

**ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, MARCH 20, 2017,
7:00 P.M.**

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

Also present: President Knisely and Mayor Patterson.

DISPOSITION OF MINUTES:

Fahl moved approval of the minutes of the Regular Session of Council held March 6, 2017; Cochran seconded. The minutes were unanimously approved as presented.

COMMUNICATIONS:

President Knisely acknowledged notification from the Ohio Division of Liquor Control of a new C2 liquor permit request (wine and mixed beverages in sealed containers for carryout) for the Silver Serpent, LLC, 55 North Court Street. Responses must be postmarked no later than April 17, 2017.

The President also recognized and welcomed our State Representative Jay Edwards as a guest this evening.

Council Member Cochran is in receipt of a communication from a concerned citizen about the removal of the parking meters on West Union Street. While Cochran understands these meters are being replaced with a kiosk, in the meantime not everyone has access to a "smartphone" in order to pay for parking spaces that no longer have meters. This is a concern for those not having this technology.

Council Member Papai continues to receive many letters regarding the move to improve East State Street. There are many letters in support of the design, as well as many who continue to have safety concerns.

Mayor Patterson has also received a large number of correspondence from citizens, a lot of those in favor of the design, and fewer that object to it.

ORDINANCES FOR THIRD READING:

0-15-17

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO AUTHORIZE AND ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACT(S) FOR CONSTRUCTION AND ENGINEERING SERVICES FOR THE NORTH CONGRESS AREA SEWER LINE (PROJECT #289). Papai moved for Adoption; Cochran seconded. Adoption was approved unanimously.

0-16-17

AN ORDINANCE AMENDING THE 2017 APPROPRIATION ORDINANCE, AND ORDINANCE 77-16; AUTHORIZING ENGINEERING SERVICES FOR THE EAST STATE STREET/US 33 PROJECT #288. Papai moved for Adoption; Fahl seconded. Discussion: Papai acknowledged safety concerns raised at the March 13th meeting by residents living in the area as it relates to the design. She then reported on the timeline (see attached) for this project. On January 11, 2016, the project was discussed, and at that time it was reported that this would be a “complete” street project which looks at multi-module transportation, vehicles, bicycles and pedestrians, and engineering was being prepared. On February 6, 2017, City Council viewed, for the first time, the design plans. She clarified that the Ordinance for final reading this evening, simply appropriates and authorizes the expenditure for a Small Cities ODOT grant (\$142,650), to the already approved East State Street design authorized by Ordinance 08-16, adopted February 15, 2016. The total amount authorized for the engineering, including the Small Cities ODOT Grant, is \$582,650. The projected total cost of this improvement is \$6.1 million. Papai, President Knisely, and Mayor Patterson met today with some citizens from the Far East Side to discuss their concerns. Last week these residents had asked that City Council Table this ordinance. After this meeting and additional information, Papai has decided not to Table it, but to move it forward.

While there was a lot of public outreach early on about this project, moving forward Fahl would like a better public information process as projects continue through the actual design phase. She applauds the idea of “complete” streets; it is a progressive way of thinking about multi-module transportation. As supported by studies, the narrowing of lanes helps reduce vehicular speed. Pedestrians feel safer with a bike lane next to the sidewalk, separating them even further from vehicular traffic.

McGee questioned whether there will be further opportunity to address the issue of bike lanes, or if the design planning phase is complete.

Cochran is sensitive to the safety concerns expressed by the far east side residents, but she is also confident that this design will improve the safety of the

East State Street corridor for all who travel it. She is excited to see Athens continuing to make forward progress in becoming a more sustainable and active transportation City. Putting this infrastructure in place ensures that our City will move into the future with a more healthful attitude and lifestyle, having better access to travel in all different modes. She added, this is in keeping with our Pedestrian and Bicycle Master Plan and our comprehensive planning process that has been ongoing for a number of years.

Kotses thinks everyone can agree that the street in its current design is failing; it is not safe. He has studied this new design and believes it will make the street safer. This is a tested design that has proven results.

Butler expressed his support for moving forward with this design plan. This project is a perfect opportunity to move in a direction that is inclusive. He supports the idea of “complete” streets. We need to be attentive to the needs of all our citizens.

While it would be convenient for those who want to bike on East State Street, McGee continues to have concern with the volume and speed of vehicular traffic and the safety of bicyclists.

Fahl believes this design is an innovative plan for tomorrow and identifies safety features for today, narrowing the lanes to reduce speed, and address congestion by offering access to other modes of transportation to access vital infrastructure.

