

**ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, APRIL 15, 2019,  
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, Auditor Hecht, and Law Director Eliason.

**APPOINT ACTING CLERK FOR THIS SESSION OF COUNCIL:**

Butler moved to appoint Council Member Grace to serve as Acting Clerk for this session of Council; Kotses seconded. Motion was approved unanimously.

**DISPOSITION OF MINUTES:**

Fahl moved approval of the minutes of the Regular Session held April 1, 2019; Kotses seconded. Minutes were unanimously approved as presented.

**COMMUNICATIONS:**

**President Knisely** reported the following:

- Receipt of a notice from the Ohio Division of Liquor Control of a change of corporate stock ownership to the Treglia Group Corp., dba the Red Brick Tavern, 14 N. Court Street.
- Infrastructure Tour is scheduled for Thursday, April 25, at 12:30pm for approximately 2 ½ hours and is open to the public. Please notify the Clerk of Council if you plan to attend to ensure adequate space on the bus.
- Judges will be in town on July 25<sup>th</sup> for America in Bloom, a competition promoting community enhancement programs through the use of flowers.
- Receipt of communication from Governor DeWine acknowledging the Council's Resolution asserting our protected right to self-government and Home Rule.

**Council Member Crowl** announced that on Thursday, April 18, Ohio University will be celebrating Earth Day, beginning with a parade forming at 1:00 p.m. at McCracken Hall, proceeding through East Green to the main campus, and along Court Street sidewalk, through Baker Center and ending at Bicentennial Park, where there will be free activities open to the public.

**Council Member Kotses** announced that the Athens City School Board will be meeting on Thursday, April 18, at 6:30 p.m. in the high school auditorium.

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

**Mayor Patterson** passed along a reminder that the Richland Avenue Bridge replacement project will begin May 6 through August 19. During construction two-way traffic will be maintained with temporary signalization, and one side of the sidewalk will be closed. This is a mid-1930's bridge.

Noted that he serves as an executive in the Mayor's Partnership for Progress, serving 15 Appalachian counties, and has recently been nominated to serve on the Ohio Mayor's Alliance, the 30 largest cities in the State of Ohio, representing the southeast quadrant of Ohio.

On April 24 from 1:00-4:00pm he will be in Columbus attending the Opportunity Zone Showcase, Jobs Ohio, seated on a panel to discuss our opportunity zone development.

#### **ORDINANCES FOR THIRD READING:**

##### **0-24-19**

AN ORDINANCE CLOSING CERTAIN STREETS IN UPTOWN ATHENS ON FRIDAY, JUNE 21, AND SATURDAY, JUNE 22, 2019, FOR THE BRICK CRITERIUM. Kotses moved for Adoption; Butler seconded. Adoption was approved unanimously.

##### **0-25-19**

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 17, TAXES, CHAPTER 17.01, MUNICIPAL INCOME TAX, TO INCLUDE SECTIONS 718.80 THROUGH 718.95 OF THE OHIO REVISED CODE. Fahl moved for Adoption; Risner seconded. Discussion: Fahl noted Council's displeasure with having to make this amendment, that it is being approved under duress, as it is required by the State Legislature; it is a clear imposition of Home Rule ability to collect our own taxes, and will substantially impact the City.

Auditor Hecht clarified that if the City does not enact this amendment, the City will not be able to continue to collect income tax, regulations set by the State. Noting also, that this amendment will negatively impact the City's income tax revenue, and may create a hardship for the City due to quarterly distributions.

Council Member McGee clarified that this is only for business taxes.

Adoption was approved unanimously.

## **ORDINANCES FOR SECOND READING:**

### **0-26-19**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A FIVE-YEAR CONTRACT TO PURCHASE BODY WORN CAMERAS AND TASERS FOR THE ATHENS POLICE DEPARTMENT.

Discussion: Southside resident believes this purchase is moving in the right direction as a step toward accountability, cautioning that we should not assume that the problems of police violence will be solved by this equipment.

