AND EXTENDED BY ORDINANCES 135-12; 94-13; 143-13; 126-14; 113-15; AND 124-16; AND DECLARING AN EMERGENCY.

0-139-17

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ATHENS A SOLAR POWER PURCHASE AGREEMENT (SPPA) ESTOPPEL CERTIFICATE AND CONSENT TO SPPA ASSIGNMENT; AND DECLARING AN EMERGENCY.

0-140-17

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 9.06, INTOXICATING LIQUORS; NARCOTICS, TO ADD SECTION 9.06.20, CANNABIS LAWS AND PENALTIES. Fahl moved for Suspension of the Rules; Risner seconded. Suspension of the Rules was approved unanimously. Fahl moved for Adoption; Risner seconded. Discussion: Papai understands that in other cities where similar legislation has been approved, the offense continues to be cited under the Ohio Revised Code.

Law Director Eliason stated that is correct. It is the decision of the Chief of Police. She added that those cited under the City Code doesn't decriminalize the offense, it only removes the penalty. It is still a criminal conviction of drug abuse with no penalty.

Adoption was approved unanimously.

0-141-17

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 47, RESOURCE EXTRACTION AND WASTE DISPOSAL MONITORING AND MITIGATION PROGRAM, TO ADD CHAPTER 47.02, SHALE GAS AND OIL EXTRACTION. Fahl moved for Suspension of the Rules; Smedley seconded. Suspension of the Rules was approved unanimously. Fahl moved for Adoption; Papai seconded. Discussion: Law Director Eliason pointed out that this Initiative Petition was placed on the ballot in November, 2014, and was approved by the electorate, however, was never codified.

Adoption was approved unanimously.

0-142-17

AN ORDINANCE AMENDING THE 2017 APPROPRIATION ORDINANCE. Risner moved to amend to add a decrease in the appropriation in Capital Improvements Fund, 580.580, and to increase the appropriation in Capital Improvements Fund, 580.207, by \$5,000; Fahl seconded. Amendment was approved unanimously. Risner moved for Suspension of the Rules; Papai seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-143-17

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH THE EMPLOYEE BENEFIT SERVICE CENTER TO SERVE AS THE CITY'S THIRD PARTY HEALTH INSURANCE ADMINISTRATOR (TPA); AND DECLARING AN EMERGENCY.

0-144-17

AN ORDINANCE AUTHORIZING A STOP-LOSS MEDICAL INSURANCE CONTRACT; AND DECLARING AN EMERGENCY.

ANNOUNCEMENTS & OTHER BUSINESS:

Risner moved to Accept the Auditor's October, 2017, Financial Reports; Fahl seconded. Motion was approved unanimously.

President Knisely announced a Special Session to be held on Thursday, December 7, at 7:00 p.m. with a Regular Session held on December 11, which will be the final City Council meeting of the year.

Mayor Patterson announced the following:

- One-day trash delay due to the Thanksgiving holiday, with Thursday's route to be picked up on Friday and Friday's route picked up on Saturday.
- City Building will be closed on November 23 and 24, with emergency services still in operation, and the Community Center will be open from 6:00 am to 6:00 pm on the 22nd, closed on the 23rd and 24th, with normal hours resuming on Saturday, 25th.
- Fire Chief asks that residents be cautious when using deep fryers.
- Encouraged citizens to take part in the Comprehensive Plan Survey; it is on the City's website.

- Avon water line final connections will be taking place next week, with some water disruption and smoke testing of the lines.
- City of Athens is one of 137 municipalities across the State filing a joint lawsuit opposing HB 49, centralized business tax collection.
- Received a bronze designation from SolSmart for being a solar friendly municipality.
- Attended NOPEC Executive Board meeting, representing Southeastern Ohio.
- Attended National League of Cities Conference; serving on the Small Cities Council, University Community Council, as well as the Public Safety and Crime Prevention Advocacy Council.
- City of Athens has received an A+ rating from ODOT on administering local projects. The City recognizes the stellar work done by City Engineer Jessica Adine in achieving this high rating.

EXECUTIVE SESSION:

At approximately 9:20 p.m. Risner moved to go into Executive Session to discuss Compensation of a Public Employee, and invited the Mayor, Auditor, and Law Director to attend. Risner seconded. A roll call vote was taken as follows: Butler, aye; Fahl, aye; Kotses, aye; Papai, aye; Risner, aye; and Smedley, aye.

Fahl moved to come out of Executive Session; Kotses seconded. Motion was approved unanimously. Fahl then moved to adjourn the meeting; Papai seconded. Motion was approved unanimously.

President of Council

ATTEST:

Clerk of Council