

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, NOVEMBER 19, 2018, 7:00 P.M.

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

Also present: President Knisely, Mayor Patterson, Service-Safety Director Stone, Auditor Hecht, and Prosecutor Branner.

DISPOSITION OF MINUTES:

Risner moved approval of the minutes of the Regular Session held November 5, 2018; Crowl seconded. Minutes were unanimously approved as presented.

COMMUNICATIONS:

President Knisely welcomed Boy Scout Troop 71 in attendance this evening. Also, she is in receipt of a notice from the Department of Commerce, Division of Liquor Control, that all permits to sell alcoholic beverages in the City will expire on February 1, 2019. Each permit holder must file a renewal application. City Council has the right to object to the renewal of a permit that might be a problem in the community, and to request a hearing. Objections must be filed no later than January 2, 2019.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported on waterline and pothole repairs. Also, he is in receipt of a notice from AEP Ohio regarding tree trimming in the City. He will share this extensive list of streets, including maps, with Council Members, and will add it to the City's website. He added, door hangars will be placed at affected residences.

ORDINANCES FOR SECOND READING:

0-121-18

AN ORDINANCE AUTHORIZING AN EMERGENCY MEDICAL SERVICES LAND USE AND LEASE AGREEMENT BETWEEN THE CITY OF ATHENS AND THE ATHENS COUNTY COMMISSIONERS.

0-122-18

AN ORDINANCE ACCEPTING AN EASEMENT ON HILLCREST DRIVE FROM THE BOARD OF COMMISSIONERS OF ATHENS COUNTY.

0-123-18

AN ORDINANCE AMENDING TITLE 39, WELLHEAD PROTECTION PLAN.

0-124-18

AN ORDINANCE AMENDING THE 2018 APPROPRIATION ORDINANCE.

Risner moved for Suspension of the Rules in order to process business income tax refunds; Crowl seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-125-18

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.

Kotses moved for Suspension of the Rules in order to meet the effective date of November 29, 2018; Grace seconded. Suspension of the Rules was approved unanimously. Kotses moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-126-18

AN ORDINANCE SUSPENDING ATHENS CITY CODE SECTION 7.05.03, CONTINUOUS PARKING IN THE SAME LOCATION, FROM, SUNDAY, DECEMBER 16, 2018, THROUGH MIDNIGHT ON TUESDAY, JANUARY 1, 2019; AND DECLARING AN EMERGENCY.

0-127-18

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$220,000 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 Suspension of the Rules in order to meet the payment due date of December 7, 2018; Crowl seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Crowl seconded. Adoption was approved unanimously.

0-128-18

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$250,000 OF NOTES BY THE CITY 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 Suspension of the Rules in order to meet the payment due date of December 7, 2018; Crowl

seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Crowl seconded. Adoption was approved unanimously.

ORDINANCES FOR FIRST READING:

0-129-18

AN ORDINANCE CERTIFYING THE LPA/STATE PROJECT AGREEMENT; AND AUTHORIZING PAYMENT TO THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION, TO COVER THE CITY'S SHARE OF THAT PORTION OF STATE ROUTE 56 MAINTENANCE RESURFACING IMPROVEMENTS LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS; AND DECLARING AN EMERGENCY. Risner moved for Suspension of the Rules in order to meet the payment deadline; Fahl seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-130-18

AN ORDINANCE AMENDING THE 2018 APPROPRIATION ORDINANCE; AND AUTHORIZING THE AUDITOR TO MAKE AN INTERFUND TRANSFER. Risner moved for Suspension of the Rules in order that the funds are in place for making the payment as authorized in Ordinance 129-18; Fahl seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-131-18

AN ORDINANCE AFFIRMING THE MAYOR'S EXECUTION OF AN AGREEMENT WITH THE ATHENS CITY FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, AND THE CITY OF ATHENS COMMUNICATION OFFICERS, CONCERNING WAGES AND WORKING CONDITIONS.

0-132-18

AN ORDINANCE AUTHORIZING AFFIRMING THE MAYOR'S EXECUTION OF AN AGREEMENT WITH THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME) LOCAL (1) CONCERNING WAGES AND WORKING CONDITIONS.

0-133-18

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A LICENSURE AND LAND USE AGREEMENT WITH OHIO UNIVERSITY.

