

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, DECEMBER 2, 2019, 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, Law Director Eliason, Auditor Hecht, Service-Safety Director Stone, and City Planner Logue.

DISPOSTION OF MINUTES:

Fahl moved approval of the minutes of the Regular Session held on November 18, 2019; Crowl seconded. Minutes were unanimously approved as presented.

COMMUNICATIONS:

President Knisely announced that on December 4, from 1:00 to 3:00 p.m. three Council Members and she will be attending a tour of the Baileys Trail, and on December 14, from 8:30 a.m. to 1:00 p.m., there will be a Council Member Orientation at the Ohio University Inn.

Council Member Kotses announced that the next Athens City School Board meeting will be held on Thursday, December 19, at 6:30 p.m. in the high school auditorium.

Council Member McGee suggested the City provide e-bike parking that is sheltered from the rain.

Mayor Patterson appreciates the suggestion and shared that bike lockers are being explored in the Parking Garage, not only for shelter but for added security.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reminded the public of a boil order issued from 1:30 p.m. today to 3:00 p.m. tomorrow, on South Shafer between Byard Street and Moore Avenue.

ORDINANCES FOR THIRD READING:

0-120-19

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 7, CHAPTER 7.05, PARKING REGULATIONS. Grace moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-121-19

AN ORDINANCE REZONING PORTIONS OF COURT, STATE, CARPENTER, AND FERN STREETS FROM A B3 ZONE TO A B2D ZONE. Fahl moved for Adoption; Risner seconded. Discussion: Fahl believes this new zoning designation is more appropriate for the uptown area, and should allow for more progressive parking solutions.

City Planner Paul Logue distributed current parking statistics identified in the area proposed to be rezoned (see attached). In order for our current zoning designation of a B3 zone to be compliant, an additional 242 parking spaces would be needed.

Kotses noted that less than a third of the businesses are currently compliant.

Logue added that a number of them are grandfathered, and a business that is dormant for 12 months loses its grandfather status. Any new business would then be required to seek a variance through the Zoning Board of Appeals before opening.

McGee asked whether evening parking spaces, when businesses are closed, are currently available for public parking.

Logue responded that shared use parking can be effective, however our current zoning code does not allow shared parking. It can become complicated in that the City may allow it, but the property owner may not permit it due to concerns for damage and maintenance of the lot.

Crowl asked what happens with those businesses that are currently in compliance if the zoning is changed

Logue responded residential requirements must continue to be met, but the owner could free up some of the business spaces not required under the new B2D zoning designation.

Crowl questioned that if they chose to use the parking spaces for something else, the area could see fewer parking spaces available.

Logue said that could indeed happen with the off-street parking spaces.

Crowl believes that if those businesses currently in compliance are no longer required to have a certain number of parking spaces, the owner may reduce the number of spaces offered, and that would encourage patrons visiting businesses on the north end of town to park in the nearby neighborhoods.

Joan Kraynanski, Mound Street, is concerned about the loss of 154 parking spaces. She, too, believes this will force parking into the nearby residential neighborhoods. This area has always been a B-3 zone because it is adjacent to neighborhoods, and she thinks it needs to stay B-3 to protect those close-in neighborhoods.

Adoption was approved by a 5/2 vote, with Crowl and Kotses voting in opposition.

0-122-19

AN ORDINANCE AMENDING THE 2019 APPROPRIATION ORDINANCE. Risner moved for Adoption; Fahl seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

0-110-19

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PROVIDE FINANCIAL SUPPORT FROM THE CITY'S TRANSIENT GUEST TAX TO THE OUTDOOR RECREATION COUNCIL OF APPALACHIA (ORCA) FOR FUNDING THE BAILEYS TRAIL SYSTEM ALONG WITH OTHER RECREATIONAL ACTIVITIES. Discussion: Mayor Patterson reported that last week he reached out to an individual at Cleveland State University, Kirby Date, an expert in modeling community impact projects (see attached bio). He shared with her the data provided by Quantified Ventures, asking for her opinion on that report. Her review of the project is that the performance measures and formula used appear to be solid. She believes the numbers used by Quantified Ventures to be conservative, and that users of the trail will be much higher.

