

**ATHENS CITY COUNCIL: PUBLIC HEARING, MONDAY, FEBRUARY 15, 2016,  
7:00 P.M. – RESIDENTIAL CARE FACILITIES.**

Council Members in Attendance: Butler, Cochran, Fahl, Kotses, McGee, and Risner.

Also Present: President Knisely, Mayor Patterson, and Law Director Eliason.

Attendance by the Public: (see attached list)

President Knisely opened the Public Hearing to discuss the Residential Care Facilities.

Council Member Fahl explained that this hearing is to consider a recommendation from the Athens City Planning Commission to amend the Athens City Zoning Code for Residential Care Facilities from an R-3 conditionally permitted use to an R-1 principal permitted use as per ADA requirements, along with associated Off-Street Parking Requirements.

The hearing was opened to the public for comments. Hearing none, the public hearing adjourned at approximately 7:05 p.m.

---

Chris Knisely  
President of Council

ATTEST:

---

Clerk of Council

**ATHENS CITY COUNCIL: OHIO ETHICS TRAINING PRESENTATION: LAW  
DIRECTOR ELIASON, MONDAY, FEBRUARY 15, 2016, 6:00 P.M.**

Athens City Council Members in attendance: Butler, Cochran, Fahl,  
Kotses, McGee, and Risner.

Also Present: Clerk of Council Walker

Law Director Eliason presented information to City Council on Ohio Ethics.  
(see attached). No questions were entertained; Law Director Eliason requested  
the members contact her directly.

**ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, FEBRUARY 15, 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, and Risner.

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

**DISPOSITION OF MINUTES:**

Fahl moved approval of the minutes of the Regular Session of City Council held January 19, 2016; Cochran seconded. The minutes were unanimously approved as presented.

Risner moved approval of the minutes of the Regular Session of City Council held February 1, 2016; Cochran seconded. The minutes were unanimously approved as presented.

**COMMUNICATIONS:**

**Council Member McGee** had the opportunity to speak to a student group, and they expressed a great interest in petitioning Council and the Administration to close City streets for upcoming fests.

**Council Member Butler** acknowledged that many Council Members have received letters both for and against certain aspects of the City pool, indoor/outdoor.

**President Knisely** noted that several communications have also been received regarding the mural project proposed at ARTS-West.

**Council Member Kotses** also mentioned receipt of communications about Bed & Breakfasts and Air B 'n B's.

**REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:**

**Mayor Patterson** reported the following:

- Waterline maintenance repair at the intersection of East State and Home Streets. Motorists should exercise caution in that area.

## **ORDINANCES FOR THIRD 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. Butler explained there is a need to move quickly through this process in order to have the pool open in 2017. Concerns acknowledged by the Arts, Parks & Recreation Advisory Board are many with the current outdoor pool. There are massive tears in the liner and cracks in the original concrete causing instability and water retention issues. The now failing liner was replaced approximately fifteen years ago at a cost of about \$130,000. The community is in desperate need of a new pool. Also, the current pool is not ADA accessible, nor compliant.

Fahl moved to amend the language to remove “outdoor” municipal swimming pool and replace with municipal swimming pool “options;” Cochran seconded. She believes the term “outdoor” limits our options.

Butler is opposed to the amendment. The need is for an outdoor pool at this time.

McGee has received correspondence from citizens indicating that they are quite concerned that their children may not have an outdoor pool for the summer. However, he is not convinced that now is the time to remove the option for an indoor pool. He supports the amendment.

Cochran is also in favor of keeping options open.

Butler reiterated earlier concerns that the City does not have the revenue to operate an indoor facility. He suggested looking at a public-private partnership for an indoor pool.

Kotses is concerned that an indoor-outdoor combination may be too pricey for a certain part of the population. Currently, this is recreation that is affordable and achievable both for our community and our region. He worries that the price structure may change with a year-round facility. He added, the Ohio University Aquatic Center is open to the public several hours a week.

Mayor Patterson’s biggest concern is the deficit the City will be seeing with operation of an indoor pool. Groveport City built an indoor pool in 2003-04 and he was informed that their indoor pool operates at a 20% deficit annually, moving forward. He also shared that within a 15 mile radius of Groveport there are no other indoor aquatic centers. For a city the size of Athens to have two indoor pools is almost unthinkable. Our levy dollars will support only one facility, indoor or outdoor. Finally, he distinctly recalls in 2014 that the levy was to replace the aging outdoor pool. He asked City Council to be fiscally prudent and savvy if an

indoor aquatic center is to be considered; how dollars will be rearranged to keep it in the black.

Fahl lacks confidence in consultant's report and thinks her amendment opens the RFQ for creative ideas to address more of the ideas voiced by the community; let's keep our options open.

Peter Hoffmann-Pinther, Columbia Avenue – If an indoor aquatic facility cannot be financed by the current levy, he suggested returning to the voters for additional funding for construction and operation of the indoor component.

Karen Coshigano, The Plains – strongly urged support of the amendment. She doesn't believe all options have been sufficiently explored. She added, Ohio University open swim hours are very limited, and doesn't meet the needs of the community.

