

**ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, MAY 2, 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, and Law Director Eliason.

DISPOSITION OF MINUTES:

Fahl moved approval of the minutes of the Regular Session of City Council held April 18, 2016; Cochran seconded, and the minutes were unanimously approved as presented.

COMMUNICATIONS:

President Knisely is in receipt of the following correspondence:

- Notice that David Yost, Auditor of State, has received the City's 2015 report on total pensionable wages and employee contributions.
- The "Building Doctor" a free clinic offered by the Ohio History Connection to teach owners of old buildings, built prior to 1955, how to recognize and solve some of the most common problems in maintenance, repairs and improvements, will be held May 19th, 7:00 p.m., at the Community Center.
- Clarified that the Bed & Breakfast ordinance under Other Business on tonight's agenda only deals with Business and R-3 zones, and does not address "home sharing" or "airbnb's" in the more restricted residential districts of R-1 & R-2, that will need to be reviewed by the Planning Commission with a recommendation to City Council.

Council Member Kotses has received an email from a citizen who would like the Council to revisit the keeping of chickens within the City.

Council Member McGee has had several citizens recently approach him expressing concern about the condition of the streets, especially East State Street.

President Knisely noted that longer term improvements are scheduled for East State Street as part of a larger project.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported the following:

- 300+ mattresses, as part of Ohio University's student move-out, were collected by the City for recycling.
- The municipal pool, including the baby pool, is being filled with water, and is still on-track to open Memorial Day weekend. Repair work on the mechanicals may be needed, but that will not prolong the opening.

ORDINANCES FOR THIRD READING:

0-47-16

AN ORDINANCE CLOSING A PORTION OF COURT STREET BETWEEN WASHINGTON AND CARPENTER ON SATURDAY, JULY 23, 2016, FROM 8:00 A.M. TO MIDNIGHT FOR OHIO BREW WEEK. Papai moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-48-16

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE SECTION 13.04.10, UNNECESSARY NOISE, IN THE DOWNTOWN AREA, ON JULY 23, 2016, FOR OHIO BREW WEEK. Papai moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-49-16

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING, TO ALLOW VENDING IN A DESIGNATED AREA ON SATURDAY, JULY 23, 2016, DURING THE OHIO BREW WEEK EVENT. Papai moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-50-16

AN ORDINANCE CLOSING A PORTION OF UNION, HIGH AND WASHINGTON STREETS ON SATURDAY, AUGUST 13, 2016, FOR THE KING MIDGET HIGH STREET CHALLENGE. Papai moved for Adoption; Butler seconded. Adoption was approved unanimously.

0-51-16

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACT FOR UNIFORM RECYCLING CARTS. Butler moved for Adoption; Papai seconded. Discussion: Butler reminded all that 30 years ago the City of Athens was at the forefront with curbside recycling, and he believes this is an opportunity for us to continue along in that spirit. The City will expend up to \$250,000, of which \$80,000 will be reimbursed grant dollars, for approximately 4000 carts. A letter of support has been received from Bruce Underwood, Executive Director of the Athens-Hocking Recycling Center.

Fahl knows this has a lot of support within the community, but she would like continued consideration for residents who lack space for the larger size cart.

McGee considers himself an environmentalist, but expressed concern about the cost when the City has so many other items that need to be addressed, i.e. streets.

Mayor Patterson clarified that the Garbage Fund is a proprietary funding line that can only be spent toward garbage/recycling related programs. There is in excess of \$1.2 million dollars in that fund line, and it cannot be transferred to pay for other endeavors.

Butler noted that part of the grant dollars will be spent on marketing and educational campaigns.

Papai suggested there be an Administrative Policy in place for residents to opt-out, with good reason, from using the larger carts.

McGee asked how the funds are generated in this proprietary line.

Mayor responded that the funding is through garbage/recycling collection fees paid by customers.

Andrea Reany, Rural Action, Zero Waste Program Manager, emphasized the importance of this opportunity, one that may not come around again for some time. She believes the larger carts will increase participation, up to 400-500 pounds per year, realizing a cost savings to the City on tipping fees at the landfill.

Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

0-53-16

AN ORDINANCE AUTHORIZING DISPOSAL AND REPLACEMENT OF A TRACTOR MOWER IN THE DEPARTMENT OF ARTS, PARKS & RECREATION.

0-54-16

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE APPLICATION AND ENTER INTO A PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES; AND DECLARING AN EMERGENCY.

0-55-16

AN ORDINANCE AUTHORIZING DISPOSAL AND REPLACEMENT OF A VAN FOR ATHENS COUNTY MUNICIPAL COURT

ORDINANCES FOR FIRST READING:

0-56-16

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 39, WELLHEAD PROTECTION PLAN, SECTIONS 39.01.02, DEFINITIONS, 39.01.07, MANAGEMENT OF SPECIFIC POTENTIAL POLLUTION SOURCES IN THE WELLHEAD PROTECTION AREA AND BUFFER ZONE, AND 39.01.08, ENFORCEMENT OF THE WELLHEAD PROTECTION PLAN.