### **0-27-19**

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 (CDBG), CRITICAL INFRASTRUCTURE GRANT PROGRAM, FOR PROGRAM YEAR 2019.

### **0-28-19**

AN ORDINANCE AMENDING ORDINANCE 23-18; AUTHORIZING DESIGN ENGINEERING OF THE STIMSON AVENUE IMPROVEMENTS PROJECT (#315).

### **0-29-19**

AN ORDINANCE AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING PROGRAM; AND DECLARING AN EMERGENCY. Kotses moved for Suspension of the Rules in that ODOT has given the City a short turnaround time with a deadline of Friday; Risner seconded. Suspension of the Rules was approved unanimously. Kotses moved for Adoption; Crowl seconded. Adoption was approved unanimously.

### **0-30-19**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN LPA/STATE PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR A BRIDGE DECK OVERLAY PROJECT WITHIN THE CORPORATION BOUNDARY ON U.S. STATE ROUTE 33 (PID 106819); AND DECLARING AN EMERGENCY.

### **0-31-19**

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT WITH ODOT FOR A TRANSPORTATION ALTERNATIVES PROGRAM GRANT FOR AN ATHENS UPTOWN AREA IMPROVEMENTS PROJECT; AND DECLARING AN EMERGENCY.

**0-32-19**

AN ORDINANCE AUTHORIZING 2019 STREET PAVING AND REPAIRS.  
Discussion: Kotses requested the Administration provide a list of the streets being considered for paving and repairs prior to adoption.

**0-33-19**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO CONTRACT(S) FOR INTERIOR ENHANCEMENTS TO THE MUNICIPAL PARKING FACILITY, PROJECT #326.

**0-34-19**

AN ORDINANCE CLOSING A PORTION OF COURT STREET ON FRIDAY, JUNE 7, AUGUST 9, AND SEPTEMBER 20, 2019, FOR A CRUISE-IN.

**0-35-19**

AN ORDINANCE CLOSING A PORTION OF UNION STREET BETWEEN COURT AND CONGRESS ON SATURDAY, AUGUST 17, 2019, FROM 8:00 A.M. TO 10:00 P.M. FOR AN UPTOWN ART EVENT.

**0-36-19**

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE SECTION 13.04.10, UNNECESSARY NOISE, ON UNION STREET AND CONTIGUOUS PROPERTY TO UNION STREET, ON AUGUST 17, 2019, FOR AN UPTOWN ART EVENT.

**0-37-19**

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, AUGUST 17, 2019, DURING AN UPTOWN ART EVENT.

**0-38-19**

A ORDINANCE DECLARING PROPERTY LOCATED AT 7055 BLACKBURN ROAD NO LONGER NEEDED FOR A MUNICIPAL PURPOSE; AND AUTHORIZING THE MAYOR TO SELL SAID PROPERTY TO ANOTHER POLITICAL SUBDIVISION.

**0-39-19**

AN ORDINANCE DECLARING PROPERTY LOCATED AT 7065 BLACKBURN ROAD NO LONGER NEEDED FOR A MUNICIPAL PURPOSE; AND AUTHORIZING PERMISSION TO DONATE THE PROPERTY TO ANOTHER POLITICAL SUBDIVISION.

## **ORDINANCES FOR FIRST READING:**

### **0-40-19**

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION AND EXECUTE AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION IMPROVEMENT DISTRICT (TID) FUNDING.

### **0-41-19**

AN ORDINANCE ESTABLISHING A "COMPLETE STREETS" POLICY FOR THE CITY OF ATHENS. Discussion: Crowl supports this concept of complete streets. This legislation encompasses most of the recommended components outlined by the National Complete Streets Coalition. He did note that this puts a lot of the policy in the hands of the City Service-Safety Director, questioning that even the exceptions will be determined by the Service-Safety Director. He would like more discussion and a possible revision of this language, suggesting that exceptions/exclusions could be required as part of the annual report.

Grace commented that in terms of exceptions, it would be really valuable to have documentation for the reasons exceptions are made. She would like there to be a specific process for exceptions outlined in this legislation.

