

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held FEBRUARY 5, 2024

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, FEBRUARY 5, 2024, 7:00 P.M.

Athens City Council met in Regular Session at the above hour with the following members present: Clodfelter, McCarey, Spjeldnes, Swank, Thomas, and Wood.

Also present: President Pro Tem Risner, Acting Mayor Crawl, and Law Director Eliason.

COMMUNICATIONS:

Council Member McCarey read a communication received by Heather Cantino, resident, and Jewish American, regarding a draft resolution for a ceasefire in Palestine that she and others would like to present to City Council.

ORDINANCES FOR SECOND READING:

0-02-24

AN ORDINANCE AMENDING ORDINANCE 05-22 AUTHORIZING A CITY FIBER NETWORK, PROJECT 347.

0-03-24

AN ORDINANCE AUTHORIZING EXPENDITURES FOR THE RICHLAND AVENUE PLAYGROUND RENOVATION PROJECT #368.

0-04-24

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 9.15, PARKS, OPEN SPACES, AND NATURE PRESERVES, SECTIONS 9.15.02, 9.15.03, AND 9.15.04, AND TITLE 13, GENERAL OFFENSES, CHAPTER 13.07, MISCELLANEOUS OFFENSES, SECTION 13.07.06. Discussion: Spjeldnes suggested the broader language of "no smoking of any kind of mind-altering drug" and she continues to object to including "edibles."

McCarey received information from the Law Director's Office regarding the issue of Delta 8 (hemp), and Delta 9 and 10 (hemp and cannabis plants). McCarey moved to Table the Ordinance to allow time to study this additional and somewhat complex information in order to present the most appropriate language for a possible amendment; Swank seconded. Discussion: Swank noted this legislation is to keep our parks, open spaces, and nature preserves drug-free, and questioned consideration of our indoor facilities with regard to the recreational marijuana delta variants.

McCarey responded that this initial focus is on the smoking policy, agreeing that indoor uses of delta variants in recreational marijuana will also need to be considered with corresponding legislation.

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Tabling was approved unanimously.

0-05-24

AN ORDINANCE AUTHORIZING ENGINEERING DESIGN SERVICES FOR THE COLUMBUS ROAD SHARED USE PATH PROJECT #365. Discussion: Swank asked about the \$1 million from ODOT, and whether it could be used for other uses.

President Pro Tem responded that this is an ODOT Transportation Alternatives Program Grant specific to this Columbus Road improvement.

0-06-24

AN ORDINANCE AUTHORIZING DISPOSAL OF A VEHICLE AND EQUIPMENT NO LONGER NEEDED FOR A MUNICIPAL PURPOSE.

0-07-24

AN ORDINANCE AUTHORIZING UNNEEDED OR OBSOLETE MUNICIPAL PERSONAL PROPERTY TO BE SOLD BY INTERNET AUCTION.

0-08-24

AN ORDINANCE AMENDING ORDINANCE 50-23 AUTHORIZING WASTEWATER REMOTE SITE TELEMETRY IMPROVEMENTS, PROJECT #339.

ORDINANCES FOR FIRST READING:

0-11-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23, AND AUTHORIZING INTERFUND TRANSFERS.

0-12-24

AN ORDINANCE CONVEYING CITY-OWNED PROPERTY LOCATED AT 83 COLUMBUS ROAD, TO THE ATHENS COMMUNITY IMPROVEMENT CORPORATION (ACIC). Discussion: Risner questioned since this is the buffer of the City's Wellhead Protection Area, whether there are any deed restrictions in place to keep it from being contaminated.

Swank is only aware of an alcohol deed restriction.

0-13-24

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

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0-14-24

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACTS FOR THE EAST STATE STREET SIGNAL IMPROVEMENTS PROJECT (#367); AND AUTHORIZING THE AUDITOR TO MAKE AN INTERFUND TRANSFER. Discussion: Swank questioned whether these improvements would include audible signals. He also questioned the possibility of a cautionary yellow left turn arrow for traffic traveling west on East State Street at the entrance ramp near Bob Evans to improve the flow of traffic and lessen emissions from idling when there is no oncoming eastbound traffic.

Clodfelter asked about improved traffic signal synchronization.

The Acting Mayor responded that the main purpose of this project is to improve traffic flow through traffic signal synchronization.

