

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held JUNE 3, 2024

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, JUNE 3, 2024, 7:00 P.M.

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

Also present: President Pro Tem Risner, Acting Mayor Crowl, Assistant Law Director Branner-Hittle, Treasurer Thomas, and Service-Safety Director Stone.

COMMUNICATIONS:

Council Member Spjeldnes expressed concern about the increased foot traffic from the newly constructed Kershaw Greene Apartment complex to the Go Mart on State Route 56, as there is no sidewalk; it's extremely dangerous. She pointed out that last July the Athens County Active Transportation Steering Committee Walk Audit addressed the concerns in the area of State Routes 682/56, Luhrig, and Armitage. She hopes the City can review this issue soon.

Council Member Wood shared a message from Elizabeth Story, a third ward resident, about the invasive Kudzu vines growing in local trees. She would like the City to encourage homeowners to become educated on the removal of these invasive plants.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Acting Mayor Crowl reported the following:

- Mayor Patterson is representing the City of Athens at the International Town Gown Association.
- Acknowledged a letter from Peggy Gish requesting the City join the Solid Waste Council of Governments, and to contract with the Athens Hocking Recycling Center.
- NAACP leadership is meeting this evening at the Ohio University Inn to discuss forming a local chapter.

ORDINANCES FOR THIRD READING:

0-46-24

AN ORDINANCE AUTHORIZING THE ATHENS, OHIO WHITE'S MILL CAP SECTION 1135 PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT DESIGN AND CONSTRUCTION PROJECT ATHENS COUNTY, OHIO. Discussion: Swank questioned whether Section IV exercises the right of eminent domain.

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Thomas agrees with Mr. Delach, that tabling will not be helpful. This legislation doesn't hold the owner to any specific plan.

Spjeldnes is curious about what the owner said at the Planning Commission.

Thomas indicated that he mentioned possibly a warehouse or a donut shop.

Again, Wood noted that he will not vote in favor of this without transparency.

Clodfelter suggested waiting until next week to consider tabling since the owner could provide a plan prior to final reading of the ordinance.

Swank has had several conversations with the business owner, and he will invite him to attend the next meeting to discuss his plans.

Wood withdrew his motion to Table.

0-55-24

AN ORDINANCE REZONING UNDEVELOPED LOTS ON GRAND PARK BOULEVARD AND EDEN PLACE FROM R-2 RESIDENTIAL, ONE FAMILY/TWO FAMILY ZONE TO R-3 RESIDENTIAL, MULTI-FAMILY ZONE.

0-56-24

AN ORDINANCE AMENDING ORDINANCE 15-24; AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO CLOSE STREETS IN THE UPTOWN AREA FOR SPECIAL EVENTS DURING THE 2024 CALENDAR YEAR. Discussion: Swank questioned who pays the cost of set up and take down of signage, barricades for street closures.

Service-Safety Director Stone responded that in nearly all cases the City covers the cost in order to promote businesses in the uptown area.

Swank is curious why the City does not pass this cost along to the applicant and questioned the City's annual outlay for these events. He added, there are economic repercussions for some uptown businesses when Court Street is closed.

Stone believes these events promote activity in the central business district at a time when Ohio University is not in session.

Wood indicated that it was a brutal Saturday for his shop and others on his block. It can be a burden for some retailers.

Thomas pointed out that many of these street closures are for legacy events. She suggested a fuller discussion of these closures when the special events calendar is presented to the Council early next year. She appreciates that these closures are not for the full length of Court Street but are sized appropriately for the number expected to attend, which has been helpful over the past few years.

Swank noted that the date of 6/1 is not even listed on the event calendar.

Stone responded that Section I of the Ordinance indicates that the Administration can change requested dates or cancel events accordingly.

0-57-24

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A 20-YEAR LEASE AGREEMENT WITH STATE OF OHIO, DEPARTMENT OF ADMINISTRATIVE SERVICES, TO LEASE 8.334 ACRES LOCATED NORTH OF WEST STATE STREET FOR PROPOSED SOCCER FIELDS.

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0-58-24

AN ORDINANCE AUTHORIZING THE PURCHASE OF SOCCER NETTING AS PART OF THE WEST STATE PARK SOCCER FIELDS, PROJECT #355.

0-59-24

AN ORDINANCE AMENDING SECTION 22(A1) OF ORDINANCE 132-23, THE 2024 FRINGE BENEFITS PACKAGE FOR NON-UNION PERSONNEL WITHIN THE CITY OF ATHENS.

0-60-24

AN ORDINANCE AMENDING ORDINANCE 28-24; CORRECTING THE TRANSFER AMOUNT NEEDED TO MAKE AN INTERFUND TRANSFER.

