

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, AUGUST 15, 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, Mayor Patterson, Service-Safety Director Horan Moseley, and Law Director Eliason.

DISPOSITION OF MINUTES:

Fahl moved approval of the minutes of the Regular Session held August 1, 2016; Papai seconded. The minutes were unanimously approved as presented.

COMMUNICATIONS:

Council Member Kotses is in receipt of an email requesting a status update on the “Airbnb” issue.

Council Member McGee has heard from several community members interested in closing City streets for block parties. He has also received several complaints from uptown merchants with regard to workers using spaces on the street, as opposed to the Parking Garage.

Council Member Papai added that all Council Members received the “Airbnb” notice. She also received, and forwarded to the Council, a couple of letters in support of the City accepting Camp Rotan.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported the following:

- Suggested dates have been forwarded to Council for an Arts, Parks & Recreation facilities tour, August 26, September 2, and September 9.
- Athens Public Transit is piloting extended hours to 10:00 p.m. on two of the bus routes, #3 and #4, Monday through Saturday.

Treasurer McClure presented copies of the 2nd quarter interest income that well exceeds the projections, noting that a long-term 3-year CD (\$104,104.81) matured in May. She also presented a copy of the June reconciliation report (see attached).

Risner asked if there are any interesting investments forthcoming.
Treasurer responded there are no big changes on the horizon in investments and income, but will remain stable.

ORDINANCES FOR THIRD READING:

0-87-16

AN ORDINANCE VACATING THE OVERVIEW DRIVE CITY RIGHT-OF-WAY IN THE UNIVERSITY ESTATES PLANNED UNIT DEVELOPMENT. Fahl moved for Adoption; Risner seconded. Adoption was approved unanimously.

0-88-16

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 21, SUBDIVISION REGULATIONS, CHAPTER 21.08, REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS, SECTION 21.08.02, PERFORMANCE GUARANTEE FOR INSTALLATION AND MAINTENANCE OF IMPROVEMENTS. Fahl moved for Adoption; Risner seconded. Adoption was approved unanimously.

ORDINANCE FOR SECOND READING:

0-96-16

AN ORDINANCE AMENDING THE 2016 APPROPRIATION ORDINANCE; AND AUTHORIZING THE AUDITOR TO MAKE AN INTERFUND TRANSFER. Risner moved for Suspension of the Rules in order to timely process the OPWC debt payment; Papai seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Papai seconded. Adoption was approved unanimously.

ORDINANCES FOR FIRST READING:

0-97-16

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S); TO EXECUTE CONTRACTS AS REQUIRED; AND DECLARING AN EMERGENCY. Papai moved for Suspension of the Rules in order to meet the September 2nd grant deadline; Fahl seconded. Suspension of the Rules was approved unanimously. Papai moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-98-16

AN ORDINANCE AMENDING ORDINANCE 81-16; AUTHORIZING IMPROVEMENTS ON FRANKLIN AVENUE, PROJECT #301. Papai moved for Suspension of the Rules in order to pay an outstanding invoice for Fair Housing Administration; Fahl seconded. Suspension of the Rules was approved unanimously. Papai moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-99-16

AN ORDINANCE AUTHORIZING DISPOSAL OF OHIO RURAL INTERCITY BUSES (GoBUS).

0-100-16

AN ORDINANCE AUTHORIZING THE MAYOR TO RE-DESIGNATE HOCKING.ATHENS.PERRY COMMUNITY ACTION PROGRAMS (HAPCAP) TO ADMINISTER ATHENS PUBLIC TRANSIT; AND DECLARING AN EMERGENCY.

0-101-16

AN ORDINANCE AUTHORIZING THE MAYOR TO RE-DESIGNATE HOCKING.ATHENS.PERRY COMMUNITY ACTION PROGRAMS (HAPCAP) AS CONTRACT ADMINISTRATOR FOR THE OHIO RURAL CITY BUS PROGRAM (GoBUS); AND DECLARING AN EMERGENCY.

0-102-16

AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY AT 0 WEST WASHINGTON STREET; AND DECLARING AN EMERGENCY. Fahl moved for Suspension of the Rules to meet an acquisition deadline of August 16th; Papai seconded. Discussion: Law Director Eliason explained that this property is not landlocked, there is a 10' wide right-of-way from Washington Street however, the County Auditor's office believes a house facing Washington Street may encroach into that right-of-way. The only other access to the property is from Depot Street, a 33' wide abandoned alley that is very steep, and access would be difficult. She added, there are no utilities on the parcel; the utilities are at Foster and Washington.

Mayor Patterson noted that Engineer Stone concurs that it would be very difficult to traverse that abandoned alley. Potential options were reviewed, but access is a big issue, even to maintain the property.

Papai questioned selling the parcel to an adjoining property owner.

The Law Director clarified that the only question before Council is whether the City would like to accept this forfeited parcel from the County; if not, it will revert to State ownership.

Suspension of the Rules was approved unanimously.