McCarey questioned if the City has a timeline for replacement of other aging traffic devices based on obsolete technology, and whether audible signals are an ADA standard and if the City will include this type of signals in its long-term planning.

Acting Mayor Crowl will discuss these questions with Mayor Patterson.

0-15-24

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO CLOSE STREETS IN THE UPTOWN AREA FOR SPECIAL EVENTS DURING THE 2024 CALENDAR YEAR, AND TO CHANGE REQUESTED DATES OR CANCEL EVENTS AS NECESSARY.

0-16-24

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING, TO ALLOW VENDING IN DESIGNATED EVENT AREAS. Discussion: Swank questioned how this might affect the uptown businesses and whether the Athens Uptown Business Association has been consulted.

Thomas noted that these are all standard, legacy events and shouldn't be a problem.

0-17-24

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE TITLE 13, GENERAL OFFENSES, CHAPTER 13.04, OFFENSES AGAINST PUBLIC PEACE, SECTION 13.04.10, UNNECESSARY NOISE, IN DESIGNATED EVENT AREAS.

0-18-24

AN ORDINANCE SUSPENDING ATHENS CITY CODE SECTION 7.05.03, CONTINUOUS PARKING IN THE SAME LOCATION, FROM, SUNDAY, DECEMBER 15, 2024, THROUGH MIDNIGHT ON SUNDAY, JANUARY 12, 2025.

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0-19-24

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO SUSPEND, TEMPORARILY, THE FEE FOR PARKING AT METERED SPACES IN THE MUNICIPAL PARKING GARAGE.

ANNOUNCEMENTS & OTHER BUSINESS:

Swank noted that after Council's earlier discussion, an email was shared by the proprietor's attorney indicating that an additional bathroom would be required prior to the approval of the requested MacShack TREX permits, and maybe this transfer request was putting the cart before the horse. He asked if the Law Director has received any additional correspondence on this issue.

The Law Director has not received any additional information.

Swank moved to request a hearing in our County seat; Thomas seconded. The motion was approved unanimously.

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

Ben Ziff, Mobility Coordinator, representing Hocking-Athens-Perry Community Action Programs (hapcap) announced a free Public Transit Fare Day on Friday, February 16. This is the perfect opportunity to learn how to navigate the City using our public transit.

Wes Thompson presented a draft proposal of a Resolution supporting a Ceasefire in Palestine (see attached).

Alicia Bicknell asked that City Council join other cities by supporting an immediate ceasefire, that aid be restored, and to cease funding of the apartheid occupation by Israel. This is the first step to a free Palestine in our lifetime.

Heather Cantino, resident, mentioned withdrawal of United States funding for United Nations that has led to cuts and the possible end to relief, including food, water, education, healthcare, refugee camp infrastructure, and more that no other agency or organization can make up, let alone quickly.

Rabbi Levi Raichik, Athens Chabod Jewish Center, doesn't feel this is the time to debate the details received at this meeting.

Barbara Lyons, a Jewish resident, sees this not as a religious issue but as a political issue.

Drake Chamberlain expressed concern for the many years of suffering of the Palestinian people.

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Swank believes it is premature for City Council to consider moving forward with a Resolution, and respectfully asked that any Council Member interested in proposing such a Resolution do so by submitting it to the Clerk of Council by the deadline of 4:00 p.m. on Wednesday.

McCarey appreciates those attending this evening expressing concern of this global issue and moved to allow an additional fifteen minutes for commentary this evening; Thomas seconded. The motion was approved unanimously.

Brandon Thompson, resident, pointed out that City Council has adopted a Resolution recognizing racism as a public health crisis. He believes support of this public health crisis is important.

Ellie, a Jacksonville resident, feels a statement to State and National leaders from City Council would be very powerful.

Mary stressed that killing is never a good idea.

Heather Cantino, Jewish resident, feels that to hesitate to deal with this justice issue is to encourage antisemitism and to encourage racism, and is appalling.

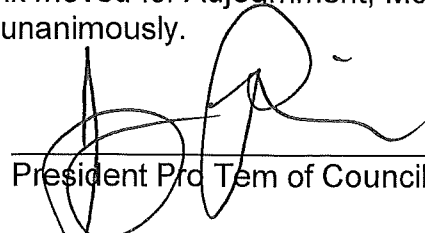
Abby emphasized the need to support a ceasefire Resolution.

Rabbi Levy Raichik extended an offer to City Council Members interested in discussing this issue further with him.