Mayor Patterson agrees that such documentation of exceptions is fair and important to the policy, and that it seems reasonable to require it be part of the annual report.

McGee expressed concern about how some of these policies may affect the local businesses, but overall is pleased with this legislation.

Rob Delach, Morris Avenue, commended the City for moving forward with this policy. He also agrees that accurate documentation and reporting of exceptions is needed, and should be added.

### **0-42-19**

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ATHENS, TO ENTER INTO AN AGREEMENT FOR THE ESTABLISHMENT OF THE OUTDOOR RECREATION COUNCIL OF APPALACHIA COUNCIL OF GOVERNMENTS. Discussion: President Knisely noted that this Council of Governments (COG) is being formed for the Bailey's Trail System.

Fahl wished to have clarified whether this COG is specifically for the Bailey's, or if it will be used for other recreational opportunities.

President Knisely responded that it is not restricted to Bailey's.

Fahl hopes the COG will be used on a larger scale.

Mayor Patterson commented that the COG can grow as Appalachian recreational activities and interests evolve.

**0-43-19**

AN ORDINANCE AMENDING THE 2019 APPROPRIATION ORDINANCE.

Discussion: Crowl asked about the location of the failed ventilation system.

Mayor Patterson responded that it is the third floor of the Law Administration Building; the area near the restrooms.

**0-44-19**

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 11, BUSINESS REGULATIONS, TO INCLUDE CHAPTER 11.12, SHARED ACTIVE TRANSPORTATION. Discussion: Risner urged the Council to carefully review this new chapter proposed to govern e-vehicles within our City Code.

Crowl pointed out that this issue is one with a lot of cooperation between the City and the University, so that the policies do not contradict one another (The University is concurrently working on its own policy.)

**0-45-19**

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, TO INCLUDE FEES ASSOCIATED WITH SHARED ACTIVE TRANSPORTATION. Discussion: Kotses asked how these e-vehicles, if abandoned, might increase the workload of City staff.

Fahl questioned whether abandoned e-vehicles could be removed by a contracted third party, similar to a tow company.

Mayor Patterson responded that the onus will remain with the company. The City does have the right to impound and assess charges for these vehicles.

McGee asked about the justification for the \$10,000 fee; it seems high to him.

Mayor Patterson said these fees can be levied in a sundry of ways, and this fee structure is middle of the road when compared to other municipalities.

Kotses pointed out that while the initial application fee is \$10,000, each year thereafter it goes down to \$2500. These fees will not inhibit the interested companies.

Rob Delach, Morris Avenue, cautioned that the fees not be set too high. He doesn't believe the City wants to discourage this alternate type of transportation. A good check and balance is key.

**ANNOUNCEMENTS & OTHER BUSINESS:**

Risner moved to Accept the Auditor's March, 2019, Financial Reports; Kotses seconded. Motion was approved unanimously.

Fahl moved to accept the March, 2019, credit card report; Crowl seconded. Discussion: Auditor Hecht noted that this approval is required by State legislation.

Crowl moved to appoint Vanessa Morgan-Nai and Thomas Raimondi to serve 3-year terms on the Community Relations Commission; Grace seconded. Appointments were approved unanimously.

President Knisely announced that the City-wide cleanup will be held the week of April 22<sup>nd</sup>. Information on items that can be collected curbside is available of the City's website. Large items can be arranged through a special pickup.

Also, a hazardous waste disposal day at the Convocation Center is scheduled on May 18<sup>th</sup> from 9:00am-1:00pm.

McGee asked whether there will be a hazardous waste disposal day prior to the Ohio University students leaving campus.

Mayor Patterson responded that while there is no disposal day per se, but that electronic devices can be dropped off at the MakerSpace on Union if they are repairable.

President Knisely announced the need for a Special Session next Monday, April 22<sup>nd</sup>.

At approximately 8:30 p.m. McGee moved to Adjourn the meeting; Kotses seconded, and the meeting was adjourned.

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President of Council

ATTEST:

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Acting Clerk of Council