

MINUTES
JUNE 11, 2018
COMMITTEE OF THE WHOLE
7:00 P.M.

Council Members in Attendance: Kent Butler
Samuel Crawl
Chris Fahl
Sarah Grace
Patrick McGee
Jeff Risner

Administrators and/or
Other Elected Officials: President Knisely
Mayor Patterson
Auditor Hecht

Items Discussed:

- City-County Health Department, Tobacco 21 (presentation by Kari Boyle)
-Boyle is a Health Educator at the City-County Health Department – **What is tobacco 21?** Legislation would make it unlawful to sell or distribute tobacco to anyone under the age of 21 – the states of Hawaii, California, New Jersey, Oregon and Maine have passed Tobacco 21 legislation – does not have to be passed at the State level, can also be passed by a municipality – 10 cities have approved legislation – **Why?** tobacco remains the leading cause of preventable disease and premature death in the U.S. – is one of the largest drivers of health care costs (in Ohio, \$5.64 billion spent annually) – 95% of current adult smokers began before age 21 – nicotine is seen as a gateway drug – an estimated 259,000 kids now under the age of 18 in Ohio will ultimately die prematurely from smoking – is best way to fight infant mortality – Athens County has a higher prevalence of smoking than either the State or U.S. -- \$9.5 billion a year is spent by tobacco companies to market this addictive product in the U.S. – 75% of U.S. adults, including smokers, support raising the minimum age of legal access to all tobacco to 21 years – **What can we do?** – legislation needs to cover all types of tobacco products, including electronic cigarettes – public education, training and technical assistance to retailers – implement measures for active enforcement – does not create new categories of products, which would exempt them from other tobacco control laws – does not penalize youth – enforcement – designate an agency – identify dedicated funding source for enforcement – license tobacco retailers – provide for citizen complaints of violations; require appropriate signage at retail stores – provide retailer education – strong laws with sufficient annual fees creates self-financing programs – Columbus and Powell have good legislation models – Tobacco 21 improves health impacts – policy has a strong effect

-McGee – asked if there have been voter referendums for Tobacco 21, as opposed to legislative enactment

-Boyle – to her knowledge, no

-Risner – asked about the number of tobacco retailers in Athens

-Boyle – 25-30

-Mayor – challenge for City legislation is that it would not preclude someone from going just a couple of miles outside City limits to make a purchase

-Grace – ideally, to be most effective, should be statewide – currently not enough support at State level – believes that with legislation at the local level there would still be a dramatic reduction within our community

- Resolution Supporting Ohio House Bill 160, The Ohio Fairness Act
 - Crowl – this is anti-discrimination legislation – provides protection to LGBTQ plus individuals – it is still legal in the State of Ohio to fire someone, deny them access to housing and basic goods and services simply because of their sexual orientation, or gender identity or expression – City of Athens has a long history of being very inclusive – just celebrated PRIDE Week – HB 160 is in line with our overall community values – Ohio University President Nellis has forwarded a letter to the State Legislature in support of HB 160

-Mayor – has also forwarded a letter to State Representative Jay Edwards and other legislative officials

- HB 175 “Urban Farming”
 - Fahl – HB 175 further erodes Home Rule – bypasses municipalities – ignores the local needs and wants of community control and planning – Home Rule is essential to represent our citizens both fairly and equitably

-Grace – concurs the need to protect Home Rule – the City has already joined other municipalities in opposition to State legislation that attacks Home Rule

-Risner – asked who stands to gain from this HB – there isn’t a lot of money in urban farming – sees it as a frivolous Bill

-President – OML has asked concerned municipal leaders for written testimony in opposition to HB 175

-Fahl – suggested a one-reading resolution, letter, or simply putting forward this discussion as public testimony

ITEMS NEEDED ON THE NEXT CITY COUNCIL AGENDA:

1. HB 160

MINUTES
FINANCE & PERSONNEL COMMITTEE
JUNE 11, 2018
7:00 p.m.

Members in Attendance: Jeff Risner, Chair
Kent Butler, Vice-Chair
Sam Crowl

Administrators and/or
Other Elected Officials: President Knisely
Mayor Patterson
Auditor Hecht

ITEMS DISCUSSED:

- Payment System for Municipal Court
 - Tonya Dye, Municipal Court Clerk – requested authorization for the Court to enter into a payment system agreement with “nCourt” for credit card processing of court fines and costs, as well as some additional services, at no cost, such as enabling telephone payments and the ability to set up recurring payments (present service provider does not offer this benefit) – this service is integrated with the Court, serving as an extension, after hours, and can also answer basic questions, i.e., when is court date, etc.
 - Risner – requested clarification that this is not an attempt to move away from accepting cash or payments by check
 - Dye – checks, money orders, and cash will still be accepted
- Municipal Pool (update)
 - Risner – asked if the project is coming in on budget
 - Mayor – yes, and the City has received a number of donations and commitments (approx. \$30,000) to bring back some of the items that needed to be removed to stay within budget – pool will not open tomorrow as planned – agency inspections are ongoing – pool cannot open until these inspections are completed – the pool is now scheduled to open to the public on Saturday, again hinging upon permit approvals – all media outlets will be carrying news about the scheduled date for the grand opening

ITEMS NEEDED ON THE NEXT CITY COUNCIL AGENDA:

1. Payment System

MINUTES
TRANSPORTATION COMMITTEE
JUNE 11, 2018
7:00 p.m.

