

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, FEBRUARY 1, 2016, 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, Papai, and Risner.

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

Papai moved to amend the Agenda to add Ordinance 18-16; Fahl seconded. The motion to amend the Agenda was approved unanimously.

COMMUNICATIONS:

President Knisely is in receipt of a letter from the Athens City Police Department, Chief of Police Tom Pyle, regarding compliance with the Ohio Revised Code, giving an accounting of the expenditures for the Law Enforcement Trust Fund during 2015.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported the following:

- A letter from the Ohio Department of Agriculture regarding an extensive Gypsy Moth capture program across Ohio. An aerial treatment(s) of forested areas infested with the Gypsy Moth will begin in mid-June. City Engineer Stone has requested that the City's Wellhead Protection area not be included, and that has been removed from the spray zone.
- APD and the OUPD has increased foot patrol in the uptown area and other locations of concern due to the recent sexual assault cases. Visit www.oesec.org/standup for information regarding being an upstanding, active bystander.
- The City is seeking nominations through March 1st, for the Athena Award. This award is presented annually by the City of Athens to a person, organization, or business for excellence in improving the quality of life for those with disabilities and who have made significant contributions to the City of Athens on their behalf. If you would like to nominate someone for the award, nominations can be sent to the Mayor's office or to the Commission on Disabilities.

ORDINANCES FOR SECOND READING:

0-02-16

AN ORDINANCE AUTHORIZING ENGINEERING SERVICES FOR AN OUTDOOR MUNICIPAL SWIMMING POOL (PROJECT #292); AND AUTHORIZING THE AUDITOR TO BORROW UP TO (\$500,000.00) FOR SAID SERVICES. Discussion: Butler continues to express his support.

Papai shared that her confidence level during this process has waxed and waned over the past year; the information has been very confusing. It is difficult for her to go along with the language “outdoor” pool when citizens have expressed an interest in a natatorium.

McGee’s understanding is that even if City Council approves this legislation, the new pool will not be completed in the coming year; he sees no reason to rush this ordinance.

President Knisely clarified that advance planning is necessary. The timeline for engineering is needed now, so the pool can be constructed for the 2017 season.

Fahl reiterated that this planning process has been confusing and did not serve the public well. Her concern is that moving forward with a very specific ordinance precludes the City from being able to get RFQ’s that can satisfy some of the issues that have been brought up during the planning that haven’t been well addressed by the consultants.

Kostses believes that Council Members can all agree that our outdoor pool has lived its useful life, so moving forward with plans to replace what needs to be replaced seems like a reasonable request.

Butler agrees with Kotses, this outdoor pool that is 40+ years old is what needs to be replaced for our community.

Papai continues to be concerned about the fairness to the citizenry who were lead to believe that options for an indoor pool were viable.

Mayor Patterson agrees with Papai about the fairness issue. He also thinks, in speaking about fairness, there is a vast majority of Athens’ populace that has not yet been heard from. His fear is expending approximately \$150,000 to keep our current pool open this season, with nothing even in the pipeline for replacing it the following year. He believes the City has gone through the proper exercise over the last year and a half. We have been told repeatedly that an indoor pool, due to operational staffing, would run at a deficit, as shown in other

municipalities; from a budget standpoint, this is not the way to go. How responsible is this to the public? On the other hand, the outdoor pool typically breaks even. As a Council Member last July, he was in favor of slowing down the process, but we've been holding back several months on this project that the citizenry is already paying taxes on.

Auditor Hecht reiterated that if the design for the pool comes in at a lower cost, the money will stay in the fund and be available for other purposes outlined in the levy. This has been a long process, over a year, and it is time to move forward with the initial intent to replace the existing outdoor pool. The process ahead is also a long process. Aside from approving the ordinance before you, going out to bid, reviewing and accepting bids for design, going to bond counsel for purposes of reviewing our bond rating (a couple of months), and then final legislation for borrowing and construction. So, this needs to start sooner rather than later to even have an outdoor pool in 2017.

Law Director Eliason clarified a question brought up by Councilman McGee. He asked about the 2014 ordinance and ballot language. They both said a swimming pool. Council Member Papai voiced her concern that maybe it wasn't specific enough, but that often time happens. There is a basic tenant of law that states that you look at the legislative intent.

