

**ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, MAY 16, 2016,  
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, and Law Director Eliason.

Butler moved to amend the Agenda to Remove Ordinance 73-16 due to the absence of the sponsor; Papai seconded. Amendment was approved unanimously.

**DISPOSITION OF MINUTES:**

Risner moved approval of the minutes of the Regular Session of Council held May 2, 2016; Fahl seconded. The minutes were unanimously approved as presented.

**COMMUNICATIONS:**

**President Knisely** noted that Council Members are in receipt of an email from the Deputy Director of Public Affairs from the Ohio Treasurer regarding a move to the Transparency Program. Mayor Patterson has referred this issue to the Council to consider. An informational presentation by a staff person from the Treasurer of State's office will be forthcoming at a future meeting.

Also, City Council Members are in receipt of a couple of emails regarding the single-use bag legislation.

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

**Law Director Eliason** is also in receipt of an email and a phone call with regard to the single-use bag ordinance, and she referred them to the sponsor, Jennifer Cochran.

**Mayor Patterson** has received an email through the Athens Area Chamber of Commerce about the single-use bag ordinance, and has heard from a number of citizens as well on this issue.

The Mayor also reported on the following:

- May 19, Thursday, The Building Doctor Seminar will be held at 7:00 p.m. at the Community Center, and the Police Remembrance

Ceremony will be held at 8:00 p.m. outside the Police Department that same evening.

**Treasurer Mary Ann McClure** presented the first quarter 2016 Interest Income and Reconciliation reports, see attached. Treasurer McClure explained that the first quarter shows an increase of approximately 25% over the projected income due to the maturing of a long-term CD. She is investigating some additional investment opportunities with one of her advisors.

**ORDINANCES FOR THIRD READING:**

**0-53-16**

AN ORDINANCE AUTHORIZING DISPOSAL AND REPLACEMENT OF A TRACTOR MOWER IN THE DEPARTMENT OF ARTS, PARKS & RECREATION. Butler moved for Adoption; Papai seconded. Adoption was approved unanimously.

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

**0-55-16**

AN ORDINANCE AUTHORIZING DISPOSAL AND REPLACEMENT OF A VAN FOR ATHENS COUNTY MUNICIPAL COURT. Risner moved for Adoption; Butler seconded. Adoption was approved unanimously.

**ORDINANCES FOR SECOND 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. Papai moved to Amend to reflect ORC language; Fahl seconded. Amendment was approved unanimously. Papai moved for Suspension of the Rules; Fahl seconded. Suspension of the Rules was approved unanimously. Papai moved for Adoption; Fahl seconded. Adoption was approved unanimously.

**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.

## **ORDINANCES FOR FIRST READING:**

### **0-64-16**

AN ORDINANCE AUTHORIZING FUNDS FOR THE PURCHASE OF FIRE EXTINGUISHERS THROUGH A WALMART COMMUNITY GRANT.

### **0-65-16**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A LEASE AGREEMENT FOR SOLAR-POWERED RECYCLING/REFUSE COMPACTING CONTAINERS IN THE UPTOWN AREA.

### **0-66-16**

AN ORDINANCE AUTHORIZING DISPOSAL OF HANDHELD METER READERS USED BY THE ENGINEERING AND PUBLIC WORKS DEPARTMENT, WATER AND SEWER DIVISIONS; AND DECLARING AN EMERGENCY. Butler moved for Suspension of the Rules; Papai seconded. Suspension of the Rules was approved unanimously. Butler moved for Adoption; Risner seconded. Adoption was approved unanimously.

### **0-67-16**

AN ORDINANCE AMENDING ORDINANCE 121-15, AUTHORIZING STAFFING LEVELS; AND DECLARING AN EMERGENCY. 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.

### **0-68-16**

AN ORDINANCE TO PROVIDE FOR AN INCREASE IN THE GENERAL CITY INCOME TAX OF TWENTY HUNDREDTHS PERCENT (.20%) PER ANNUM BEGINNING JANUARY 1, 2017; AUTHORIZING THE QUESTION OF THE INCREASE TO BE PLACED ON THE BALLOT AT THE NEXT GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2016. Discussion: Risner emphasized that City Council is not holding a vote to increase income taxes, but simply a vote to put the question before the citizens at the next General Election.

Abe Alassaf, Westfield Place, questioned the need for the increase, and a possible miscalculation as reported in a local newspaper.

President Knisely indicated that a correction regarding property tax has been acknowledged, noting that the article Mr. Alassaf is addressing, fairly and succinctly stated as well, that the City has annexed several acres of land and is providing City services to those properties and there has been a steady increase in enrollment of students at Ohio University. She added, the Council,

Administration, and Auditor's office have been carefully monitoring a limited amount of funds. While there has been an increase in the collected income tax, costs have risen. The City will be providing additional information to the general populace that will help them make a decision at the polls next November with the future of the community in mind.

Mayor Patterson pointed out rising costs in the City's medical fund expenses, stating that in 2006 these expenses totaled \$1,967,000 and in 2014 those same costs increased to \$2,658,000, also in 2005 the price per cubic yard to pave our streets was about \$94, currently it is \$193 per cubic yard, as well as labor costs to keep our streets clear of snow/ice during the winter months. There is a lot to this picture other than what the article portrayed. Expenses continue to rise, and the City has done a fine job spreading things thinner, but this cannot continue under the current funding.