Members in Attendance: Patrick McGee, Vice-Chair
Sarah Grace, Member
Sam Crowl, Member

Administrators and/or
Other Elected Officials: President Knisely
Mayor Patterson
Auditor Hecht

ITEMS DISCUSSED:

- Athens Public Transit (amended MOU)
 - Crowl – need to approve authorization for the Mayor to enter into an amended MOU with Athens.Hocking.Perry Community Action Programs (HAPCAP) – the City has agreed to transfer ownership of all current Athens Public Transit vehicles to HAPCAP

 - Mayor – HAPCAP will also be responsible for maintaining insurance on all vehicles, buildings, and equipment

- LPA Project Agreement (Richland Avenue Coates Run Bridge Replacement)
 - Crowl – need to approve authorization for the Service-Safety Director to enter into a Federal Local Project Agreement (LPA) with ODOT for replacement of the Richland Avenue Coates Run Bridge – EPW has met with the affected business/property owners in the area

 - Mayor – pointed out that this is a 46' bridge built in 1935 – construction will occur in 2019 – traffic will be maintained with traffic signals, rebuilding one side of the bridge at a time

- Richland Pedestrian Passageway Project (RP3)
 - Crowl – need to approve authorization for the Service-Safety Director to advertise and accept bids, where necessary, for construction and construction engineering services associated with the Richland Avenue Pedestrian Passageway Project (#311) – the City has received a funding award of \$1,812,195 from the Transportation Alternatives Program, and the City anticipates receiving \$400,000 from Ohio University – construction will begin in early May, 2019, after Ohio University graduation, and is expected to be completed prior to Ohio University move-in in early August – plans are available on the City's Website, although they are still in a review stage

-McGee – understands that Ohio University will be paying \$400,000 toward this project, and asked the amount being paid by the City, and the final estimated project cost

-President – the City's cost will be about \$1.1 million that includes previously authorized design fees, and the total cost of the project is approximately \$3.4 million

-Mayor – indicated that the City has also applied for a Transportation Improvement District Grant to help offset some of the City's cost

ITEMS NEEDED ON THE NEXT CITY COUNCIL AGENDA:

1. Athens Public Transit
2. LPA (Richland Coates Run Bridge)
3. RP3

**ATHENS CITY COUNCIL: SPECIAL SESSION, MONDAY, JUNE 11, 2018,
7:00 P.M.**

Athens City Council met in Special Session at the above hour with the following members present: Butler, Crowl, Fahl, Grace, McGee, and Risner. Also present: President Knisely, Mayor Patterson, and Auditor Hecht.

ORDINANCES FOR THIRD READING:

0-66-18

AN ORDINANCE AMENDING TITLE 11, BUSINESS REGULATIONS, CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING. Discussion: McGee acknowledged that this is an amendment to the City's Vending Code, and agrees that the Vending Code needs to be reviewed in its entirety by an Ad Hoc Committee, however, this amendment is really an ordinance to open up and provide additional uptown public parking in an area reserved for vendors who do not typically use these parking spaces. This amendment allows for public parking in the 10 spaces currently set aside for vendors on Sundays, and if a vendor is not using the space by noon (currently reserved until 4:00 p.m.) on other days, the space is forfeited for vending purposes and available for public parking. There is also an exemption that allows the vendor to bag the meter until 3:00 p.m. if they cannot arrive by noon, but want to vend later in the afternoon. This protects the public's right to use public parking spaces, while continuing to provide for the needs of the vendors with very limited restrictions. This Ordinance is simply allowing the public to use parking spaces that are not being used by the vendors. Again, this addresses only a narrow issue and is not the overall remedy for the Vending Code that can be reviewed and addressed at a later date.

McGee moved for Adoption; Risner seconded. Discussion: Crowl would also like those parking spaces to be available for use. However, he would like that to happen through a broader discussion with the vendors in an Ad Hoc Committee where it can be handled in its entirety.

Fahl expressed concern about the administration and enforcement of bagging the meters for the extended hours. She, too, would like a review of the entire Vending Code, as well as the overall uptown parking plan.

Grace's concern is that the vendors have purchased a permit for this calendar year under a certain set of rules, and she believes it is inappropriate and unfair to change the regulations midway through the agreement.

McGee responded that the vendors are being granted a reserved space by the City to vend, and they should use it. If it is vacant, then regulations should be in place returning it to public use.

Risner is looking at this as a sort of pilot project until the larger vending issue can be addressed. It will return public parking to those spaces not being used by the vendors.

Mayor Patterson questioned who would be policing the meters that are bagged, with no vendor arriving prior to 3:00 p.m.

McGee believes it will be apparent if a vendor is misusing the system, and forfeiture of that right would be handled by Parking Enforcement.