Fahl moved for Adoption, with due consideration being given to the caveats presented by the Law Director and Mayor; Cochran seconded. Discussion: Risner questioned why not simply Table the legislation if the intent is not to accept the property.

Fahl responded that taking a vote is more definitive to meet the legal requirement, rather than just leaving it open-ended.

Mayor does not feel Tabling would be the best approach to take; City should be good stewards.

McGee asked if there is any other downside to accepting the parcel other than minimum maintenance.

Mayor responded that it would require more than just minimum maintenance; the terrain is very steep to even access the property, and to what end.

Law Director noted that this property was a delinquent tax foreclosure action, twice offered for sale by the County and not sold for want of a bidder.

Kotses asked whether this parcel is overgrown and a nuisance to neighboring property, and how that will be handled if transferred to the State.

Fahl responded that the property has established tree growth, and any problems of fallen trees, etc. will become the responsibility of the State, not the City.

Papai asked if there is any history of maintenance by the State of any other such property, so we know what sort of response is likely.

Mayor indicated that there is a lot of State property within the City that is maintained by the State, as along bypasses.

Treasurer McClure expressed concern for the neighboring property owners if this parcel is State-owned rather than City-owned, and trying to deal with notifying the State of any problems.

McGee suggested this might become a nature preserve within the City.

Mayor noted that the City has many nature preserves with hiking trails, but this would just be a very small, steep parcel.

McGee sees no problem with occasional maintenance to preserve the natural effect of the land, and sees no reason not to accept it.

Cochran doesn't think it makes sense for the City to be in receivership of this property.

Ali Rapp Lee, Madison Avenue, is a real estate broker and questioned whether the City might acquire the property and gift, or sell it to an adjoining property owner to provide tax revenue.

Eric Lee, Madison Avenue, believes the auction price was approximately \$20,000, which he feels was too high, and would like the Council to consider acquiring it and offering it to an adjoining property owner through an agreement of upkeep and paying taxes.

Mr. Lee believes discussion is important and questioned the need for suspension of the rules.

Adoption was defeated by a 3-4 vote, with Fahl, Butler, Cochran, and Kotses, voting in opposition.

0-103-16

AN ORDINANCE ACCEPTING THE DONATION OF APPROXIMATELY FOURTEEN ACRES OFF LONGVIEW HTS. BY THE ROTARY CLUB OF ATHENS, DEDICATED FOR RECREATIONAL USE, AND COMMONLY KNOWN AS CAMP ROTAN. Discussion: The Mayor shared a 5-year expense report. Outside of a (\$35,000) improvement to the cabin, annual maintenance costs have been under (\$500), plus utilities and insurance. Part of the agreement is that both the Boy and Girl Scouts of America will continue to use the grounds for programs, and in turn will help with maintaining the area.

Papai asked about the condition of the water line.

Mayor responded there is no immediate need for attention. To completely replace the line, the cost would be approximately (\$5,000).

Cochran asked whether any thought has been given to offer the cabin to other organizations or the public as a revenue generating possibility to assist in covering expenses.

The Mayor is open to exploring that possibility.

Papai clarified that the City's long-term plan is to connect Camp Rotan with the Dowler and Gawandi property.

Mayor added, approximately 100-150 feet separate them.

0-104-16

AN ORDINANCE AMENDING THE 2016 APPROPRIATION ORDINANCE. Risner moved for Suspension of the Rules; Fahl seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-105-16

AN ORDINANCE AMENDING THE 2016 APPROPRIATION ORDINANCE; AND AMENDING ORDINANCE 52-16; TO INCREASE THE AUTHORIZED EXPENDITURE FOR INSTALLATION OF THE ADA CHAIR LIFT IN THE CITY BUILDING (PROJECT #299). 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.

0-106-16

AN ORDINANCE AUTHORIZING DISPOSAL OF THE GREEN GLASS WINDOWS AT ARTS/WEST; AND ENTERING INTO AN AGREEMENT WITH THE ATHENS COUNTY HISTORICAL SOCIETY AND MUSEUM TO RETAIN A PORTION OF THE GLASS FOR THE CITY TO USE AS REPLACEMENT PANES.

ANNOUNCEMENTS & OTHER BUSINESS:

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

Committee meetings will be held next Monday, July 22, 2016, at 7:00 p.m.

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

Eric Lee, Madison Avenue, appreciates that Council Members are going into more detailed explanation of legislation, so that it is clearer to the public. He is, however, concerned that of 13 agenda items, 8 were considered under Suspension of the Rules, and he would like a better understanding of why suspension is necessary as it is requested.

EXECUTIVE SESSION:

At approximately 8:20 p.m. Fahl moved to go into Executive Session to discuss pending litigation, and invited the Mayor, Service-Safety Director, and

Law Director to attend. Risner seconded. A roll call vote was taken as follows: Butler, aye; Cochran, aye; Fahl, aye; Kotses, aye; McGee; Papai, aye; and Risner, aye. At approximately 8:40 p.m. Fahl moved to come out of Executive Session; Papai seconded, and the meeting was adjourned.

President of Council

ATTEST:

Clerk of Council