

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, FEBRUARY 5, 2018, 7:00 P.M.

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

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

President Knisely welcomed Scout Troop 53, and People Power, a group of high school students discussing and working together on democracy issues.

Kotses moved to Amend the Agenda to include under “Announcements & Other Business” a motion to Remove 0-02-18 From the Table; McGee seconded. Amendment was approved unanimously.

DISPOSITION OF MINUTES:

Risner moved to approve the minutes of the following sessions of City Council: Regular Session held November 20, 2017; Regular Session held December 4, 2017; Special Session held December 7, 2017; Regular Session held December 11, 2017; Regular Session held January 2, 2018; Regular Session held January 16, 2018; and Special Session held January 22, 2018; Fahl seconded. The minutes were unanimously approved as presented.

COMMUNICATIONS:

President Knisely announced the following:

- Receipt of a notice from the Ohio Division of Liquor Control for a change of LLC Membership Interests for the liquor permit held by VP Columbus Restaurant, LLC, dba Thai Paradise, 102 West Union Street & Patio. Responses must be postmarked no later than 2/12/2018.
- Those interested in serving on the City’s Affordable Housing Commission should send a brief biographical statement or CV to the Clerk of Council. Citizen appointments will be made by City Council, and will be represented by neighborhoods, real estate, finance, tenants, senior citizens, and two at-large members.
- The Athens Fire Department has submitted its Annual Report. A copy will be available for review in the City Council Office.

Council Member Kotses announced two upcoming Athens City School District Board meetings to discuss the proposed Facilities Master Plan. A

special meeting will be held tomorrow evening, February 6, at 6:30 p.m. at the Athens High School Auditorium, with a second regular meeting to be held at the same time and place on Thursday, February 15.

Council Member McGee expressed citizen discontent concerning potholes. He also noted that many citizens are pleased and appreciate that the Mayor has made available 6 parking spaces on East Union Street that before were designated only for vendors during certain hours.

Mayor Patterson thanked Councilman McGee for meeting with him and Code Enforcement to work through the details in making that happen.

Council Member Butler heard from citizens who received a warning for not clearing their sidewalk after recent snowfalls and ice, relaying that these citizens had cleared the sidewalk only to have City snow plows throwing it back onto recently shoveled sidewalks. He added that he appreciates the City's effort to keep the streets navigable considering the level 2 weather conditions.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported the following:

- Richland Pedestrian Passageway Project – a public meeting will be held Tuesday, February 20, 3:30 to 6:00 in the Grover Center Atrium, to receive ideas, input and feedback
- Pothole filling list for this week and next will take place on East State, Richland, Stimson, and Union, with East being the main target. He explained that these potholes are being filled with cold mix which does not adhere as well as hot mix, noting that the asphalt plants are closed during the winter months. The City did reach out to one of the asphalt manufacturing plants to explore the idea of opening early.

Treasurer McClure presented the attached 2017 Interest Income Report. She noted that the YTD interest income earned equals \$215,828.30 compared to the projected \$145,231.42 interest income, the difference largely due to having invested the bond proceeds for the pool project. This interest will offset the interest expense being paid on that project. This will continue into early 2018. The City saw a half a percent interest increase during 2017.

ORDINANCES FOR THIRD READING:

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

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

0-05-18

AN ORDINANCE TO ENSURE LOCAL MATCH FUNDS FOR THE MOBILITY MANAGER GRANT. Kotses moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-06-18

AN ORDINANCE AUTHORIZING THE PURCHASE OF THREE BUSES AND A TRUCK FOR THE ATHENS TRANSIT SYSTEM; AND DECLARING AN EMERGENCY. Kotses moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-07-18

AN ORDINANCE AFFIRMING THE PLAN OF OPERATION AND GOVERNANCE FOR THE SOPEC ELECTRICITY AGGREGATION PROGRAM; AND DECLARING AN EMERGENCY. Fahl moved for Adoption; Crowl seconded. Adoption 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. Fahl moved for Adoption; Risner seconded. Adoption was approved unanimously.

0-10-18

AN ORDINANCE AMENDING THE 2018 APPROPRIATION ORDINANCE. Risner moved for Adoption; Fahl seconded. Adoption was approved unanimously.

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

0-12-18

AN ORDINANCE AUTHORIZING THE PURCHASE OF SOFTENING SALT FOR THE WATER TREATMENT PLANT. Butler moved for Adoption; Fahl seconded. Adoption was approved unanimously.

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

ORDINANCES FOR SECOND READING:

0-08-18

AN ORDINANCE AMENDING THE ATHENS CITY CODE TO ESTABLISH TITLE 49, INITIATIVE PETITIONS.

0-14-18

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT AN OPT-OUT COMMUNITY SOLAR 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. Fahl moved for Suspension of the Rules in order to meet the Board of Elections submission deadline for the May Primary; Risner seconded. Suspension of the Rules was approved unanimously. Fahl moved for Adoption; Risner seconded. Adoption was approved unanimously.

ORDINANCES FOR FIRST READING:

0-16-18

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO ADDRESS NON-POINT SOURCE STORMWATER POLLUTION GRANT FUNDS THROUGH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND, IF AWARDED, ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO EPA; AND DECLARING AN EMERGENCY.

0-17-18

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR SMALL CITY PROGRAM FUNDS FOR PROGRAM YEAR 2018; AND DECLARING AN EMERGENCY.

0-18-18

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION AND EXECUTE AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR A RECREATIONAL TRAILS PROGRAM 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 timeline; Fahl seconded. Suspension of the Rules was approved unanimously. Kotses moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-19-18

AN ORDINANCE AMENDING THE 2018 APPROPRIATION ORDINANCE. Risner moved for Suspension of the Rules in order to pay bills in a timely manner; Fahl seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Fahl seconded. Adoption was approved unanimously.