President Knisely noted that Council Members received a letter from Rural Action, reporting on the ARC Power Grant that was awarded for this project, detailing that it will cover 31 miles of the trail system (see attached).

Crowl directed Council's attention to one of the many emails received in support of the trail system from John Glazer, a well-respected analyst from the Ohio University Voinovich School of Leadership and Public Affairs (see attached).

Butler acknowledged an economic study completed by the University of Minnesota, Deluth, College of Business, provided by the Mayor regarding a 100-mile trail, with an investment of \$6-7 million from city, state and federal funds, brings in \$36-40 million to the Deluth area. He also acknowledged interest in the trail from the running/hiking community.

A resident of Charlotte, NC, and representative of Black Diamond Trail Designs, has been working on the Baileys Trail since early October. He believes this trail will provide a great opportunity for the Athens community.

James Schultz, retired employee of O'Bleness Memorial Hospital, also believes the Baileys Trail will be a gem for Athens County.

Tracy Kitts, longtime resident of Athens, believes this large tract of land is a unique opportunity for Athens. Our community can benefit economically in a

way that aligns with everything that we already love about Athens, green space and outdoor recreation (see attached email).

Kelly Shaw, longtime Athens resident, supports the Baileys Trail System. She believes it is a sound, economic investment, but even more as a powerful, unifying opportunity to embrace our community strength and character in welcoming new visitors.

Mike Moulten, Graham Drive, supports the Baileys Trail project. He travels frequently and has experienced similar trails in other communities, many are visitors from out of state (see attached email). He believes this trail would provide a tremendous economic impact, and he hopes the City Council will support this project.

0-126-19

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 7, CHAPTER 7.05 PARKING REGULATIONS, TO ADD SECTION 7.05.03.1, RESIDENTIAL PARKING PERMIT.

0-127-19

AN ORDINANCE REPEALING ATHENS CITY CODE, TITLE 7, TRAFFIC CODE, CHAPTER 7.06, TOW TRUCK REGULATIONS; AND AMENDING TO REMOVE CHAPTER 7.05, PARKING REGULATIONS, SECTIONS 7.05.32 THROUGH 7.05.35, AND 7.09.99 (T)(1) AND (2), PENALTIES.

0-128-19

AN ORDINANCE AUTHORIZING THE MAYOR TO PARTICIPATE IN THE UPTOWN SPECIAL IMPROVEMENT DISTRICT (SID).

ORDINANCES FOR FIRST READING:

0-129-19

AN ORDINANCE AMENDING THE 2019 APPROPRIATION ORDINANCE. Risner moved to Amend to add (\$13,600) to APR Income Tax Fund, 273, T.C. 300, for the maintenance contract on vehicle charging stations at the pool; Crowl seconded. Discussion: Mayor Patterson indicated that this is a level 3 (fast charging station).

Service-Safety Director Stone noted that there is revenue associated with these stations.

Amendment was approved unanimously.

Risner moved for Suspension of the Rules in order that funds are in place to pay a prior year bill; Butler seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Butler seconded. Adoption was approved unanimously.

0-130-19

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ATHENS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2020.

0-131-19

AN ORDINANCE AUTHORIZING 2020 STAFFING LEVELS AND NON-UNION COMPENSATION; REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

0-132-19

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 encouraged Council Members to carefully read through this document and be cognizant of any changes affecting those governed by it, as non-union employees, unlike bargaining unit employees, have no one advocating for them. City Council members need to be familiar, aware, and educated on proposed changes and the needs of the non-union employees.

0-133-19

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

0-134-19

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

0-135-19

AN ORDINANCE AMENDING ORDINANCE 127-17; REALLOCATING REVENUES FROM THE CITY INCOME TAX; AND DECLARING AN EMERGENCY.

