

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, MARCH 7, 2016, 7:00 P.M.

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

Also present: President Pro Tem Butler, Acting Mayor Knisely, Service-Safety Director Horan Moseley, and Law Director Eliason.

DISPOSITION OF MINUTES:

Cochran moved approval of the minutes of the Regular Session of City Council held February 15, 2016 and the Special Session held February 22, 2016, 2016; Fahl seconded. The minutes were unanimously approved as presented.

COMMUNICATIONS:

Council Member McGee has heard several concerns regarding missing neighborhood cats on the near east side. Also, he has requested those interested in closing the streets for spring fests to submit a petition to City Council.

Council Member Cochran acknowledged receipt of numerous communications from City residents concerned about short-term rental issues. Other Council Members are also hearing these concerns.

President Pro Tem Butler reported the following:

- April 1, noon, Baker Center, City Council lunch with Graduate and Undergraduate Student Senate.
- April 8, noon, Baker Center, City Council luncheon with Ohio University President Dr. McDavis and staff.
- Notice that Integrated Services, Inc. and Fairfield Homes, Inc. plan to rehabilitate two historic properties, Beasley Mill and Sheltering Arms, to provide 25 and 37 units, respectively, of affordable housing for elderly households. Comments must be submitted within 30 days of this notice received on February 15th.
- 2015 annual fire report is available for review in the City Council office.
- 2015 annual Municipal Court report has been distributed to City Council.
- Acknowledged receipt of letters regarding support of the proposed mural at ARTS-West.

- Communication has been received about moving the Hebe sculpture, one of the City's oldest public works of art, from the Water Plant to a more public site.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Acting Mayor Knisely reported the following:

- Highlighted within the Municipal Court report is a caseload of 13,725 cases managed in 2015, as well as 10,948 hours of community service hours logged.
- April 17 – Beautification Day – encouraged community members to register on-line to volunteer 9:00-11:30 a.m. or 1:00-3:00 p.m.
- Saturday fest dates: Millfest, March 12; Highfest, March 19; and Palmerfest, April 9. Police Chief Tom Pyle urges safety. Council Members, on the Thursday prior to each fest, will be accompanying Community Assistance and the Police going door to door to offer friendly safety tips to residents in the fest areas.
- Introduced The Government Channel Director Scott Thompson to inform the community on the City's new app, Public Stuff. Thompson reported that this app was launched last fall. The app is called, "Athens City Source" and is available on Google Play and the I-Tunes Store. He encouraged downloading this app; it is a great way to communicate problems or concerns to the City.

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

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

0-25-16

AN ORDINANCE AMENDING THE 2016 APPROPRIATION ORDINANCE. Risner moved for Adoption; Papai seconded. Adoption was approved unanimously.

0-27-16

AN ORDINANCE AUTHORIZING ASBESTOS AND LEAD ABATEMENT AT THE ARMORY (PROJECT #297). Risner 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. Fahl moved for Adoption; Risner seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

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.

0-31-16

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$500,000 OF NOTES BY THE CITY OF ATHENS, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING PART OF THE COSTS OF DESIGN ENGINEERING FOR SWIMMING POOL OPTIONS, AND DECLARING AN EMERGENCY.

0-33-16

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR SIDEWALK IMPROVEMENTS ON CENTRAL AVENUE, NORTH CONGRESS STREET AND SOUTH MAY AVENUE ASSOCIATED WITH PROJECT #294; AND DECLARING AN EMERGENCY.

ORDINANCES FOR FIRST READING:

0-34-16

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACT(S) FOR THE RICHLAND AVENUE BETWEEN THE BRIDGES LIGHTING (PROJECT #291); AND DECLARING AN EMERGENCY.

0-35-16

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACT FOR SLUDGE MANAGEMENT; AND DECLARING AN EMERGENCY. Butler moved for Suspension of the Rules; Fahl seconded. Suspension of the Rules was approved unanimously.

Discussion: Joan Kraynanski, Mound Street, asked where the sludge is being placed and about the terrain.

Service-Safety Director responded that, traditionally, it has been placed on the City's Canaanville land; it is an active farm, and the sludge is used as fertilizer.

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

0-36-16

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT APPLICATIONS AND ENTER INTO AGREEMENTS WITH THE APPALACHIAN REGIONAL COMMISSION (ARC) AND OTHER AGENCIES FOR GRANT FUNDS FOR CONSTRUCTION OF THE MCKINLEY EXTENSION PROJECT; AND DECLARING AN EMERGENCY. Papai moved to Table; Fahl seconded. Tabling was approved unanimously.

0-37-16

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

0-38-16

AN ORDINANCE AMENDING THE 2016 APPROPRIATION ORDINANCE.

RESOLUTION FOR FIRST READING:

R-06-16

A RESOLUTION INDICATING THE SERVICES THE CITY OF ATHENS WILL PROVIDE FOR THE PROPOSED ANNEXATION OF APPROXIMATELY 47 ACRES LOCATED ON LUHRIG ROAD, AS REQUESTED BY THE ANNEXATION PETITIONER; AND DECLARING AN EMERGENCY. Fahl moved for Suspension of the Rules; Risner seconded. Suspension of the Rules was approved unanimously.

Discussion: Fahl noted that a similar resolution was vetoed last year until such time as the water issue could be resolved, and there is now a water agreement in place with the LeAx Water District.

