

**ATHENS CITY COUNCIL: REGULAR SESSION, TUESDAY, JANUARY 16, 2018, 7:00 P.M.**

Athens City Council met in Regular Session at the above hour with the following members present: Butler, Crowl, Grace, Kotses, McGee, and Risner.

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

**COMMUNICATIONS:**

**President Knisely** announced the following:

- City Council Members will be taking a tour of the City with some of the City Administration and the Ohio University Board of Trustees on Thursday, January 18, at 8:00 a.m.
- Receipt of year to date activities report from Code Director Sirois (see attached).
- Memo from APD Chief Pyle, pursuant to ORC Sections 2925.03 and 2981.13, verifying that the 2017 funds listed on the attached tables were expended only for the purposes authorized by law and as defined by internal policy.
- Receipt of a notification regarding an on-site waste disposal facility at the U.S. Department of Energy's Portsmouth Gaseous Diffusion Plant in Piketon, Ohio, along with a request from a Piketon Council Member, asking the City of Athens to join other villages and municipalities in adopting a Resolution opposing this action.

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

**Mayor Patterson** reported the following:

Stressed the importance of passable sidewalks for safety, citing removal of ice and snow in accordance with ACC Section 9.12.19.

- Upon retirement of Paula Horan Moseley in May, Andy Stone will be appointed as the new Service-Safety Director.

**ORDINANCES FOR FIRST READING:**

**0-01-18**

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION AND EXECUTE AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR A CLEAN OHIO TRAILS FUND GRANT FOR THE COLUMBUS ROAD BIKEPATH SPUR TRAILHEAD; AND DECLARING AN EMERGENCY. Kotses moved for Suspension of the Rules in order to meet the

grant application deadline of February 1; Butler seconded. Suspension of the Rules was approved unanimously. Kotses moved for Adoption; Butler seconded. Adoption was approved unanimously.

**0-02-18**

AN ORDINANCE CLOSING PRESIDENT STREET AND PORTIONS OF COURT AND UNION STREETS ON SATURDAY, APRIL 7, 2018, FROM 7:00 A.M. TO 6:00 P.M. FOR THE INTERNATIONAL STREET FAIR. Kotses moved to Table in order to provide the Administration with additional time to consider a possible alternate date or other solutions for closing the streets; Butler seconded. Discussion: Crowl has spoken with a number of business owners who find this date problematic for their operations and oppose the April 7 date.

Jessica Thomas, uptown business owner, appreciates the tabling for more discussion on how street closures affect businesses.

Mayor Patterson is very sympathetic to the impact some of our businesses have due to street closures in the uptown area.

Tabling was approved unanimously.

**0-03-18**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN LPA/STATE PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR BRIDGE PAINTING ON US 50; AND DECLARING AN EMERGENCY.

**0-04-18**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN LPA/STATE PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR LANDSLIDE REPAIR ON US 50; AND DECLARING AN EMERGENCY.

**0-05-18**

AN ORDINANCE TO ENSURE LOCAL MATCH FUNDS FOR THE MOBILITY MANAGER GRANT.

**0-06-18**

AN ORDINANCE AUTHORIZING THE PURCHASE OF THREE BUSES AND A TRUCK FOR THE ATHENS TRANSIT SYSTEM; AND DECLARING AN EMERGENCY.

**0-07-18**

AN ORDINANCE AFFIRMING THE PLAN OF OPERATION AND GOVERNANCE FOR THE SOPEC ELECTRICITY AGGREGATION PROGRAM; AND DECLARING AN EMERGENCY.

**0-08-18**

AN ORDINANCE AMENDING THE ATHENS CITY CODE TO ESTABLISH TITLE 49, INITIATIVE PETITIONS. Risner moved to Table in order to request the appropriate certified documents from the Auditor; Kotses seconded. Tabling was approved unanimously.

**0-09-18**

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 9.06, INTOXICATING LIQUORS; NARCOTICS, SECTION 9.06.12, HALLUCINOGEN; POSSESSION OR USE UNLAWFUL, AND SECTION 9.06.15, DRUG ABUSE.

**0-10-18**

AN ORDINANCE AMENDING THE 2018 APPROPRIATION ORDINANCE.

**0-11-18**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ECONOMIC DEVELOPMENT REVOLVING LOAN FUND ADMINISTRATION AGREEMENT WITH THE OHIO DEVELOPMENT SERVICES AGENCY; AND DECLARING AN EMERGENCY.

**0-12-18**

AN ORDINANCE AUTHORIZING THE PURCHASE OF SOFTENING SALT FOR THE WATER TREATMENT PLANT.