Papai appreciates the opportunity to meet with the residents and the Mayor, and to listen to their concerns. Even though public input was sought early in this project, a better job needs to be done in reaching out to those most affected throughout this lengthy process. The residents in the area want to reduce speed, enjoy a healthier community, and a safe environment, stressing that these residents need to be included as we move toward the finish line on this project.

Mayor Patterson is pleased that this project will provide transportation options for all citizens. The sidewalk construction offers reasonable accommodation for pedestrian accessibility. Again, January, 2016, was when “complete” street was first publically discussed. The adoption of tonight’s legislation is to approve the increased authorized expenditure for additional design that includes the environmental review, lighting improvements, and the Home Street traffic signal. If adoption is delayed, engineering work will be

stopped on these items, and with this slowing of the work schedule, the City will miss the ODOT's environmental completion date, which will then lead to other delays. He proposed that the City can build into this design, (6) dedicated solar SAM units to monitor speed.

Adoption was approved unanimously.

0-17-17

AN ORDINANCE CLOSING A PORTION OF COURT STREET BETWEEN WASHINGTON AND CARPENTER ON SATURDAY, JUNE 17, FROM 6:00 A.M. TO 1:00 A.M. ON SUNDAY, JUNE 18, 2017, FOR "BOOGIE ON THE BRICKS" A FAMILY MUSIC AND ARTS FESTIVAL. Papai moved for Adoption; Butler seconded. Adoption was approved unanimously.

0-18-17

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE SECTION 13.04.10, UNNECESSARY NOISE, IN THE DOWNTOWN AREA, ON SATURDAY, JUNE 17, AND UNTIL 1:00 A.M. ON SUNDAY, JUNE 18, 2017, FOR "BOOGIE ON THE BRICKS" A FAMILY MUSIC AND ARTS seconded. As requested by the Police Chief, Papai moved to Amend Section I to read as follows: "The enforcement of Athens City Code Section 13.04.10, Unnecessary Noise, is hereby suspended on Saturday, June 17, to 1:00 a.m. Sunday, June 18, 2017, for any sound stage sanctioned by and erected for the "Boogie on the Bricks" event on Court Street or contiguous property to Court Street to accommodate the bandstand performances or other scheduled activities on said stages for this event." This language is in line with modifications made to the Halloween event last year. Fahl seconded. Amendment was approved unanimously.

0-19-17

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING, TO ALLOW VENDING IN A DESIGNATED AREA ON SATURDAY, JUNE 17, AND UNTIL 1:00 A.M. ON SUNDAY, JUNE 18, 2017, DURING THE "BOOGIE ON THE BRICKS" FAMILY MUSIC AND ARTS FESTIVAL. Papai moved for Adoption; Butler seconded. Adoption was approved unanimously.

0-20-17

AN ORDINANCE AUTHORIZING THE PAYMENT OF A PRIOR YEAR EXPENSE; AND DECLARING AN EMERGENCY. Butler moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-21-17

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 3, ADMINISTRATIVE PROVISIONS, CHAPTER 3.07, ADMINISTRATIVE DEPARTMENTS; BOARDS AND COMMISSIONS, SECTION 3.07.50, ESTABLISHMENT OF COMMISSION (ATHENS MUNICIPAL ARTS COMMISSION). Butler moved for Adoption; Fahl seconded. Discussion: McGee questioned whether the term limits apply to current members.

Fahl responded that the Law Director can make that determination. Adoption was approved unanimously.

0-22-17

AN ORDINANCE AMENDING ORDINANCE 142-16; INCREASING THE CITY'S 2017 COMMITMENT TO PROVIDE FINANCIAL SUPPORT FOR THE OPERATION OF THE ATHENS COUNTY ECONOMIC DEVELOPMENT COUNCIL. Fahl moved for Adoption; Butler seconded. Discussion: Fahl would like better communication from the Director of the Economic Development Council.

Butler believes we are fortunate to have this entity within our community. Knowing that there is so much financial support, he expects more excitement and energy generated by EDC. Additionally, the impact of the arts has been expressed to the EDC on more than one occasion with no action, and he would like to see more interest in that area.

Papai would like more transparency. The EDC provides a good service to our community, but feels information is lacking.

McGee clarified that this a very short-term contract, ending December 31, 2017.