Auditor Hecht stated that while revenue has increased and the City's bills are being paid, if additional improvements are needed the City is very limited. Though it may appear that the City has extra money, many of those funds have been designated, but not yet spent, for ongoing projects. This increase will help the City meet rising costs.

Papai clarified that "carryover" funds does not mean that the money has not already been designated; it is not extra money.

Butler noted the diminishing support from the State.

Auditor Hecht agreed that State funding sources have dramatically decreased since 2012.

Mayor Patterson pointed out that City residents' taxes are different from episodic construction based taxes, which is not a reliable income; annual fluctuations occur.

Todd Swearingen, Millfield, questioned the need for a .20% increase and asked that the elected officials be certain that such an increase is not excessive.

Eric Lee, Franklin Avenue, questioned the City's priorities on whether it is to keep the current budget on track, or to spend more money, as proposed for expenses like providing larger recycling containers and solar-powered waste/recycling containers in the uptown area.

President Knisely clarified that the money for garbage and recycling bins is out of a designated fund from collected user fees, and cannot be spent for general fund obligations.

#### **0-69-16**

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO DEVELOPMENT SERVICES AGENCY FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FOR PROGRAM YEAR 2016. Risner moved for Suspension of the Rules; Butler

seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Fahl seconded. Discussion: President Knisely indicated that these are funds used to assist low/moderate income areas. A final decision on the project will come forward after consideration through the public hearing process.

Adoption was approved unanimously.

**0-70-16**

AN ORDINANCE AMENDING THE 2016 APPROPRIATION ORDINANCE.

**0-71-16**

AN ORDINANCE AUTHORIZING A NEW NON-UNION COMPENSATION PLAN AND ASSOCIATED STAFFING LEVELS. Discussion: Risner noted that discussion of this plan started approximately last October, the City contracted with Clemans-Nelson to review the non-union compensation and has submitted its report after several months of analysis and meetings with the Administration and City Council's Finance & Personnel Committee, and he is pleased to finally move this legislation forward.

Mayor Patterson feels this plan is fair and equitable; it will bring the positions up to market value.

Papai is pleased that the City hired an outside consultant's expertise.

Auditor Hecht presented the plan cost (see attached), and she is pleased that our non-union employees will be paid fairly, and comparable to market value.

McGee asked if the cost to the City is \$193,451.02.

Auditor Hecht clarified that this amount is for the remainder of this year.

McGee questioned whether the City will have the money to satisfy this obligation if the voters do not pass the requested levy.

Auditor Hecht responded that it would because it is obligated to do that; cuts may need to come from other places, like supplies and equipment purchases. She also clarified that the cost to the General Fund is only \$60,193.57.

Mayor Patterson clarified that this compensation plan has been on-going since about August, 2015, and is not tied to the proposed increase in the income tax.

**0-72-16**

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE FRINGE BENEFITS PACKAGE FOR NON-UNION PERSONNEL WITHIN THE CITY OF ATHENS. Discussion: Risner indicated that Section 16, Military Leave, will be increased from 21 to 30 days per year for our military employees.

Mayor Patterson commented that in today's field of conflict, our active duty forces are constantly in need of support, or augmented by our National Guard

and Reservists. This will bring our non-union military employees in line with employees in our collective bargaining units. This leave is important for our citizen soldiers.

Auditor Hecht would like there to be some leeway in the compensation rate, other than by a lump sum payment, to those employees who have reached the maximum pay rate within their pay range, in accordance with Section 21, Compensation.

Service-Safety Director would hate to lose employees with long-term years of service with no provision for pay increases over and above the maximum within their pay range. Under the new compensation plan this would affect only one very significant non-union position.

Butler acknowledged that the City does not want to lose good people who work hard for us.

#### **RESOLUTION FOR FIRST READING:**

##### **R-08-16**

A RESOLUTION DECLARING IT NECESSARY TO REPLACE EXISTING SIDEWALKS DEEMED IN POOR CONDITION AS PART OF THE FRANKLIN AVENUE INFRASTRUCTURE IMPROVEMENTS PROJECT (#301); AND DECLARING AN EMERGENCY.

#### **ANNOUNCEMENTS & OTHER BUSINESS:**

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

President Knisely announced a Special Session to be held next Monday, May 23<sup>rd</sup>, following a 7:00 p.m. Public Hearing on the Community Development Block Grant Program (Small Cities). Also, the following committees will be meeting: Transportation and Finance & Personnel.

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

Abe Alassaf, Westfield Place, appreciates Council Member McGee seeking answers to some hard questions about finance.

Caleb Brown, citizen, implored the Council to be careful with taxpayer dollars. He is concerned with legislation moving forward to purchase new

recycling bins for residential curbside pickup, and leasing solar-powered compaction waste/recycling containers for the uptown area.

A citizen expressed concern with single-use bags and possible health concerns.

Eric Lee, Franklin Avenue, expressed concern about the City's fiscal responsibility.

B. Miller, citizen, reuses his plastic bags.

Stephanie Goldsberry, resident, believes that charging \$.10 per single-use bag is too high, and placing the administration of that fee on the businesses. Also, dog waste is often times placed in plastic bags, and more receptacles would be helpful.

Todd Swearingen, Athens County, noted the exponential difference in revenue for a high volume retailer and a small business. He suggested rethinking the recovery fee, with a possible cap, and making it strictly dedicated to the reduction of solid waste.

Fahl moved Adjournment; Papai seconded, and the meeting adjourned at approximately 8:30 p.m.

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President of Council

ATTEST:

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Clerk of Council