**0-13-18**

AN ORDINANCE AUTHORIZING THE PURCHASE OF A NEW BACKHOE FOR THE DEPARTMENT OF ENGINEERING AND PUBLIC WORKS (EPW), AND DISPOSAL OF THE CURRENT BACKHOE AS A TRADE-IN.

**0-14-18**

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT AN OPT-OUT RETAIL SOLAR COMMUNITY PROGRAM IN THE CITY OF ATHENS THROUGH THE SOUTHEAST OHIO PUBLIC ENERGY COUNCIL (SOPEC), CHARGE SOPEC RETAIL ELECTRIC CUSTOMERS IN THE CITY AN ELECTRIC CARBON FEE, DIRECTING THE BOARD OF ELECTIONS OF ATHENS COUNTY TO CONDUCT THE ELECTION; AND DECLARING AN EMERGENCY. Discussion: President Knisely clarified that this is a retail program for residential customers that, if adopted, would add a carbon tax, establish a solar development fund, and provide renewable energy certificates.

Mathew Roberts, a representative of Upgrade Ohio, supports this low cost community focused initiative. Average customers will see an increase in their electric bill of about \$1.60-1.80 per month, roughly \$20 per year. However, it will not affect lower income residents who are on an assistance program that has its own aggregation pool. This program is designed to put solar on public buildings that will have monetary benefit over time by using on-site energy.

McGee clarified that customers have the right to opt-out of this program even if it is approved by the electorate.

Sean White, resident and co-owner of Little Fish Brewing Company, supports placing this initiative on the ballot; it is a very valuable program.

Sarah Conley Ballew, Executive Director of Upgrade Ohio, fully supports this ballot measure. This is a very innovative way to build solar development in our community. This program will be impactful, affordable, equitable, and will be a safe investment for the future.

Loraine McCosker, resident, an instructor at Ohio University in Environmental Studies and a Member of the Sierra Club, supports this program. This is an investment, not just for the City of Athens but for our nation. She noted that in 2006 under Mayor Ric Abel, City Council approved the Cool Cities agreement. As per this agreement, the City of Athens pledged to reduce its greenhouse gas emissions by 10%, to below 1990 levels by 2017. Energy efficiency can achieve these goals and save substantial money. It is important to recognize our community's work.

Mayor Patterson clarified that this tax will fund solar projects on public buildings solely inside the City. It is his understanding that this would be the first program of its type under electric aggregation in the State of Ohio.

**ONE-READING RESOLUTION:**

**R-01-18**

A RESOLUTION TO APPROPRIATE PROPERTY FOR A PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A SEWER IN, UPON AND OVER PROPERTY OWNED BY SEAN JONES AND PROPERTY OWNED BY WOODLAND STEWARDS, LTD, FORMERLY OWNED BY SEAN JONES, ON COLUMBUS ROAD IN ATHENS, OHIO PURSUANT TO OHIO REVISED CODE SECTIONS 719.04 AND 719.05. Risner moved for Adoption; Crowl seconded. Adoption was approved unanimously.

**ANNOUNCEMENTS & OTHER BUSINESS:**

Butler moved to reappoint Scott Winland to serve a two-year term (1/1/18-12/31/19) on the Athens Municipal Arts Commission; Kotses seconded. Reappointment was approved unanimously.

Kotses moved to reappoint David Ingram, Lee Gregg and David Sincoff to serve two-year terms, expiring 12/31/19, on the Shade Tree Commission; Grace seconded. Reappointments were approved unanimously.

McGee moved to reappoint Doug Brooks and Brian Bucher to serve a 3-year term (1/22/18-1/21/21), on the Disabilities Commission; Crowl seconded. Reappointments were approved unanimously.

Grace moved to confirm the Mayor's appointment of Tania Basta to the unexpired term of Robert Frey through 12/31/2019 to serve on the City-County Health Board; Risner seconded. Confirmation was approved unanimously.

**EXECUTIVE SESSION:**

At approximately 8:00 p.m. Butler moved to go into Executive Session to discuss Threatened Litigation, and invited the Mayor, Auditor, and Law Director to attend. McGee seconded. A roll call vote was taken as follows: Butler, aye; Risner, aye; Crowl, aye; Fahl, aye; Kotses, aye; McGee, aye; and Grace, aye.

At approximately 8:25 p.m. Butler moved to come out of Executive Session; Risner seconded. Motion was approved unanimously.

Butler then moved to adjourn the meeting; McGee seconded. Motion was approved unanimously.

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President of Council

ATTEST:

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Clerk of Council