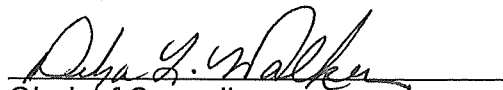
Barbara Lyons, resident, read a study that the majority of younger Jewish Americans are opposed to Zionism.

Michael Bart, resident, stands for the ceasefire. As a Jewish person he is offended with the use of religious text to try to influence government policy.

At approximately 8:30 p.m., Swank moved for Adjournment; McCarey seconded. Adjournment was approved unanimously.


President Pro Tem of Council

ATTEST:


Clerk of Council

Whereas, the community of Athens, and therefore the Athens City Council, supports the health, safety, and basic human rights of all people, both here and abroad, and

Whereas, the Athens City Council has the power to illuminate the demands of its constituents to larger political entities, and

Whereas, the International Court of Justice found that “the military operation being conducted by Israel following the attack of 7 October 2023 has resulted in a large number of deaths and injuries, as well as the massive destruction of homes, forcible displacement of the vast majority of the population, and extensive damage to civilian infrastructure. While figures relating to the Gaza Strip cannot be independently verified, recent information indicates that 25,700 Palestinians have been killed, over 63,000 injuries have been reported, over 360,000 housing units have been destroyed or partially damaged and approximately 1.7 million persons have been internally displaced” and

Whereas the ICJ has called on the state of Israel to cease all actions resulting in the genocide of Palestinians (Dkt. No. 87, ICJ opinion dated January 26, 2024), and

Whereas, as of January 31, 2024, over 27,000 people (more than 1 in 100) have been killed in Palestine, and

Whereas, all schools and institutions of higher education in Palestine have been rendered nonfunctional, either through complete destruction or damage rendering education impossible, and

Whereas, the drinking water in Palestine is non-potable because of the destruction of sanitation services, leading to disease and death, and

Whereas, the people of Palestine are entering into a famine due to the lack of humanitarian aid caused by these atrocities, leading many to find sustenance in livestock feed, and

Whereas, the pregnant women of Palestine are forced to give birth in unsanitary and unsafe conditions, risking the lives of 50,000 pregnant women and their babies, and

Whereas, the wounded in Palestine are forced to undergo surgeries and amputations without anesthetics, and

Whereas, the United States has suspended funding to UNRWA, an essential agency that was providing essential food, water, education facilities, and health care to Palestinians suffering this genocide and whose work can not be replaced in a timely manner, and

Whereas, the majority of Palestinians, wounded, grieving lost family members, and struggling for their own survival, have no safe shelter, with many forced to live in plastic shelters only to be bombed and forced to move again, and

Whereas, the primary funding for the weapons that realize these atrocities is from the United States government, and

Whereas the charges of genocide have been substantiated and deemed "plausible" both by the International Court of Justice (Dkt. No. 19-6, Declaration of Drs. Cox, Sanford, and Trachtenberg) and by the United States Federal Court in UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA DEFENSE FOR CHILDREN INTERNATIONAL-PALESTINE, et al., Plaintiffs, v. JOSEPH R. BIDEN, et al., Defendants. (Case No. 23-cv-05829-JSW O), which stated in its decision of 1-31-24, "Both the uncontroverted testimony of the Plaintiffs and the expert opinion proffered at the hearing on these motions as well as statements made by various officers of the Israeli government indicate that the ongoing military siege in Gaza is intended to eradicate a whole people and therefore plausibly falls within the international prohibition against genocide. (See, e.g., Dkt. No. 19-6, Declaration of Drs. Cox, Sanford, and Trachtenberg, at ¶¶ 9-14.) **It is every individual's obligation to confront the current siege in Gaza,**..." [emphasis added], and

Whereas, per the ICJ and Federal District Court January 2024 decisions, it is therefore incumbent on all Americans to work to stop U.S. complicity in genocide under international law and the UN Convention on the Prevention and Punishment of the Crime of Genocide, and

Whereas, the Athens City Council is aware of these facts,

Therefore be it resolved that the Athens City Council join over 50 U.S. cities to call on our state and federal government leaders to demand and facilitate: 1) an immediate and permanent ceasefire by the Israeli government in its war on the people of Palestine, 2) restoration of U.S. funding of urgently needed humanitarian aid by UNRWA, and 3) a halt to U.S. funding of Israel's war.