0-136-19

AN ORDINANCE AUTHORIZING THE PAYMENT OF A PRIOR YEAR EXPENSE; AND DECLARING AN EMERGENCY. Risner moved for Suspension of the Rules to pay a prior year bill; Crawl seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Crawl seconded. Adoption was approved unanimously.

0-137-19

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 49, MANAGEMENT, ADMINISTRATION, AND CONTROL OF THE USE OF PUBLIC RIGHTS-OF-WAY, CHAPTER 49.03, APPLICATION PROCEDURES, SECTION 49.03.02(B), CERTIFICATE OF REGISTRATION APPLICATION.

0-138-19

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, TO INCLUDE FEES FOR USE OF THE CITY'S PUBLIC RIGHTS-OF-WAY.

0-139-19

AN ORDINANCE AUTHORIZING CONSTRUCTION AND CONSTRUCTION ENGINEERING SERVICES FOR THE KIMES RESERVOIR PROJECT (#324).

0-140-19

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLES 9 AND 13, RELATING TO FIREARMS; AND DECLARING AN EMERGENCY.

0-141-19

AN ORDINANCE AUTHORIZING DISPOSAL OF AN ATHENS TRANSIT BUS NO LONGER NEEDED FOR A MUNICIPAL PURPOSE.

0-142-19

AN ORDINANCE DECLARING CERTAIN POLICE DEPARTMENT FIREARMS NO LONGER NEEDED FOR A MUNICIPAL PURPOSE. Discussion: Fahl questioned what happens to the firearms when they are traded to a federally licensed firearms dealer.

Service-Safety Director Stone understands that, depending upon the condition, they are either resold or destroyed.

Fahl asked why the City has a compound bow.

Service-Safety Director responded that the compound bow was a seized weapon.

0-143-19

AN ORDINANCE TO INCREASE SEWER RATES; AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, SECTION 5.04.08, SEWER RATES; AND DECLARING AN EMERGENCY. Discussion: Crowl has reviewed the information provided by the Administration, acknowledging that even after this requested increase in our sewer base rate, that the City of Athens continues to be lower than the majority of our nearest neighbors, Albany, Amesville, Jacksonville, and Buchtel. He agrees that the increase is needed for improvements to the City's infrastructure.

Fahl expressed concern that the City's rates have not kept pace with the cost of sewer services and suggested phasing in smaller increases over the next few years. She would also like the Administration to review low quantity user credits for customers with established conservation efforts.

Judy Roman, Northwood Drive, asked how the City can spend \$90,000 annually toward the Baileys Trail System and why those dollars cannot be used toward sewer expenses instead of raising rates.

Joan Kraynanski, Mound Street, understands the need for a sewer increase, but agrees with Fahl, suggesting incremental increases as usage increases. Those who conserve should pay less. She doesn't want to be paying more because she is using less.

ANNOUNCEMENTS & OTHER BUSINESS:

Mayor Patterson has alerted City Council Members of an opposition hearing this week at the State House with regard to Senate Bill 222, a Preemption Bill to preempt any city from levying a plastic bag tax.

President Knisely noted that citizens also have the opportunity to write to their State Senators.

EXECUTIVE SESSION:

At approximately 8:30 p.m. Fahl moved to go into Executive Session to discuss Collective Bargaining, and invited the Mayor, Service-Safety Director, Auditor, and Law Director to attend; Crowl seconded. A roll call vote was taken as follows: Butler, aye; Risner, aye; Crowl, aye; Fahl, aye; Kotses, aye; McGee, aye; and Grace, aye.

At approximately 9:15 p.m., Fahl moved to come out of Executive Session; Grace seconded. Motion was approved unanimously. Fahl then moved to adjourn the meeting; Crowl seconded. Motion was approved unanimously.

President of Council

ATTEST:

Clerk of Council