

ATHENS CITY COUNCIL: SPECIAL SESSION, MONDAY, DECEMBER 9, 2019, 7:00 P.M.

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

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

Fahl moved to appoint Councilman Butler to serve as Acting Clerk for this Special Session of Council; Grace seconded. Motion was approved unanimously.

ORDINANCES FOR THIRD 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. Risner moved for Adoption; Crowl seconded. Discussion: McGee was initially opposed to this legislation, believing it should be financed through private funding and unsure that the City should take on the financial risk. Through a lot of fact-finding, he continues to be skeptical about the number of visitors the trail will attract, however, is of the opinion that this is still a worthwhile project for the future of Athens.

Fahl, too, has been very cynical of this process. Fahl believes the amendments to this legislation are helpful. The amendments include continued Council oversight and additional approval of the City's funding stream.

Crowl supports this project. He appreciates those professionals who have come forward to assist in Council's understanding of what this trail can mean for the future of Athens. Even though this was brought forward as a mountain bike trail, he is pleased to hear from other users, hikers, trail runners, and birders, and that there will be accessible trails. This project is exciting for the Village of Chauncey and remediation of the old mine. He is happy to be a part of this collaborative project.

Butler is supportive of the project. He has been approached by citizens from all walks of life and there is an enthusiasm that is contagious. He believes the City would be remiss in not supporting it. There are factors like health and wellness that are not measurable. This trail will attract citizens to our area.

Mayor Patterson has been fascinated by this project from the very beginning. He believes this is a great opportunity, not only for recreation but economic development in the City and County of Athens. He reminded Council that the Outdoor Recreational Council of Appalachia (ORCA) is not just about the Baileys Trail System, but all outdoor recreation. One of our cherished assets is the Hocking River and he believes this could be a water trail, along with opportunities to connect the Hockhocking Adena Bikeway in Athens County to Belpre. Baileys is a regional asset that will not just benefit the City of Athens, but the Villages of Chauncey and Buchtel, the City of Nelsonville, and York Township, and is desperately needed in southeast Ohio to continue to make this area economically viable. He believes this is a solid risk to take in terms of diversifying our local economy.

Adoption was approved by a 6/0/1 vote, with Kotses abstaining.

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. Kotses moved for Adoption; Risner seconded. Discussion: Fahl would like the Administration to review including other areas within the City that might benefit from this residential permit.

Crowl encouraged citizens to come forward if they feel their street might benefit from this permit system.

Adoption was approved unanimously.

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. Fahl moved to Table to allow more time to work through the process; Grace seconded. Discussion: McGee supports tabling to consider more fully the rate change suggested by Ohio University Student Senate as well as the preemption issue. He feels conceding at any level would be the wrong move.

Risner disagrees with tabling and delaying the process into next year. The fact that the State of Ohio through the PUCO will still be the regulatory power will not change. As written, the City is currently in violation of State law.

McGee would like there to be a Court decision on the City's towing rates before this Code section is removed. He is not willing to remove the rate until it can be challenged.

Kotses agrees with Risner. This section of the Code has not been enforced since 2003. City Council has an opinion from the Law Director and a

recommendation from Police Chief Pyle to make the proposed amendments. Towing regulations should be between the owner of the vehicle and the towing company. He sees no reason for the City to be involved.

Grace supports tabling; she feels more discussion is warranted.

Law Director Eliason said there have been two court cases; one being a student against the tow company that was settled out of court, and the other was a citizen suing the tow company. The suit was for the towing fee and damages to the vehicle. In this case the tow company did not appear and the Court awarded the complainant with damages for the tow, but did not award a lesser amount of the tow charge.

Grace responded that the Judge issuing the ruling said that in this case the tow charge was not argued, only whether it was a legitimate tow.

The Law Director maintains that the tow company's charge was the amount that was owed, not the lower amount stated in the City Code.

Kotses does not believe the City's \$40 charge, or the simple calculation offered to raise it to \$70 can be realistically applied to the industry since 2003.

Since this issue was brought forward by the Ohio University Student Senate, and affects some 20,000 students, Butler would like to delay further discussion to a time when the students are on campus and represented, not during the semester break.

Tabling was approved by a 5/2 vote; with Kotses and Risner voting in opposition.

0-128-19

AN ORDINANCE AUTHORIZING THE MAYOR TO PARTICIPATE IN THE UPTOWN SPECIAL IMPROVEMENT DISTRICT (SID). Risner moved for Adoption; Fahl seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

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. Grace moved to Amend to substitute the attachment; Fahl seconded. Grace explained that her amendment adds Parental Leave, some minor cleanup of the section on Military Leave, and renumbering so that all leaves are together within the document.

Fahl supports the amendment to add parental leave.

Crowl asked if there is a definition for “Domestic Partner”.

Auditor Hecht responded that there is a definition and form to complete to satisfy domestic partner benefits.

Butler questioned whether this policy is similar to that offered by Ohio University.

Grace responded that the University does offer six weeks paid parental leave.

McGee supports the addition of parental leave.

Mayor Patterson appreciates this amendment; it is highly appropriate.

Auditor Hecht questioned the exclusion of holidays during the paid leave; she thinks tracking it may be an issue.

Grace doesn't think holiday pay should count as part of the six weeks.

The Auditor believes the City is being very generous in paying 100% of the employee's pay during leave.

Grace absolutely believes that paid parental leave is the right thing to do, the right way to treat our employees, and that it will attract and retain employees. It is also absolutely in the best interest of women and infants from a public health perspective.

Amendment was approved unanimously.

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.

0-137-19

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.

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: Risner asked Director of EPW Heady to run a spreadsheet using the rate of a 3% increase for a majority of the users of less than 15,000 gallons of water per month, and that number of users is currently 4,839. Using a 3% increase of the base rate would bring in .74 cents or \$25.50 per month. Those using greater than 15,000 gallons amounts to about 300 other users who would pay the difference in order to reach EPW's goal of \$145,000 in additional income for deferred maintenance and equipment. For those 300 customers the rate would raise significantly.

Grace asked if the up to 15,000 gallon users could be subdivided into smaller categories.

Risner responded that new billing procedures would be needed for that, and he doesn't know how difficult that would be. It would certainly require some sort of software update.

Fahl questioned whether the lower users, under 15,000 gallons, could be charged a different percentage; it doesn't have to be 3%.

Grace suggested 5%.

McGee asked if the larger users are commercial and industrial.

Mayor responded that they are, and that includes larger apartment complexes.

The Mayor said he and the Service-Safety Director have discussed ultra-low users. The average consumption in the less than 15,000 category is around 5,000 to 6,000 gallons. There will be challenges with billing an ultra-low user category, possibly those using less than 2,000 gallons. He requested, at this time, that Council move forward with this legislation as currently written.

ORDINANCE FOR FIRST READING:

0-144-19

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO SUBMIT AN APPLICATION AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT FOR PLANNING, DESIGN, AND/OR CONSTRUCTION; DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN; AND DECLARING AN EMERGENCY.

EXECUTIVE SESSION:

At approximately 8:20 p.m. Fahl moved to go into Executive Session to discuss two Matters of Promotion & Compensation for Public Officials, and invited the Mayor, Service-Safety Director, Auditor, and Law Director to attend; Risner 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 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; Crowl seconded. Motion was approved unanimously.

President of Council

ATTEST:

Acting Clerk of Council