0-134-18

AN ORDINANCE AMENDING TITLE 11, BUSINESS REGULATIONS, CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING; AND DECLARING AN EMERGENCY. Discussion: Crowl explained that this version of the vending

code is to change the annual fee schedule to monthly. It will simply divide the yearly fee of \$1500 by 12 months, or \$125 per month. The payments are due five business days before the first day of the month. It will also allow vendors to choose by month whether or not they wish to vend, and any vending spaces not being used in any particular month will revert back to public parking spaces.

McGee supports a monthly vending fee. This is a good first step. In the future, he would like to see other options pursued, one being, on an experimental basis, consideration to opening vending locations city-wide at any metered space.

Butler echoed that it would be worthwhile, on a limited basis, to consider allowing vending in locations other than East Union Street, noting that demographics in the City have changed, as well as pedestrian thoroughfares and traffic patterns.

While Crowl is open to considering other vending locations, the City has to keep in mind the January 1, 2019 changes in the State Fire Code with regard to the space needed, 10 feet, between a vending unit and a private vehicle. Compliance could become an issue.

Mayor Patterson expressed his concern with monthly, as opposed to yearly tracking of vendor permits and assigned spaces by the Code Enforcement Office. Also, managing monthly signage of the metered spaces, whether reserved for vending or open to public parking. The Mayor is pleased that there will be no reserved spaces on Sunday. He wished to clarify that the vending rate applies to the cost of the meter six days a week for one year. City Council will need to track and adjust the vendor cost with any meter increases and increased enforcement times.

Damon Krane, Hudson Avenue, owner and operator of the Hot Potato Food Truck, President of the Athens Mobile Vending Association, and member of Athens City Council's Ad Hoc Committee on Mobile Vending, supports the vending proposal presented this evening; it is a sensible stop-gap measure as the Ad Hoc Committee continues its review for future changes.

Brandon Buckley, West Union Street, owner of "A" Town Pies and Fries, expressed his concern and frustration with opening up the vending spaces to public parking after 4:00 p.m. Extending that time would provide the needed flexibility to allow vendors to vend more evening hours.

0-135-18

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, 2019.

0-136-18

AN ORDINANCE AMENDING ORDINANCE 29-13, TO INCREASE SEWER RATES IN ACCORDANCE WITH THE ATHENS CITY CODE; AND DECLARING AN EMERGENCY. Discussion: Butler acknowledged that the base rate will increase by \$10.00 per month.

Service-Safety Director Stone explained that this increase will ensure that funds are available to meet our debt service payments. Operations are handled through consumption rates.

0-137-18

AN ORDINANCE AMENDING ORDINANCE 128-12; ESTABLISHING THE ALLOCATION OF SEWER SERVICE CHARGES TO THE SEWER DEBT FUND (758); AND DECLARING AN EMERGENCY.

0-138-18

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.

0-139-18

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

0-140-18

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ATHENS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2019. Discussion: President Knisely noted that this is a very tight budget with expenditures set at \$15,502,654 in the General Fund. The overall budget for the City, including proprietary funds, is \$44,279,349

Mayor Patterson agrees. While there are many needs in the City this budget remains fiscally conservative.

Auditor Hecht pointed out that last year's General Fund budget was \$15,900,183.

A resident of South Green Drive asked about any notable changes in next year's budget.

Service-Safety Director Stone emphasized that by and large the General Fund is used for staffing of our Police and Fire Departments, Code Enforcement, Recreation, and support staff for all other City service operations.

Mayor Patterson noted that projects occur through the proprietary funds in partnership with state and federal grants. In 2019 the City will be moving forward with the Pedestrian Passageway on Richland Avenue, replacement of the Richland Bridge over Coates Run, and completing the East State Street project.

0-141-18

AN ORDINANCE AMENDING ORDINANCE 71-16; AUTHORIZING NON-UNION PAY GRADES; AND DECLARING AN EMERGENCY.

0-142-18

AN ORDINANCE AUTHORIZING 2019 STAFFING LEVELS AND NON-UNION COMPENSATION; REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

0-143-18

AN ORDINANCE ADOPTING A FRINGE BENEFITS PACKAGE FOR NON-UNION PERSONNEL WITHIN THE CITY OF ATHENS AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY. Discussion: Butler challenged Council to consider adding a policy for maternity leave. He suggested reviewing Ohio University's parental leave policy. A 2017 Ernest & Young survey indicated that more than 90% of companies with family leave policies reported either a positive or neutral effect on morale and productivity. He believes it would be worthwhile to look into such a policy.