Dave Wooster, Columbia Avenue – His family spends an incredible amount of time in the summer at the outdoor pool. Many families utilize this pool, and is an essential family resource. He urged Council to move forward to ensure that the community has an outdoor pool as soon as possible, without it would be a tremendous loss to the community.

Abe Alassaf, Westfield Place – Fiscal responsibility is important. He and his wife are just starting their family and he hopes an outdoor pool will be available.

Martha Bishop, Currier Street – Urged adoption of the amendment to explore all options.

Will Buckley, Athens County – Would like the Council to move forward with a pool that can provide revenue to support it.

Todd Swearingen, Athens County – Last year he introduced Council to the idea of sprung or fabric structures to house an indoor facility at a much lower cost. He noted that the Zanesville natatorium has 100% cost recovery. He contacted an independent pool consultant that could provide the City with a second opinion on actual operational costs, and there was no follow-up by the City. Also, he provided information from a construction company that could build twice the pool for a half million dollars less, and the City did not contact them. He asked Council to preserve the City's options.

Ric Abel, former Mayor and current Chair of the Arts, Parks & Recreation (A,P&R) Advisory Board – explained that in November, 2013, a Master Plan was completed for (A,P&R). It included a survey of the community, and the number one capital improvement was the need to replace the existing swimming pool. In May, 2014, (A,P&R) made a recommendation to City Council to continue the .10% income tax along with a series of recommendations, the first being construction of a swimming pool. City Council accepted those recommendations, however, changed the "renewal" to a "new tax," and the time period to 20 years.

In November, 2014, the voters approved the levy with 59% of the vote. In July, 2015, the (A,P&R) Advisory Board sent a recommendation to City Council asking for design engineering of an outdoor pool, clarifying that a “purpose tax” must be spent on those purposes outlined by Ordinance and on the ballot language. During the last meeting of City Council the Law Director stated that she had reviewed the meetings where City Council had discussed the levy Ordinance that was approved by the voters, and the only mention of the pool was the need to replace the existing outdoor pool. In a check of the only registered campaign (The Friends of A,P&R) with the Board of Elections, distributed materials asked the question, “How will the funds be used?” The first item on it was “construction of a new swimming pool; current pool is over 40 years old.” In October, 2014, a letter to the Editor in the *Athens News* submitted by him stated, in part, that the taxes needed to fund the Master Plan includes design to replace our 40+ year old pool and to complete that project with the amenities the community can support.

Amendment was approved by a 4/2 vote, with Butler and Kotses voting in opposition. Fahl moved for Suspension of the Rules; McGee seconded. Suspension of the Rules was approved unanimously. Fahl moved for Adoption; Cochran seconded. Adoption was approved unanimously.

#### **0-03-16**

AN ORDINANCE AUTHORIZING THE PURCHASE OF SOFTENING SALT FOR THE WATER TREATMENT PLANT. Butler moved for Adoption; Risner seconded. Adoption was approved unanimously.

#### **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. Butler moved for Adoption; Cochran seconded. Adoption was approved unanimously.

#### **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. Fahl moved for Adoption; Butler seconded. Adoption was approved unanimously.

**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. Cochran moved for Adoption; Fahl seconded. Adoption was approved unanimously.

**0-08-16**

AN ORDINANCE AUTHORIZING ENGINEERING SERVICES FOR THE EAST STATE STREET/US 33 PROJECT #288. Cochran moved for Adoption; Fahl seconded. Adoption was approved unanimously.

**0-09-16**

AN ORDINANCE AUTHORIZING IMPROVEMENTS ON FRANKLIN AVENUE, PROJECT, #301. Cochran moved for Adoption; Fahl seconded. Adoption was approved unanimously.

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

**ORDINANCES FOR SECOND READING:**

**0-13-16**

AN ORDINANCE AUTHORIZING THE PURCHASE OF A SALT TRUCK.

**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.

**ORDINANCES FOR FIRST READING:**

**0-19-16**

AN ORDINANCE CLOSING PRESIDENT STREET AND PORTIONS OF COURT AND UNION STREETS ON SATURDAY, APRIL 16, 2016, FROM 7:00 A.M. TO 6:00 P.M. FOR THE INTERNATIONAL STREET FAIR.

**0-20-16**

AN ORDINANCE CLOSING A PORTION OF COURT STREET ON FRIDAY, JUNE 3, AND AUGUST 12, AND A PORTION OF EAST UNION STREET ON SEPTEMBER 23, 2016, FOR A CRUISE-IN.

**0-21-16**

AN ORDINANCE CLOSING A PORTION OF COURT STREET BETWEEN UNION AND WASHINGTON ON SATURDAY, AUGUST 13, 2016, FROM NOON TO MIDNIGHT FOR THE "BOUNTY ON THE BRICKS" FUNDRAISER.

**0-22-16**

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING, TO ALLOW VENDING IN A DESIGNATED AREA ON AUGUST 13, 2016, DURING THE "BOUNTY ON THE BRICKS" FUNDRAISER.

