

**ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, MARCH 6, 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, and Risner.

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

**DISPOSITION OF MINUTES:**

Risner moved approval of the minutes of the Regular Session of Council held February 20, 2017; Fahl seconded. The minutes were unanimously approved as presented.

**COMMUNICATIONS:**

**President Knisely** introduced Tom Smith, past Commander of the Ohio AMVETS, Department of Ohio, who presented the Civil Servant of the Year award to Mayor Patterson in recognition of his continued support of veteran's issues, ideals, and goals.

**Council Member Papai** commented that several Council Members have received communications from citizens regarding concerns with the design plans for the East State Street project. She will include this item for discussion on her Committee Agenda next Monday, in order to offer design clarification prior to final reading of the ordinance.

**Council Member Kotses** noted that he has also received some letters that are in support of the project.

**Council Member McGee** after discussing his proposed amendment to the Athens City Code regarding Sidewalk Obstruction, has heard from citizens about the current sidewalk closure on Stimson Avenue near the Family Dollar where it appears utility repairs have been completed, and yet the sidewalk remains closed to the public.

**Council Member Risner** commented on a letter to the editor in the Sunday edition of the *Athens Messenger* by Tax Commissioner Joe Testa criticizing the Council's recent resolution in opposition to centralized tax collection. Member Risner noted that there were some misrepresentations in Commissioner Testa's letter.

**Auditor Hecht** appreciates Council's resolution. City Income Tax Administrator Tina Timberman will be testifying tomorrow morning in Columbus before the House Ways and Means Committee, addressing our local issues with these tax changes. The City will be well represented, as three local accountants also plan to attend. Auditor Hecht pointed out the following issues:

- This change will benefit a minority of businesses in Ohio.
- Municipal tax credits, tax rates, and filing deadlines will not change, so it will not make that any easier.
- The State has had the Ohio Business Gateway in place for several years. There are approximately 200,000 businesses in Ohio that could use it, but only 4,000 used it last year; it is not user-friendly.
- The one-percent (1%) fee is vague; it could be 1% plus an administrative charge. She questioned whether it is 1% of the tax collected, or 1% of the State's costs. Currently, we collect all that money locally.
- Only fifteen percent (15%) of our taxes are business taxes. A full staff will still be required; it will not save the City any money.
- There are non-friendly aspects of the Bill: keeping taxes local, the City can assist with forms, has the right to use professional judgment in decreasing or waiving penalty and interest for businesses, and can set up payment plans; the State will not be doing that.
- The City will not be able to audit the returns for mistakes.
- The "Throwback" Rule will hurt municipalities.
- One of the most disturbing aspects is that this was attached to the State Budget Bill and not the Municipal Income Tax Law, ORC 718. She questioned whether these become State taxes as opposed to Municipal taxes. It is a clear violation of our State Constitutional Home Rule.

Auditor Hecht is very appreciative of Council's recent support on this issue.

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

**Mayor Patterson** shared the following:

- Daylight Savings Time will be in effect next Sunday; change not only your clocks but your batteries in smoke detectors.
- Frontier Communications will be finalizing utility relocation along Franklin Avenue March 6-10.

## **ORDINANCES FOR THIRD READING:**

### **0-10-17**

AN ORDINANCE CLOSING PRESIDENT STREET AND PORTIONS OF COURT, UNION AND PRESIDENT STREETS ON SATURDAY, APRIL 15, 2017, FROM 7:00 A.M. TO 6:00 P.M. FOR THE INTERNATIONAL STREET FAIR. Papai moved for Adoption; Fahl seconded. Adoption was approved unanimously.

### **0-11-17**

AN ORDINANCE CLOSING A PORTION OF COURT STREET ON FRIDAY, JUNE 2, AUGUST 11, AND SEPTEMBER 22, 2017, FOR A CRUISE-IN. Papai moved for Adoption; Fahl seconded. Adoption was approved unanimously.

### **0-12-17**

AN ORDINANCE AUTHORIZING RENEWAL OF A CONTRACT WITH COMPLUS DATA INNOVATIONS FOR CONTINUED SOFTWARE/HARDWARE SERVICES IN THE DIVISION OF PARKING ENFORCEMENT; AND DECLARING AN EMERGENCY. Papai moved for Adoption; Fahl seconded. Discussion: Kotses met with APD Captain Harvey and understands that the new system will provide better software/hardware communication, allowing all tickets to be processed. Under this contract the City will be moving from a flat fee to a price per ticket, so the cost to the City should decrease. Also, all of the hardware is owned by the company, so any equipment not operating effectively will be replaced at no additional charge to the City.

Mayor Patterson added that the new software/hardware will streamline the process.

Adoption was approved unanimously.

### **0-13-17**

AN ORDINANCE ACCEPTING THE DONATION BY ATHENS HEALTH REALTY LLC OF 34.917 ACRES AND ATHENS HEALTH REALTY HOLDINGS, INC. OF 10.296 ACRES TOTALING A LITTLE OVER 45 ACRES, MORE OR LESS, OFF COLUMBUS CIRCLE ROAD AND WHOSE SOLE MEMBER AND SHAREHOLDER, RESPECTIVELY, IS FRANK MURPHY. Fahl moved for Adoption; Risner seconded. Discussion: Fahl appreciates this generous donation, and suggested naming the area The Frank Murphy Preserve. Adoption was approved unanimously.

**ORDINANCES FOR SECOND 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).

**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.

**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.

**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 FESTIVAL.

**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.

**0-20-17**

AN ORDINANCE AUTHORIZING THE PAYMENT OF A PRIOR YEAR EXPENSE; AND DECLARING AN EMERGENCY.

**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).

**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.

**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.

**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.

**ORDINANCES FOR FIRST 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.

**0-27-17**

AN ORDINANCE AMENDING ORDINANCE 152-16, FRINGE BENEFITS PACKAGE FOR NON-UNION PERSONNEL, SECTION 12, CLOTHING ALLOWANCE. Risner moved for Suspension of the Rules in order to

accommodate an employee in need of prescriptive glasses; Fahl seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Papai seconded. Adoption was approved unanimously.

**0-28-17**

AN ORDINANCE AMENDING THE 2017 APPROPRIATION ORDINANCE.

**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.

**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.

**0-33-17**

AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO REPLACEMENT BUSES AND A PASSENGER VAN FOR THE ATHENS TRANSIT SYSTEM. Papai moved for Suspension of the Rules in order to expedite delivery time; Fahl seconded. Suspension of the Rules was approved unanimously. Papai moved for Adoption; Fahl seconded. Adoption was approved unanimously.

**0-34-17**

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

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

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President of Council

ATTEST:

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Clerk of Council