Peter Hoffman-Pinther, Columbia Avenue, suggests presenting realistic plans for a natatorium to the public and placing it on the ballot separately to be voted on by the electorate. A natatorium is a very progressive move.

Ric Abel, former Mayor and current Chair of the Arts, Parks and Recreation Advisory Board (A, P & R), explained that four years ago when he was appointed to the Board they immediately began discussion of how to replace the outdoor pool. To keep from asking voters for an additional tax, it was decided that when the tax levy for the Community Center was paid off would be a good time to return to the voters to continue the tax to replace the pool along with other necessary improvements in our recreational areas. The City has owned an outdoor pool for 70 years, and Ohio University has maintained only an indoor pool, and as such no thought was given as to what the term "pool" meant. He wrote a letter to the editor and a flyer went to City residents informing them of the intention to replace the existing 40+ year old pool among many other items, and 59% of the voters spoke loud and clear that they support our community's Arts, Parks & Recreation. In late 2013 the A, P & R Master Plan was prepared that speaks to replacing the existing pool. A letter has been submitted to City Council and the Administration outlining the types of projects for the balance of the levy. He urged the Council to approve this Ordinance; start the design process so we

can get a cost to move forward with a construction timeline. This is a large project with a long process, and we need to move ahead now in order to, hopefully, begin construction before the fall.

Todd Swearingen, Guysville, continued to voice his concern with the design and cost of the outdoor pool; the numbers do not add up. He believes there has been a lack of planning and poor planning, and opportunities have been lost. It is not just the loss of an indoor pool, but a permanent loss of other projects; the list is lengthy. As a result of the vast inconsistencies to date, he asked that Council Table this Ordinance and allow the public to decide whether an attempt should be made for a second levy before any commitment is made by City Council about any type of pool.

0-03-16

AN ORDINANCE AUTHORIZING THE PURCHASE OF SOFTENING SALT FOR THE WATER TREATMENT PLANT.

0-04-16

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A HOUSING REVOLVING LOAN FUND ADMINISTRATION AGREEMENT WITH THE STATE OF OHIO, DEVELOPMENT SERVICES AGENCY; AND DECLARING AN EMERGENCY.

0-05-16

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A WATER AGREEMENT WITH THE LE-AX REGIONAL WATER DISTRICT TO RELEASE UPON ANNEXATION CERTAIN PROPERTY WITHIN THEIR SERVICE AREA TO THE CITY OF ATHENS.

0-06-16

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 23, ZONING CODE, TO CHANGE THE ZONING OF RESIDENTIAL HEALTH CARE FACILITIES.

0-07-16

AN ORDINANCE DETERMINING TO PROCEED WITH THE ASSESSMENT PROCEDURE AND SIDEWALK IMPROVEMENTS ON CENTRAL AVENUE, NORTH CONGRESS STREET, AND SOUTH MAY AVENUE, PROJECT #294, AS DESCRIBED IN RESOLUTION R-07-15; AND DECLARING AN EMERGENCY.

0-08-16

AN ORDINANCE AUTHORIZING ENGINEERING SERVICES FOR THE EAST STATE STREET/US 33 PROJECT #288.

0-09-16

AN ORDINANCE AUTHORIZING IMPROVEMENTS ON FRANKLIN AVENUE, PROJECT, #301.

0-10-16

AN ORDINANCE AMENDING THE 2016 APPROPRIATION ORDINANCE; AND AUTHORIZING SALARY INCREASES FOR CERTAIN POSITIONS IN ATHENS COUNTY MUNICIPAL COURT TO BE PAID RETROACTIVELY.

0-11-16

AN ORDINANCE AMENDING THE 2016 APPROPRIATION ORDINANCE. Risner moved for Suspension of the Rules; Papai seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Butler seconded. Adoption was approved unanimously.

0-12-16

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$35,000 OF NOTES BY THE CITY OF 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 ACQUIRING AND INSTALLING ENERGY CONSERVATION IMPROVEMENTS AT THE CITY'S RECREATION CENTER; AND DECLARING AN EMERGENCY.

ORDINANCES FOR FIRST READING:

0-13-16

AN ORDINANCE AUTHORIZING THE PURCHASE OF A SALT TRUCK.