ONE-READING RESOLUTION:

R-02-18

A RESOLUTION OPPOSING THE CONSTRUCTION OF AN ONSITE WASTE DISPOSAL FACILITY AT THE U.S. DEPARTMENT OF ENERGY'S PORTSMOUTH GASEOUS DIFFUSION PLANT IN PIKETON, OHIO.

Discussion: Mayor Billy Spencer of the Village of Piketon, referred to this issue as a David vs. Goliath battle. The Village has always supported the Gaseous

Diffusion Plant now being closed by the U.S. Department of Energy. It is being decommissioned and the Plant decontaminated. The DOE's plan is to bury the contamination in a 100-acre waste disposal cell, aka nuclear dump. The Village very strongly opposes this action. It will lower property values and there is no commitment from the DOE to clean up the site of the existing landfills and plumes of contaminated chemicals that are underground and currently migrating off-site. The Village expressed interest in cleaning up the site for future redevelopment for jobs, but without cleaning up this site, in addition to the 100 acres, no one will create any kind of job. He appreciates the Council's support of this issue. The Village has also received support from Waverly and Scioto Townships, Scioto Valley School Board, City of Chillicothe, the Village of Kingston, Jackson City Schools, Pike County Health Department and Pike County office holders.

Jennifer Chandler, City Council Member for the Village of Piketon, explained that this is not a good site for low level radioactive hazardous and toxic waste. The Village of Piketon conducted an independent assessment using DOE's own data, and it was revealed that there are fractures underlying this location. Also, the site cannot meet solid waste siting criteria put in place for normal household waste, and it cannot meet the 50' separation requirement between groundwater and the landfill liner required by the Toxic Substance Control Act. This landfill should have been a non-starter. She cited the following comparative criteria between the Village of Piketon and a disposal site in Nevada:

<u>Nevada</u>	<u>Piketon</u>
• Distance to groundwater is 770'	21' to 97'
• Annual rainfall is 4"	42" to 54"
• Distance to a residence is 26 miles	1007'

The risks to our future are too great. She thanked Council for supporting the future of southern Ohio.

Dennis Foreman, City Council Member for the Village of Piketon, and Chair of the Future Use of the Site Specific Advisory Board (SSAB), explained that every nuclear site has such a Board. Some believe that if this site is cleaned up, industrialization will happen, pointing out that the Village of Piketon does not have that kind of capital.

Fahl moved for Adoption; Crowl seconded. Discussion: Fahl understands needing a voice in the governance of our communities. She noted that our

community is ground zero for injection wells that are exempt from Federal rules. We also have a very shallow aquifer.

McGee sees this as a serious call for action, and thanked our colleagues from Piketon for bringing this to the attention of City Council and the citizens of Athens.

Butler acknowledges that Council has an obligation to voice matters of wrongdoing. He applauds this effort, and asked that the Clerk send copies of this Resolution to appropriate elected officials.

Mayor Patterson noted that this particular site will only be 8000' from a public school. He is in full support of Council's Resolution. He is distraught over how southern Ohio has been targeted to become the waste dump for a lot of toxic materials, whether fracking waste or a nuclear disposal site.

Adoption was approved unanimously.

ANNOUNCEMENTS & OTHER BUSINESS:

- Glen Crippen, Director of Housing and Community Development, HAPCAP, provided information on the funding availability for the 2018 Community Housing Impact & Preservation (CHIP) Program. Statewide, \$19,000,000 will be available. In the past, the City has partnered with the County in applying for this funding. This is a two-year program and an application will be made for \$1,000,000, adding the other eligible jurisdiction is the City of Nelsonville. Authorization to enter into a partnership with the County will be needed. Eligible assistance must meet 80% of the area median income, low-to-moderate.

Councilman McGee asked if this grant is just for rehabilitation, or does it include building as well.

Crippen clarified that this grant is for the rehabilitation of homes and home repair.

Mayor asked about the amount of funding the City can receive.

Crippen indicated that funding continues to decrease, but we're lucky enough to be funded.

Mayor reported that the most recent funding included: \$48,000 for administration; owner-rehab, \$127,400; owner home repair, \$179,600; and one rental rehab, \$45,000, totaling \$400,000.

Kotses moved to Remove Ordinance 02-18 From the Table; Fahl seconded.

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.

Motion was approved unanimously.

Mayor Patterson has been working with Diane Cahill, Interim Director for International Student Faculty Services at Ohio University in determining the most appropriate location for the International Street Fair, given it is on MOM's Weekend. Business owners in the uptown area have voiced concern that they may be negatively impacted by having a competing event on Court Street with street closures and loss of parking. The amended street closure being recommended is East Union Street between Court and University Terrace, closing off College. A parade permit will be issued to parade up South Court Street from Baker Center and turning right onto East Union at the event site. Howard Square will also be utilized as part of their venue.

The Mayor has spoken with some of the uptown business owners about this change and they felt comfortable with this solution, as opposed to closing two blocks of Court Street.

Kotses moved to amend Ordinance 02-18 to close and ban parking on East Union Street between Court and University Terrace; Fahl seconded. Amendment was approved unanimously.

Butler moved to confirm the appointment of Travis Gatling to the Arts, Parks & Recreation Advisory Board; Fahl seconded. Appointment confirmation was approved unanimously

EXECUTIVE SESSION:

At approximately 8:20 p.m. Fahl moved to go into Executive Session to discuss Compensation of a Public Employee, and invited the Mayor and Law Director to attend. Butler 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 8:45 p.m. Fahl moved to come out of Executive Session; Butler seconded. Motion was approved unanimously.

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

President of Council

ATTEST:

Clerk of Council