Fahl emphasized the need to address this issue in a comprehensive manner.

Crowl agrees. This is a very important, complicated issue that needs additional work, and he hopes that Councilman McGee will be a part of the larger solution going forward to improve it.

Adoption was denied by a 2-4 vote; with Butler, Crowl, Fahl, and Grace voting in opposition.

0-67-18

AN ORDINANCE APPROVING THE ATHENS-HOCKING SOLID WASTE MANAGEMENT PLAN. Butler moved for Adoption; Fahl seconded. Discussion: McGee understands that certain recycling materials are no longer a source of revenue, and questioned whether these materials will end up in the landfill.

Roger Bail, Coordinator for the Athens-Hocking Solid Waste District, indicated that the recycling items listed in the AHSWD Plan are: plastics, newspaper, magazines, cardboard, office paper, steel and aluminum cans, and glass. These materials are being processed and do not go to the landfill. They can all be mixed into single-stream pickup, noting that contaminated single-stream items are less marketable and provide less revenue than sorted items. The materials listed in the Plan are still marketable. Even if there is no revenue stream; these items are under EPA mandate for recycling. He did note there is not a market for film plastics and plastic bags, but these are not listed in the Plan. Single-stream is much more efficient and more convenient, and a higher percentage of materials are being diverted from the landfill, but the quality is not as good.

Grace asked about the rate of increase being diverted from the landfill upon introducing single-stream.

Bail responded that district-wide in 2015, showed a diversion rate of 23%. In 2016, that rate increased to 27.8%. The EPA Federal goal is 35% and the State goal is 25%.

Risner has been notified that on July 1, 2018, Athens-Hocking Recycling Centers, Inc., will no longer be accepting film plastics.

Bail asks that recycling customers loosely place recycling items in the container, not to bag them together. Each closed bag must be opened and

examined by an employee at the Center. Customers also need to be mindful to clean their recycling items so there is less contamination.

Fahl emphasized the environmental need to reduce, recycle and reuse as much as we can.

Adoption was approved unanimously.

0-68-18

AN ORDINANCE CLOSING A PORTION OF UNION STREET BETWEEN COURT AND CONGRESS ON SATURDAY, AUGUST 18, 2018, FROM 8:00 A.M. TO 10:00 P.M. FOR AN UPTOWN ART EVENT. Butler moved for Adoption; Risner seconded. Adoption was approved unanimously.

0-69-18

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 18, 2018, FOR AN UPTOWN ART EVENT. Butler moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-70-18

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 18, 2018, DURING AN UPTOWN ART EVENT. Butler moved for Adoption; Fahl seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

0-72-18

AN ORDINANCE AUTHORIZING PRELIMINARY ENGINEERING OF THE WASTEWATER TREATMENT PLANT DEWATERING EQUIPMENT PROJECT (#320).

0-73-18

AN ORDINANCE AUTHORIZING A DELINQUENT DEBT COLLECTION AGREEMENT BETWEEN THE OHIO ATTORNEY GENERAL AND ATHENS COUNTY MUNICIPAL COURT.

0-75-18

AN ORDINANCE AUTHORIZING ENGINEERING, CONSTRUCTION, AND CONSTRUCTION ENGINEERING SERVICES FOR THE NORTHWEST BIKEWAY SPUR (PHASE III) PROJECT (#296).

0-78-18

AN ORDINANCE AMENDING THE 2018 APPROPRIATION ORDINANCE.

ORDINANCES FOR FIRST READING:

0-80-18

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A ONE-YEAR CONTRACT EXTENSION WITH ATHENS-HOCKING RECYCLING CENTERS, INC., FOR MUNICIPAL REFUSE AND RECYCLING; AND DECLARING AN EMERGENCY.

0-81-18

AN ORDINANCE AUTHORIZING ATHENS COUNTY MUNICIPAL COURT TO ENTER INTO A PAYMENT SYSTEM AGREEMENT FOR THE PROCESSING OF COURT COSTS.

0-82-18

AN ORDINANCE APPROVING AN AMENDED MEMORANDUM OF UNDERSTANDING WITH HOCKING.ATHENS.PERRY COMMUNITY ACTION PROGRAMS (HAPCAP), ADMINISTRATOR OF ATHENS PUBLIC TRANSIT.

0-83-18

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN LPA FEDERAL PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RICHLAND AVENUE COATES RUN BRIDGE REPLACEMENT PROJECT (#321); AND DECLARING AN EMERGENCY.

ONE-READING RESOLUTION:

R-06-18

A RESOLUTION SUPPORTING OHIO HOUSE BILL 160, THE OHIO FAIRNESS ACT, WHICH AMENDS OHIO'S ANTI-DISCRIMINATION LAWS TO INCLUDE SEXUAL ORIENTATION AND GENDER IDENTITY OR GENDER EXPRESSION AS PROTECTED CLASSES. Crowl moved for Adoption; Fahl seconded. Adoption was approved unanimously.

At approximately 8:45 p.m., Fahl moved to Adjourn; Crowl seconded. Motion was approved unanimously.

ATTEST:

Clerk of Council

President of Council