Papai asked if appropriate department heads have weighed in on the providing of these services.

Service-Safety Director indicated that they are aware and have no objections.

McGee asked if the City would be expanding its sewer system.

Service-Safety Director responded, "Yes."

McGee recalled a resident's concern about traffic congestion in the area as a result of this proposed development.

Acting Mayor reminded Council that this is only the initial step as part of the annexation process. Upon release of the land from the County Commissioners, the Planning Commission will need to recommend zoning of the area to the Council, and the Council will be required to approve an actual annexation ordinance. She maintained that is the time traffic issues will be more completely addressed.

Fahl noted that the property is also being planned as a Planned Unit Development which requires additional legislative approval.

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

ANNOUNCEMENTS & OTHER BUSINESS:

Fahl moved to accept the Auditor's January, 2016, Financial Reports; Cochran seconded. Motion was approved unanimously.

Butler moved to accept the recommendation from the Athens Municipal Arts Commission (AMAC) for the proposed mural project by Jolena Hansbarger

on the retaining wall at ARTS-West; Fahl seconded. Discussion: Butler supports this mural and reminded Council of a Resolution adopting The Essence of Athens, a plan that encourages locally-inspired design inspirations that can be used as public art; implementation that will leave a lasting impression on visitors and encourage an even deeper ownership by locals.

Fahl has heard from many west side residents, a majority of them supporting this project.

McGee applauds the artist, but suggested the mural be located in an uptown location, possibly the City's parking garage. He opposes the mural being placed at the location at ARTS-West because it will be isolated from the viewing public.

Butler noted that there is already a project in the works for the City parking garage, a large scale photo mural on the front façade.

McGee understands that, but he is proposing that the entire interior of the parking garage be made into a mural. This could be a wonderful first step incentive.

Papai has heard from many in opposition to this location. She would like a lot of people to be able to view this mural. The ARTS-West location is on a narrow street, and is not suitable for viewing. She, too, is concerned and not in favor of this location.

Cochran understands there are concerns from some of the area residents. However, this artwork has been tailor-designed for this wall. Approval of this mural at this location can help us accomplish art throughout the Athens area.

Carol Patterson, Chair of the Athens Municipal Arts Commission (AMAC), offered a heartfelt recommendation that Council accept this project. Consideration by the Commission for proposed art, is location, appropriateness of the art, and whether it adds to Athens art in general. ARTS-West is the only City-owned arts building, providing arts programs year-round. AMAC did not feel that there could possibly be a more appropriate location for public art. The Athens City Code does not preclude art adjacent to or in an R-1 district. There are only two houses facing this mural. One of those is occupied by an artist who favors the project and the other has never expressed any objection. The artwork itself has been designed for this space in terms of shape and subject matter, down to the detail of the logo of ARTS-West as part of the actual design.

Joan Kraynanski, Mound Street, is not opposed to the art itself, but is opposed to the location. There is no way to appreciate this art unless viewed

standing in the street; safety is a concern. She believes it would be better utilized within the ARTS-West entry.

Motion was approved by a 4-2 vote, with McGee and Papai voting in opposition.

Butler offered background information on establishment, purpose, and powers and duties of the Community Relations Commission (see attached). Fahl then moved to appoint the following members to serve 3-year terms on the Commission: John Schmieding, Ruby Williams, Shari Clarke, Char Rae, Lauren Miller, Laura Black, Kathy Gierhart, Aaron Thomas and Jay Mattson; Cochran seconded. Motion was approved unanimously.

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

Cheryl Bush, resident, represents Athens Community Cats, a TNR (trap, neuter and release) group that aids with the feral/stray cat population. The group would like the Council to consider supporting additional neuter/spay clinics. Each clinic costs about \$1600 and prevents approximately 150 kittens. Also, they requested City Council consider adding anti-poison legislation, except for vermin, within the City limits.

Milena Miller, Graham Drive, has been trapping feral cats for a long, long time. There are many at the Athens County Fairgrounds, and last summer she trapped 55 cats along the bike path. Of those, 18 were placed in homes and the others returned, of which 12 disappeared and 2 had to be euthanized. She believed these cats were not feral; they were abandoned at the bike path. Education and signage (No Dumping of Animals) is important, and there are grant funds available. This is an on-going and very serious problem and the City and the County need to take some responsibility.

Nancy Dotson, Albany resident, supports Council's efforts to deal with this issue.

Brandon Thompson, Coventry Lane, believes there is a strong disconnect between the needs of the City and the wants of the students regarding closing of streets for fests. He suggested a possible fee that students could pay for additional safety staffing for these fests. If students can raise the funds, then the City could agree to close the street for the fest from maybe noon to sundown. It could make the fest safer for the students and easier to manage for the City.

EXECUTIVE SESSION:

At approximately 8:45 p.m., Cochran moved to go into Executive Session to discuss Pending Litigation, and invited the Acting Mayor, Service-Safety Director, and Law Director to attend. Fahl seconded. A roll call vote was taken as follows: Butler, aye; Risner, aye; Papai, aye; Fahl, aye; Cochran, aye; and McGee, aye.

At approximately 9:00 p.m., Risner moved to adjourn the meeting; Fahl seconded. Motion was approved unanimously.

President Pro Tem of Council

ATTEST:

Clerk of Council