0-57-16

AN ORDINANCE AMENDING THE 2016 APPROPRIATION ORDINANCE.

0-58-16

AN ORDINANCE AUTHORIZING DISPOSAL OF A 2001 FORD EXPEDITION BY THE ATHENS FIRE DEPARTMENT.

0-59-16

AN ORDINANCE AUTHORIZING 2016 STREET PAVING AND REPAIRS (PROJECT #304).

0-60-16

AN ORDINANCE AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING PROGRAM.

0-61-16

AN ORDINANCE CLOSING A PORTION OF COURT STREET BETWEEN WASHINGTON AND CARPENTER ON SATURDAY, JUNE 25, FROM 6:00 A.M. TO 1:00 A.M. ON SUNDAY, JUNE 26, 2016, FOR "BOOGIE ON THE BRICKS" A FAMILY MUSIC AND ARTS FESTIVAL.

0-62-16

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE SECTION 13.04.10, UNNECESSARY NOISE, IN THE DOWNTOWN AREA, ON SATURDAY, JUNE 25, AND UNTIL 1:00 A.M. ON SUNDAY, JUNE 26, 2016, FOR "BOOGIE ON THE BRICKS" A FAMILY MUSIC AND ARTS FESTIVAL.

0-63-16

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING, TO ALLOW VENDING IN A DESIGNATED AREA ON SATURDAY, JUNE 25, AND UNTIL 1:00 A.M. ON SUNDAY, JUNE 26, 2016, DURING THE "BOOGIE ON THE BRICKS" FAMILY MUSIC AND ARTS FESTIVAL.

ANNOUNCEMENTS & OTHER BUSINESS:

Risner announced that the Finance & Personnel Committee will meet Wednesday, May 4, at noon, to review the Clemans-Nelson Non-Union Compensation Plan and any other financial items that may be forthcoming.

Cochran requested a Committee of the Whole to meet next Monday, May 9, at 7:00 p.m. to discuss single-use bag reduction measures.

Kotses announced the Athens Bike Rodeo on Saturday, May 14th, sponsored by Ohio Health and held at O'Bleness from 9:00 a.m. to noon. This is a safety event that will offer skills courses and provide free helmets to participating children.

Fahl moved to Remove from the Table Ordinance 17-16; Papai seconded. Motion was approved unanimously.

O-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: Fahl suggested amending information to remove some of the inconsistencies within the original document, such as the difference in the number of rooms between a hotel and a bed and breakfast. In the original document an R-3 Residential Zone (Multi-Family), 23.04.03 (A)(3), Apartment Hotels was removed. Removing this language could cause problems with current lodging/boarding houses, and she recommends this section remain as written in the original Code. In this same section under (C) Conditionally permitted uses, the term “or owner-managed” has been added along with “owner-occupied” for businesses in an R-3 zone that may have a bed and breakfast on the second floor, but the owner does not live on the premises. In Section 23.04.05, B-2 Business District, requirements for certain street frontage has been removed to keep restrictions for bed and breakfasts consistent with hotels/motels. Also, “owner-occupied” has been removed from both the B-1 Neighborhood Business Zone and B-2 Business District.

Butler suggested removing the outdated term of “servants’ quarters” in Section 23.04.01 (B)(1).

Betty Hollow, resident, requested additional changes. She suggested a more accurate term for a “Bed & Breakfast.” She would like to insert the words “Transient guests” into the definition of “Transient accommodation.” She is concerned that allowing as many as “four” rooms could result in over-populating, and have an impact on parking in neighborhoods. She also suggested permits for bed and breakfasts should be more clearly defined as a permit for short-term rentals or transient accommodations. She questioned whether the number of guests per room would be limited by square footage, which is true in ordinary rentals, whether there would be inspections to ensure public health and safety, and whether Council really wants to have only one parking space per room, rather than per resident. She would like Council to include in Section 23.04.03 (2), “not for transients.” And, in 23.04.03 (2), change “not primarily for transients” to simply “not for transients.” She would like 23.04.03 (C)(2) to be clear that if the premises is “owner-managed” that the renter cannot then rent to someone else.

Risner asked if the Code has a specific definition for Bed and Breakfasts. Fahl responded that it does not.

Hollow noted that Athens has never had any accommodations for transient residents outside of hotels/motels.

Papai asked for clarification on the zones covered by this legislation.

Fahl responded that the zones are R-3, Multi-Family, and Business Zones. It does not include R-1 and R-2 zones.

Fahl moved to Table for a second time, Ordinance 17-16, to allow for further review and consideration; Cochran seconded. Tabling was approved by a 6/1, with Butler voting in opposition.

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

Caleb Brown respectfully suggested to the Council that Athens City Code Section 9.06.06, entitled Sale or Gift of Liquor on Election Day, be repealed.

At approximately 7:55 p.m., Risner moved to adjourn the meeting; Fahl seconded. Motion was approved unanimously.

President of Council

ATTEST:

Clerk of Council