Judith Roman, Northwood Drive, asked about the current maternity leave.

Service-Safety Director Stone responded that an employee can take any accrued vacation, sick leave, or compensatory time.

Roman questioned the amount of earned sick leave.

Service-Safety Director responded, 3.1 hours per pay period.

Butler acknowledged that there is no formal maternity policy in place at this time.

With Athens being such a forward-thinking community, Roman is surprised there is no such policy in place. It should be separate from earned sick leave as you are not sick, you are having a baby.

Grace echoed Member Butler's comments that this is definitely something City Council should consider. She would fully support family maternity/paternity leave.

Hecht clarified that while the City does not have paid maternity/paternity leave, an employee would qualify after a year, for 12 weeks under FMLA. This

would be unpaid, and the employee could use any accrued time he/she may have to cover the time off.

Mayor Patterson agrees that such a policy warrants further exploration.

0-144-18

AN ORDINANCE AMENDING ORDINANCE 54-11, WATER AND SEWER REGULATIONS.

0-145-18

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 9.02, FIRE PREVENTION, TO ADD SECTION 9.02.06, INSPECTIONS AND FEES.

0-146-18

AN ORDINANCE AMENDING ORDINANCE 41-10, CONTRACTOR REGISTRATION ANNUAL FEE.

0-147-18

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 11, CHAPTER 11.07, SOLICITORS AND PEDDLERS, SECTION 11.07.05, LICENSE FEE.

0-148-18

AN ORDINANCE AMENDING ORDINANCE 0-118-17; AND TITLE 1, GENERAL PROVISIONS, TO ESTABLISH FEES AS REQUIRED BY THE ATHENS CITY CODE. Discussion: McGee expressed concern with the garbage fees. The owner-occupied fee is \$6.50 for one container whereas a rental unit is automatically charged \$12.00, and may only have one container, which seems unfair. He would like that to be reviewed.

Service-Safety Director Stone understands the concern with the disparity in the fees and is willing to review that when the garbage fees are addressed in 2019.

Mayor Patterson shares McGee's concerns as well.

0-149-18

AN ORDINANCE ESTABLISHING ATHENS CITY CODE TITLE 49, MANAGEMENT, ADMINISTRATION, AND CONTROL OF THE USE OF THE CITY'S PUBLIC RIGHTS-OF-WAY. Discussion: Fahl clarified that this document gives first over-sight to City Council. Council will vote on the initial application for any use of the City right-of-way, and the Service-Safety Director or his/her designee will handle subsequent renewals. City Council also retains the ability to deny a license that has been granted, should there be a problem with the licensee. She reminded Council that the Ohio Revised Code requires that

some licenses be processed in a short time frame that will require Council to consider some of these requests under Suspension of the Rules.

Service-Safety Director Stone acknowledged that City Council has first approval for all Certificates of Registration for use of the right-of-way by utilities and those will be in place until the company is no longer in business or the license is revoked. The Special Right-of-Way Permits will replace what has been traditionally referred to as a Revocable License. Council will continue to approve those first time requests and any revocation, and every seven years the Service-Safety Director and or his/her designee will handle the renewals. As recommended, City Council retains all authority over the public rights-of-way.

Fahl appreciates the changes made to this document that keeps a check and balance of power within our government.

Kostes pointed out that this legislation will allow the City to have better control of the public rights-of-way.

Service-Safety Director Stone pointed out that this legislation is in compliance with current State and Federal laws.

0-150-18

AN ORDINANCE AMENDING ORDINANCES 04-09, 03-11, 124-12, AND 124-14, AND THE ATHENS CITY CODE, ESTABLISHING SALARIES FOR CERTAIN ELECTED OFFICIALS. Risner pointed out that this legislation establishes a continuing 2% increase per year for the Mayor, Auditor, Law Director, Members of Council, Council President, and Treasurer through 2024.

President Knisely clarified that the rates for 2019 were set by Ordinance 124-14. The 2% is being established for the next term of office in 2020.

ANNOUNCEMENTS & OTHER BUSINESS:

Fah moved to accept the Auditor's October, 2018, Financial Reports; Risner seconded. Motion was approved unanimously.

At approximately 8:45 p.m. McGee moved to Adjourn the meeting; Fahl seconded, and the meeting was adjourned.

President of Council

ATTEST:

Clerk of Council