

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, DECEMBER 4, 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, Law Director Eliason, and Auditor Hecht.

APPOINT ACTING CLERK:

Fahl moved to appoint Councilman Butler to serve as Acting Clerk for this session; Risner seconded. Appointment was approved unanimously.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported the following:

- Boil order in place in the Wonder Hills area until 2:00 p.m. tomorrow.
- 2019-2020 Capital Budget Process – City projects can be put forward in an attempt to get them into the Capital Budget – deadline to remit to State Representative Edwards and Senator Hoagland is December 20 – these project proposals will also be forwarded to Buckeye Hills Regional Council.
- SB 331, the Small Cell Bill, the City joined a lawsuit and was successful in that the Bill was found to be unconstitutional under the single subject rule. A future standalone Bill is being discussed and municipalities will have a voice as the Bill moves forward.

Auditor Hecht updated Council on the Credit Card Policy as it moves through the State Legislature. It appears the Council will need to appoint a Compliance Officer to do quarterly reviews. Additional information will be made available and legislation will be required as this moves forward next year.

ORDINANCES FOR THIRD 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. Fahl moved for Adoption; Risner seconded. Adoption was approved unanimously.

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

ORDINANCES FOR SECOND 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.

0-143-17

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.

ORDINANCES FOR FIRST READING:

0-145-77

AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO DEPOSIT 50% OF THE TRANSIENT GUEST TAX REVENUE COLLECTED FROM JANUARY 1, 2018 THROUGH DECEMBER 31, 2020, INTO THE TOURISM FUND; AND DECLARING AN EMERGENCY.

0-146-17

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PROVIDE FINANCIAL SUPPORT FOR THE OPERATION OF THE ATHENS COUNTY CONVENTION AND VISITORS BUREAU; AND DECLARING AN EMERGENCY. Fahl moved to amend the contract period from one to three years; Papai seconded. Discussion: Papai believes the longer term agreement is more practical for planning purposes, budgeting and staffing of the Bureau. Amendment was approved unanimously.

Mayor Patterson pointed out that the rationale for a one-year agreement is that another tourism agency for the City of Athens may open and an annual agreement would provide for that, as opposed to waiting three years.

Council Member Fahl believes that the contract language provides for that by having a 120-day notice of termination clause by either party.

Law Director Eliason noted that the agreement language also needs to be amended to read through December 31, 2020.

Auditor Hecht requested that the last sentence under "City Agrees" should be removed as it is no longer necessary.

Amendment was approved unanimously.

0-147-17

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT EXTENSION TO PROVIDE FINANCIAL SUPPORT FOR THE OPERATION OF THE ATHENS COUNTY ECONOMIC DEVELOPMENT COUNCIL; AND DECLARING AN EMERGENCY.

0-148-17

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; Fahl seconded. Adoption was approved unanimously.

0-149-17

AN ORDINANCE AUTHORIZING THE ANNUAL COMPENSATION FOR THE MUNICIPAL COURT CLERK; AND DECLARING AN EMERGENCY. Risner moved for Suspension of the Rules in order to meet the payroll deadline; Kotses seconded. Suspension of the Rules was approved by a 6-1 vote, with Papai voting in opposition. Risner moved for Adoption; Kotses seconded. McGee cited a conflict of interest since he works closely with the Municipal Court Clerk. Discussion: Papai questioned how the salary level was determined.

Risner responded that this is the entry level for pay grade 9, which is the pay grade for other City mid-level supervisors.

Butler is perplexed that this amount is lower than what was requested by the Judge.

Adoption was approved by a 4-2-1 vote, with Butler and Papai voting in opposition, and McGee abstaining.

0-150-17

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ATHENS, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2018. Discussion: President Knisely noted that the 2017 General Fund Budget was \$15.4 million and for 2018 it is \$15.9 million. The overall 2017 Budget was \$39.4 million and for 2018 it is 42.7 million.

0-151-17

AN ORDINANCE AUTHORIZING 2018 STAFFING LEVELS AND NON-UNION COMPENSATION; REPEALING ALL ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY.

0-152-17

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.

0-153-17

AN ORDINANCE AMENDING ORDINANCE 77-17, AUTHORIZING ARTS/WEST RENOVATIONS PROJECT (#314); AND DECLARING AN EMERGENCY.

0-154-17

AN ORDINANCE DECLARING CERTAIN POLICE DEPARTMENT FIREARMS, OBSOLETE EQUIPMENT, AND FORFEITED AND ABANDONED BICYCLES, NO LONGER NEEDED FOR A MUNICIPAL PURPOSE.

ANNOUNCEMENTS & OTHER BUSINESS:

President Knisely announced that City Council will be meeting in Special Session this Thursday, December 7, at 7:00 p.m., with a final Regular Session to be held on Monday, December 11, at 7:00 p.m.

Butler moved approval of the Stimson Mural project as recommended by AMAC; Papai seconded. Motion was approved unanimously.

Risner moved approval of the Treasurer's 2017 Interest Income report as attached; Fahl seconded. Motion was approved unanimously.

EXECUTIVE SESSION:

At approximately 8:00 p.m. Fahl moved to go into Executive Session to discuss Pending Litigation, and invited the Mayor, Auditor, and Law Director to attend. Butler seconded. A roll call vote was taken as follows: Butler, aye; Fahl, aye; Kotses, aye; McGee, aye; Papai, aye; Risner, aye; and Smedley, aye.

Fahl moved to come out of Executive Session at approximately 8:15 p.m.; Risner seconded. Motion was approved unanimously. Fahl then moved to adjourn the meeting; McGee seconded. Motion was approved unanimously.

President of Council

ATTEST:

Acting Clerk of Council