**0-23-16**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO SUBMIT AN APPLICATION AND ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR SAFE ROUTES TO SCHOOL FUNDS; AND DECLARING AN EMERGENCY. Cochran moved for Suspension of the Rules; Fahl seconded. Suspension of the Rules was approved unanimously. Cochran moved for Adoption; Butler seconded. Adoption was approved unanimously.

**0-24-16**

AN ORDINANCE AMENDING THE 2016 APPROPRIATION ORDINANCE AND ORDINANCE 79-14 TO INCREASE THE AUTHORIZED EXPENDITURE FOR THE RICHLAND SOUTH PROJECT (#244).

**0-25-16**

AN ORDINANCE AMENDING THE 2016 APPROPRIATION ORDINANCE.

**0-26-16**

AN ORDINANCE AUTHORIZING THE PAYMENT OF A PRIOR YEAR EXPENSE; AND DECLARING AN EMERGENCY. Risner moved for Suspension of the Rules; Cochran seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Fahl seconded. Adoption was approved unanimously.

**0-27-16**

AN ORDINANCE AUTHORIZING ASBESTOS AND LEAD ABATEMENT AT THE ARMORY (PROJECT #297).

**0-28-16**

AN ORDINANCE AMENDING ORDINANCE 18-16 TO INCREASE THE APPROPRIATION FOR THE DEPOT LIFT STATION (PROJECT #286); AND DECLARING AN EMERGENCY. Butler moved for Suspension of the Rules; Fahl seconded. Suspension of the Rules was approved unanimously. Butler moved for Adoption; Fahl seconded. Adoption was approved unanimously.

**0-29-16**

AN ORDINANCE GRANTING THE RENEWAL OF A REVOCABLE LICENSE TO BRAD JAGEMAN, OWNER, 15, 17, AND 19 BYARD STREET, TO ALLOW PARKING ON THE CITY RIGHT-OF-WAY.

## **RESOLUTION FOR FIRST READING:**

### **R-04-16**

A RESOLUTION DESIGNATING DEPOSITORIES FOR ACTIVE MONIES FOR DEPOSIT IN PUBLIC DEPOSITORIES PURSUANT TO OHIO REVISED CODE CHAPTER 135; AND DECLARING AN EMERGENCY. Risner moved for Suspension of the Rules; Butler seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Butler seconded. Adoption was approved unanimously.

## **ONE-READING RESOLUTION:**

### **R-05-16**

A RESOLUTION IN SUPPORT OF PM MANAGEMENT'S APPLICATION TO THE OHIO DEVELOPMENT SERVICES AGENCY FOR AN OHIO HISTORIC PRESERVATION TAX CREDIT AWARD FOR A REHABILITATION PROJECT. Fahl moved for Adoption; Butler seconded. Adoption was approved unanimously.

## **ANNOUNCEMENTS & OTHER BUSINESS:**

The following committee will meet next Monday, February 22nd:

- Finance & Personnel

**President Knisely** announced a one day delay in trash pickup this week due to the Presidents Day holiday. Also, tomorrow, February 16<sup>th</sup>, is the last day for citizens to register to vote in the March Primary. Finally, tomorrow evening the League of Women Voters of Athens County is sponsoring a Candidates' Forum, for the Democratic Ohio House 94<sup>th</sup> District, held in cooperation with the Athens Public Library at 6:30 p.m. at the Library.

## **OPPORTUNITY FOR CITIZENS TO SPEAK ON LEGISLATIVE ITEMS AND CITY SERVICES NOT COVERED ON THE AGENDA:**

Abe Alassaf, Westfield Place – In our State's capital, our most populace city, there are no regulations on Airbnb. He urged Council to legalize Airbnb's with little to no regulations.

Jack Davis, East Green Drive – While regulations are important, he questioned those being launched on Airbnb's. Isn't it a person's right to rent space in his/her own house for a fee, and to provide prosperity and stability to

their family lives?

Sam Raptis, N. McKinley Avenue – Technology provides the opportunity for Airbnb's. He urged the Council to consider this new advent offered by the internet to provide a cheaper alternative.

Conor Fogarty, West State Street – He is a student at Ohio University and rents in Athens. This is a private property issue. He urged the Council to rethink whether home sharing through Airbnb's is a nuisance or will have any negative effect.

Brandon Kerr, West State Street – The interjection of the government into the transaction between home owner and guest is not necessary, and remains a private issue. Room sharing and ride sharing are quickly becoming ingrained in the American economy; entrepreneurs finding new ideas.

Jack Stauffer, Elmwood – He would like his property rights in a residential zone within the City to be considered. He believes allowing Airbnb's would increase traffic, noise, parking problems, and litter, all of which he does not want on his street. He believes there will be constant turnover with potential problems, and that is a real concern. He would like Council to maintain the current quality of life expected in our residential zones.

President Knisely read a letter into the record from Jean Cunningham regarding her opposition to the proposed mural at ART-West (see attached).

At approximately 8:45 p.m., Cochran moved to adjourn the meeting; Fahl seconded. Motion was approved unanimously.

---

President of Council

ATTEST:

---

Clerk of Council