0-61-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23. Risner moved to amend to add a new Section II to read as follows: The 2024 Appropriation Ordinance 130-23 is further amended by decreasing APR Income Tax Fund, 273, T.C. 300, by Ninety-Six Thousand Eight Hundred Eighty-Seven Dollars (\$96,887.00), and increasing T.C. 500, by the same amount, and increasing and decreasing the total appropriations by said amount. Clodfelter seconded. Discussion: Service-Safety Director noted this expenditure is in reference to Ordinance 58-24 to authorize the appropriate transaction class for payment.

The amendment was approved unanimously.

0-62-24

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE AND ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACTS FOR THE WOODSEDGE INFRASTRUCTURE PROJECT #370 AT UNIVERSITY ESTATES. Discussion: Swank asked about any updates from the developer on the three conditions that were discussed.

Service-Safety Director Stone received an email this morning from their attorney indicating the revised TIF agreement is not yet ready.

ANNOUNCEMENTS & OTHER BUSINESS:

Spjeldnes moved the reappointment of Mollie Fitzgerald to the Affordable Housing Commission; Clodfelter seconded. The reappointment was approved unanimously.

OPPORTUNITY FOR CITIZENS TO SPEAK ON ITEMS NOT

Sam Jones, The Plains, Ohio, echoed Council Member Spjeldnes's earlier concern about safety infrastructure along State Route 682 between Luhrig Road and the West Union Street intersection. Access to safe and reliable transportation is an issue in our region, and she believes this area qualifies as an

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emergency. She understands that constructing a sidewalk, which is the best idea, is not an easy, quick, or inexpensive process, but the City needs to provide for pedestrian safety. She suggested other options that would be helpful such as increased lighting for better nighttime visibility, temporarily reducing the speed limit, or putting in crosswalks prior to the roundabout project, recommending applying for grant funding available through ODOT. This is an opportunity for the City to do something that is really positive for folks moving into the recently constructed affordable housing project, something that should have been acknowledged in the earlier planning stages.

Rob Delach, Morris Avenue, added his concern when crossing the street at the State Route 682/56 intersection; it is in no way designed for pedestrians.

Stephanie Hunter, Elmwood, further emphasized this dangerous intersection for pedestrians. Striping a crosswalk now would be a good first step, and possibly installing an electronic speed indicator to alert traffic to slow down, until sidewalks can be installed.

Brittany Anderson, East Carpenter Street, also expressed concern for pedestrian safety at this intersection.

Service-Safety Director Stone clarified there is a lot of focus on this particular area; it is in no way being ignored. The State Route 682/56 roundabout project is under design with construction to begin in late 2025-2026. He indicated this project will include significant lighting improvements and pedestrian improvements at the intersection. Additionally, as part of that, preliminary engineering is being done from the intersection to the entrances of University Estates and Kershaw Greene. It is important to note that this preliminary engineering is looking at solutions to change from a rural highway feel to a City street feel. Kershaw Greene was a target of opportunity to expand housing in the area. This area is complicated because south of Luhrig Road to the intersection is not within the City limits, there is also a railroad, and a bridge over a creek, which are also extremely complicated. The City will apply for a Small Cities Grant to do a major project on that stretch. This is a high priority project, and the City is diligently working on it.

Sam Jones requested a timeline for adding the crosswalks and signage beforehand. Increasing driver awareness of this issue would be helpful.

Kate Blythe, Morris Avenue, expressed concern that the City does not request site plans when considering rezoning requests. She shared that requiring site plans for any kind of rezoning request is not an uncommon practice in other jurisdictions. The City Council may want to review the current City Code application process and how City Commissions are handling rezoning, right-of-way usage, and variance requests in order to have more information about how these changes are going to impact our neighborhoods and the City as a whole, rather than looking at the narrow picture being offered, specifically talking about one business.

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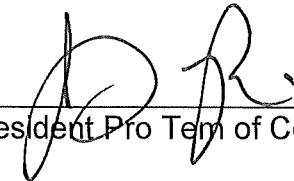
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Kathy Deveck, Miller Street, is grateful that the City is moving forward with the Council of Governments.

Swank moved to adjourn at approximately 8:40 p.m.



President Pro Tem of Council

ATTEST:



Clerk of Council

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ATHENS CITY COUNCIL: PUBLIC HEARING, MONDAY, JUNE 3, 2024,
7:00 P.M. – REZONING PROPERTIES LOCATED AT 14, 20, 24, 30, 32, 34 AND 36
ELLIOTT STREET FROM R-3 TO B-1.