Mayor Patterson sits on the EDC's Board of Directors, and he can certainly report quarterly to the Council, and the Executive Director can plan to attend to present a year-end review and to discuss next year's contract.

Adoption was approved unanimously.

0-23-17

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 7, TRAFFIC CODE, CHAPTER 7.04, TRAFFIC RULES, SECTIONS 7.04.40 (B) AND (L), PROCESSIONS AND PARADES; PERMIT REQUIRED. Fahl moved for Adoption; Papai seconded. Discussion: Fahl explained that this will reduce the amount of time needed to receive a permit for a procession or a parade from three weeks to seven (7) days in advance of the event, adding that even this time period may be waived at the discretion of the Chief of Police, and that there will be no fee. This will ensure that our citizen's first amendment rights are respected.

McGee applauds reducing the permit time period and amending the penalty from a criminal violation to an administrative fine, but he feels (3) days would be better than (7) days.

Fahl feels the waiver addresses time sensitivity.

Mayor believes this is a positive step forward.

Adoption was approved unanimously.

0-24-17

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 7, TRAFFIC CODE, CHAPTER 7.03, PASSENGERS; OPERATORS; ACCIDENTS, SECTIONS 7.03.40, SIDEWALK VIOLATIONS, 7.03.99 PENALTY, AND 7.09.99 (G), PENALTIES. Fahl moved for Adoption; Papai seconded. Discussion: Papai clarified that this pertains only to select "signed" sidewalks in the uptown area.

Mayor Patterson noted that, once approved, the City plans to launch a "Walk Your Bike, Carry your Board" educational campaign.

Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

0-25-17

AN ORDINANCE GRANTING A VARIANCE FROM THE ATHENS CITY SUBDIVISION REGULATIONS, FOR PROPERTY LOCATED AT 2131 EAST STATE STREET, HOLZER HEALTH SYSTEM, TO ALLOW A MINOR LOT SPLIT.

0-26-17

AN ORDINANCE AUTHORIZING THE DONATION OF LAW ENFORCEMENT TRUST FUNDS TO ASSIST WITH THE PURCHASE OF FORENSIC EQUIPMENT FOR THE EMERGENCY ROOM AT OHIO HEALTH O'BLENESS HOSPITAL.

0-28-17

AN ORDINANCE AMENDING THE 2017 APPROPRIATION ORDINANCE.

Butler moved for Suspension of the Rules to allow Municipal Court to make final payment on its new computer system by the end of the month; Fahl seconded.

Suspension of the Rules was approved unanimously. Butler moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-29-17

AN ORDINANCE DETERMINING TO PROCEED WITH THE ASSESSMENT PROCEDURE FOR SIDEWALK IMPROVEMENTS ON FRANKLIN AVENUE, PROJECT #301, AS DESCRIBED IN RESOLUTION R-08-16; AND DECLARING AN EMERGENCY.

0-30-17

AN ORDINANCE CLOSING A PORTION OF COURT STREET BETWEEN WASHINGTON AND CARPENTER ON SATURDAY, JULY 22, 2017, FROM 6:00 A.M. TO MIDNIGHT FOR OHIO BREW WEEK.

0-31-17

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE SECTION 13.04.10, UNNECESSARY NOISE, IN THE DOWNTOWN AREA, ON JULY 22, 2017, FOR OHIO BREW WEEK. As requested by the Police Chief, Papai moved to Amend Section I to read as follows: "The enforcement of Athens City Code Section 13.04.10, Unnecessary Noise, is hereby suspended on Saturday, July 22, 2017, from 10:00 a.m. to midnight, specifically for any sound stage sanctioned by and erected for the Brew Week event on Court Street or contiguous property to Court Street, to accommodate the bandstand performances or other scheduled activities on said stages for this event." Fahl seconded. Amendment was approved unanimously.

0-32-17

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING, TO ALLOW VENDING IN A DESIGNATED AREA ON SATURDAY, JULY 22, 2017, DURING THE OHIO BREW WEEK EVENT.

0-34-17

AN ORDINANCE AUTHORIZING A CONTRACT WITH THE WASHINGTON COUNTY COMMISSIONERS; AND DECLARING AN EMERGENCY.

ORDINANCES FOR FIRST READING:

0-35-17

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT WITH ODOT FOR A TRANSPORTATION ALTERNATIVES PROGRAM GRANT FOR THE NW ATHENS BIKEWAY SPUR PHASE III (PROJECT #296); AND DECLARING AN EMERGENCY.

