

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, AUGUST 21, 2023, 7:00 P.M.

Athens City Council met in Regular Session at the above hour with the following members present: Crawl, Grace, McCarey, Swank, Spjeldnes, and Ziff.

Also present: President Pro Tem Risner, Mayor Patterson, Auditor Hecht, and Law Director Eliason.

DISPOSITION OF MINUTES:

Grace moved for approval of the minutes from the Regular Session held August 7, 2023; Ziff seconded. Minutes were unanimously approved as presented.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

- **Mayor Patterson** reported the following:
 - The Planning Commission recently began discussion of a change in the City Code to allow chickens. He reported receiving a large number of responses from the far east side regarding allowing chickens in the City. It is important to hear from our community on this issue.
 - Shared a news release from Dawn McCarthy, USFS Wayne National Forest, proposing changing its name to the Buckeye National Forest (see attached). He, personally, would prefer the name reflect the indigenous people who lived here. He will be submitting his comments on this name change.
- Swank suggested that City Council adopt a resolution for submission on this issue.
- Mayor responded that a resolution would be fine, or the Council could submit a letter. He can provide the names and addresses for sending a letter.
- McCarey is personally moved by the discussion of the name "Ohio National Forest" since the word Ohio is Iroquois meaning, great river, and appreciates the discussion.

ORDINANCES FOR SECOND READING:

0-78-23

AN ORDINANCE ACCEPTING PERMANENT UTILITY RIGHT-OF-WAY EASEMENTS FROM OCULUS ACQUISITIONS, LLC FOR ACCESS TO THE EXISTING CITY LIFT STATION AT UNIVERSITY ESTATES.

0-79-23

AN ORDINANCE AMENDING ORDINANCE 65-23, THE 2023 APPROPRIATION ORDINANCE 155-22. Crawl moved for Suspension of the Rules; Ziff seconded. Crawl explained that he is requesting Suspension of the Rules on this ordinance and the next two in order to expedite payments, as these requests came in during Council's recess. Suspension of the Rules was approved unanimously. Crawl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-80-23

AN ORDINANCE APPROVING A THEN-AND-NOW CERTIFICATE FOR PAYMENT TO BDT ARCHITECTS & DESIGNERS FOR PARKING GARAGE IMPROVEMENTS, PHASE III, PROJECT #362; AND DECLARING AN EMERGENCY. Crawl moved for Suspension of the Rules as noted above; Ziff seconded. Suspension of the Rules was approved unanimously. Crawl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-81-23

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE 155-22. Crawl moved for Suspension of the Rules, again as indicated above; Ziff seconded. Suspension of the Rules was approved unanimously. Crawl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

ORDINANCES FOR FIRST READING:**0-82-23**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO THE "AGREEMENT ESTABLISHING THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC)," AND A NATURAL GAS PROGRAM AGREEMENT WITH NOPEC, AND RELATED MATTERS.

0-83-23

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO EXECUTE A 25-YEAR EASEMENT WITH OHIO UNIVERSITY TO REPLACE A WATERLINE. Discussion: Crawl questioned that the ordinance addresses the replacement of a waterline, and not just a renewal of an easement. His concern is that this is next to the historic Bingham House and a very old stand of trees along Richland Avenue. He asked if construction would cause any danger to the trees.

Mayor Patterson responded that the waterline is on the north side of the trees. There would be no impact either to the trees or to the Bingham House.

Grace doesn't believe this is a replacement, but simply an easement renewal.

0-84-23

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY USE PERMIT AT 39 HOOPER STREET TO PATRICK AND JAMES BALDING, OWNERS, FOR CONTINUED USE OF THE CITY RIGHT-OF-WAY FOR AN EXISTING FENCE.

0-85-23

AN ORDINANCE ACCEPTING A CERTIFICATE OF REGISTRATION FROM MADISON ENERGY COOPERATIVE ASSOCIATION/UTILITY PIPELINE LTD, FOR USE OF THE CITY'S RIGHT-OF-WAY.

0-86-23

AN ORDINANCE AUTHORIZING DISPOSAL OF A POLICE DEPARTMENT VEHICLE NO LONGER NEEDED FOR A MUNICIPAL PURPOSE.

0-87-23

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE 155-22.

ONE-READING RESOLUTION:

R-10-23

A RESOLUTION CREATING A PEDESTRIAN ACCESSIBILITY AND BICYCLE TASK FORCE FOR THE CITY OF ATHENS. Swank moved for Adoption; Ziff seconded. Discussion: Spjeldnes believes this is a very important step for the City. This Task Force will be a wonderful addition in making our community more environmentally and pedestrian friendly, and will help people needing accessibility beyond what the City has right now.

Adoption was approved unanimously.

ANNOUNCEMENTS & OTHER BUSINESS:

Grace moved to confirm the Mayor's Appointment of Christine Wilson to serve on the Athens Municipal Arts Commission; Ziff seconded. Appointment was approved unanimously.

Grace moved to confirm the Mayor's Appointment of Aaron Thomas to the Board of Zoning Appeals, moving from alternate to a full member; Ziff seconded. Appointment was approved unanimously.

Ziff moved to remove R-06-23 from the Table; McCarey seconded. Motion to remove from the Table was approved unanimously.

R-06-23

A RESOLUTION OF THE CITY OF ATHENS REAFFIRMING ITS COMMITMENT TO OPPOSE ALL FORMS OF BIGOTRY, PREJUDICE, AND RACIAL INJUSTICE. Swank moved to Amend as highlighted in red, see attached; Ziff seconded. Amendment was approved unanimously. Crawl moved for Adoption; Ziff seconded. Discussion: McCarey looks forward to seeing this work continue to evolve and appreciates everyone's efforts. Adoption was approved unanimously.

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

Zach Reizes, representing Sunday Creek Horizons (SCH), provided an update on an opportunity for a 4% Ohio Housing Finance Agency (OHFA) grant award to help build income-qualified housing in the City. The developer is still working to secure a development site, and SCH and the City are working to provide the most fiscally responsible way to provide the match that the developer is looking for, emphasizing the very short application timeline.

Jack Stauffer, Elmwood Place, addressed Athens City Code Section 23.04.01(C) (3), to allow certain non-owner occupied short-term rentals in an R-1 zone. He requested this section be amended to remove or alter the language to keep such rentals out of the City's most restrictive residential zone. The Board of Zoning Appeals (BZA) recently denied a request for a conditional use permit on Ease State Street, citing Lot size and close proximity to adjacent homes as reasons for denial. He believes additional legal challenges are on the way through an appeal of the BZA's decision. He encouraged the Council to view the BZA meeting held August 8. Without diligent enforcement, residents will be required to police their own neighborhoods during the time guests are present at a short-term rental. He hopes City Council will consider this quality of life issue, and keep Athens City residents in mind. He pointed out that "protecting the quality of life" is the slogan of the Code Enforcement Office.

Swank asked if there has been an appeal filed in this case.

Law Director Eliason responded there has not been a filing as yet, but the appeal time has not yet passed.

At approximately 7:55 p.m., Ziff moved for Adjournment; Grace seconded. Adjournment was approved unanimously.

President Pro Tem of Council

ATTEST:

Clerk of Council