0-14-16

AN ORDINANCE AMENDING THE 2016 APPROPRIATION ORDINANCE. Risner moved for Suspension of the Rules; Fahl seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-15-16

AN ORDINANCE AMENDING ORDINANCE 01-16, STORM WATER REPAIR ON NORTH COURT STREET (PROJECT (#300); AND DECLARING AN EMERGENCY.

0-16-16

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 5, PUBLIC UTILITIES, CHAPTER 5.02, GARBAGE AND RUBBISH, SECTION 5.02.03(D), PREPARATION AND STORAGE, AND TITLE 29, HOUSING REGULATIONS, CHAPTER 29.12, PREMISES CONDITIONS, SECTION 29.12.02, CITATION.

0-17-16

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 17, MUNICIPAL INCOME TAX, CHAPTER 17.03, TRANSIENT GUEST TAX, SECTION 17.03.01, DEFINITIONS, TO INCLUDE BED AND BREAKFASTS; AND AMENDING CERTAIN SECTIONS OF TITLE 23, ZONING CODE, CHAPTER 23.04, PERMITTED USES. Discussion: Betty Hollow, Maplewood, pointed out that the City's Comprehensive Plan for all residential neighborhoods is to maintain low level density, and to discourage the growth of R-3 zones within those neighborhoods. She hopes the Mayor and Council will continue to support the Plan's goals, and suggested resisting any current pressure to move quickly to change the current City Codes. She doesn't believe there is any particular urgency to have this happen right away. Continuing to examine any change will better serve the town itself and its residents. Creating a whole new category of rentals (Bed & Breakfasts) in a town that is already 70% + rental housing would not be the most prudent thing to do. She pointed out the current City Code language in addressing permitted uses in residential districts clearly limits transients. By allowing Bed & Breakfasts in these zones that restriction will be eliminated, and will contradict the current Comprehensive Plan's goals of discouraging transients in R-zones, limiting the growth of R-3 zones in our neighborhoods, and reducing density and traffic in the residential zones.

Fahl apologizes for the confusion during this process with public discussion of Airbnb's. The recommendation from the Planning Commission does not specifically address the Airbnb concept. It will be handled as a separate recommendation from the Planning Commission. She would like time to rework the Ordinance for purposes of clarity, bring it back to Council committee for discussion. Fahl moved to Table Ordinance 17-16; Papai seconded. Tabling was approved unanimously.

0-18-16

AN ORDINANCE AMENDING ORDINANCE 118-15; AUTHORIZING CONSTRUCTION AND CONSTRUCTION ENGINEERING SERVICES FOR THE DEPOT LIFT STATION (PROJECT #286); AND DECLARING AN EMERGENCY. Discussion: Butler explained that when this project was initially bid, the bids came in too high. Bids were opened for a second time on this

project late this afternoon, and the City received a good bid within 10% of the allowed.

Mayor Patterson added, this is a deep well excavation on the west side that requires a lot of lift up the West Union Street hill, and then on to the Wastewater Treatment Plant. An additional \$308,000 will be needed to move this project forward.

Butler moved for Suspension of the Rules since the City is under some time constraints with grant money deadlines; Risner seconded. Suspension of the Rules was approved unanimously. Butler moved for Adoption; Papai seconded. Adoption was approved unanimously.

ANNOUNCEMENTS & OTHER BUSINESS:

Fahl moved to appoint Ric Abel, Steve Sloan, and Bick Weissenrieder, to a three-year term, along with Ann Gabriel serving as an alternate, to the Local Board of Tax Review; Cochran seconded. Appointments were approved unanimously.

The following committees will meet next Monday, February 8th:

- Planning & Development
- Finance & Personnel
- Transportation

Mayor Patterson shared that yesterday was the final day for the Community Savers Program. Data collected through January 8th showed that AEP had reached 92% of the 100% goal and Columbia Gas had reached 93%. Obviously, these figures do not reflect from January 9th through the end of the month. He is very hopeful that they both have met their 100% goal.

At approximately 8:15 p.m., Cochran moved to adjourn the meeting; Fahl seconded. Motion was approved unanimously.

President of Council

ATTEST:

Clerk of Council