0-36-17

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR SIDEWALK IMPROVEMENTS ON FRANKLIN AVENUE, ASSOCIATED WITH PROJECT #301; AND DECLARING AN EMERGENCY.

0-37-17

AN ORDINANCE AFFIRMING THE MAYOR'S EXECUTION OF AN AGREEMENT WITH THE BOARD OF ATHENS COUNTY COMMISSIONERS FOR THE PURPOSE OF OBTAINING THE SERVICES OF THE PUBLIC DEFENDER'S OFFICE FOR THE PERIOD FROM JANUARY, 2016 THROUGH DECEMBER 31, 2016.

0-38-17

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, 2017.

0-39-17

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 9, GENERAL REGULATIONS, CHAPTER 9.12, STREETS AND SIDEWALKS, SECTION 9.12.17, STREET AND SIDEWALK OBSTRUCTION. Discussion: McGee is concerned that the current City Code language appears to allow numerous violations of obstruction on a regular basis. Through this Ordinance he has attempted to address situations as they may occur.

Papai asked McGee to consider removing the language authorizing the placement of port-a-johns during non-City sanctioned events when requested by a resident. She doesn't feel it is appropriate in this legislation.

Fahl believes port-a-johns obstructing the sidewalk or street during a fest is a safety issue. During fests attendees are encouraged to be on the sidewalks and not in the street. She agrees with Papai, this needs to be dealt with separately.

Butler agrees, the port-a-john issue is its own entity. He also has an issue with charging \$300.00 per parking space.

Cochran, likewise, is concerned about the port-a-john issue. On the one hand this legislation is working to reduce obstruction of the sidewalk, and on the other is increasing the obstruction. She would encourage those organizing and participating in the fests to place port-a-johns on their own private property.

When sidewalks are closed to pedestrians, Kotses would like to see an area where pedestrians could safely pass. This could possibly be discussed prior to project implementation.

Mayor Patterson expressed concern for the City's liability in allowing port-a-johns on public property. Also, our sidewalks offer reasonable accommodation to all pedestrians. At the recent Mill Fest he noted several port-a-johns placed in the backyards of those houses hosting parties. Also, he believes item (5) is an administrative function and he views this as legislative overreach.

Guy Philips, North Congress Street, believes the Union Street fire and his ability to make repairs to his structure may be the reason for this legislation. He likened the timeline of these improvements to those discussed earlier on the East State Street design. Large projects, with many unknowns and for varying reasons, take a lot of time. He added, a builder certainly doesn't need any extra incentive to get the job done and move on.

0-40-17

AN ORDINANCE TO BRING SUIT ON BEHALF OF THE CITY OF ATHENS, DECLARING SUBSTITUTE SENATE BILL 331 AS UNCONSTITUTIONAL AND IN VIOLATION OF OHIO LAW; AND DECLARING AN EMERGENCY. Fahl moved for Suspension of the Rules so that this legislation is in effect prior to the effective date of SB 331; Butler seconded. Suspension of the Rules was approved unanimously. Fahl moved for Adoption; Papai seconded. Adoption was approved unanimously.

0-41-17

AN ORDINANCE ESTABLISHING THE ATHENS SUSTAINABILITY ACTION PLAN.

0-42-17

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO EXECUTE AN ELECTRIC LINE EASEMENT WITH THE OHIO POWER COMPANY (AEP) TO BE LOCATED ALONG THE REAR OF THE MUNICIPAL PARKING FACILITY; AND DECLARING AN EMERGENCY. Discussion: Mayor Patterson explained that the City requested this corrective action to improve service reliability to uptown businesses in the area.

Papai is appreciative of AEP's cooperation.

ANNOUNCEMENTS & OTHER BUSINESS:

Cochran moved to reappoint Nancy Walker as an alternate member on the Shade Tree Commission for a new 2-year term that will expire March 16, 2019; Fahl seconded. Reappointment was approved unanimously.

McGee moved to reappoint Aaron Thomas as an alternate member on the Board of Zoning Appeals for a new 3-year term that will expire February 28, 2020; Fahl seconded. Mr. Thomas completed Ellen Soltow's unexpired term in 2016. Reappointment was approved unanimously.

Cochran moved to accept the Auditor's February, 2017, Financial Reports; Fahl seconded. Motion was approved unanimously.

Fahl moved to adjourn the meeting; Butler seconded. Adjournment was approved unanimously.

President of Council

ATTEST:

Clerk of Council