Council Members in Attendance: Clodfelter, McCarey, Spjeldnes, Swank, Thomas, and Wood.

Also Present: President Pro Tem Risner, Acting Mayor Crawl, Assistant Law Director Branner Hittle, and Service-Safety Director Stone.

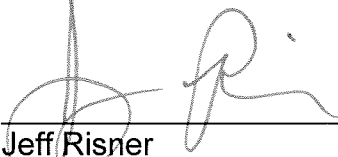
Attendance by the Public: (see attached list)

President Pro Tem Risner opened the Public Hearing to discuss the rezoning of properties located at 14, 20, 24, 30, 32, 34 and 36 Elliott Street from R-3 to B-1.

Rob Delach, Morris Avenue, spoke in support of the rezoning.

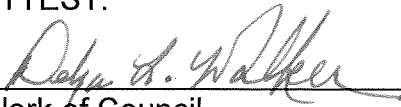
Paul Hillard, Morris Avenue, believes this is a good idea but would like transparency about the developer's intentions for the area.

Hearing no further questions or comments from the public, the hearing was adjourned at approximately 7:05 p.m.



Jeff Risner
President Pro Tem of Council

ATTEST:



Clerk of Council

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Held _____

ATTENDANCE SHEET
PUBLIC HEARING

Rezoning Properties Located at 14, 20, 24, 30, 32, 34 and 36

Elliott Street from R-3 to B-1

Monday, June 3, 2024

7:00 p.m.

NAME:

- | | |
|-------------------------------|-----------|
| 1. <u>Heather Laughlin</u> | 16. _____ |
| 2. <u>Mary Jane</u> | 17. _____ |
| 3. <u>Wesley Thupat</u> | 18. _____ |
| 4. <u>Joe David Redfern</u> | 19. _____ |
| 5. <u>Stephanie Hunter</u> | 20. _____ |
| 6. <u>Joe</u> | 21. _____ |
| 7. <u>Lucy Schaefer</u> | 22. _____ |
| 8. <u>Robert Barber-Delac</u> | 23. _____ |
| 9. <u>Crissi Cummings</u> | 24. _____ |
| 10. <u>William BLAIR</u> | 25. _____ |
| 11. _____ | 26. _____ |
| 12. _____ | 27. _____ |
| 13. _____ | 28. _____ |
| 14. _____ | 29. _____ |
| 15. _____ | 30. _____ |

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**ATHENS CITY COUNCIL: PUBLIC HEARING, MONDAY, JUNE 3, 2024,
7:15 P.M. – REZONING UNDEVELOPED LOTS ON GRAND PARK BOULEVARD
AND EDEN PLACE FROM R-2 TO R-3.**

Council Members in Attendance: Clodfelter, McCarey, Spjeldnes, Swank, Thomas, and Wood.

Also Present: President Pro Tem Risner, Acting Mayor Crawl, Assistant Law Director Branner Hittle, and Service-Safety Director Stone.

Attendance by the Public: (see attached list)

President Pro Tem Risner opened the Public Hearing to discuss the rezoning of undeveloped lots on Grand Park Boulevard and Eden Place from R-2 to R-3.

Heather Laughlin, Grand Park, lives directly across from the area of the proposed rezoning. She has concerns with quality-of-life issues in the neighborhood. She would like to see a barrier between the parking lot and the homes, possibly a grassy area, trees, or fencing would be helpful. She shared that the current lighting is already bright and invasive and is concerned that if more lighting is added that it would only exacerbate the problem.

Rob Delach, Morris Avenue, supports this rezoning for future planning.

Swank asked if the Council could add conditions to the Planning Commission's recommendation.

Service-Safety Director Stone noted that if you change the recommendation of the Planning Commission that it has to be by a super majority vote of the Council to pass it.

Attorney Mott, representing the owner, has researched the Ohio Revised Code, and found that in over 200 years it says almost nothing on that topic; it is a very gray area.

Swank asked Attorney Mott if this will be a continuation of the parking area as it already exists, or whether it will be separated with some kind of divider in between.

Attorney Mott responded that he would anticipate a continuation, otherwise there would need to be an increase in the number of required curb cuts on Grand Park or Eden for the ingress/egress of vehicles. His client's goal is to get it rezoned before spending money on specific site development proposals.

Swank asked about green space on the north side.

Mott responded that there will be a greenspace barrier at the northern end.

Swank expressed the concerns of the residents with regard to increased lighting, the separation of the parking lot and residential homes, particularly on Grand Park, and an appropriate barrier. He suggested that there be no additional lighting on the north end, and that natural green vegetation be used for a barrier, as opposed to a wooden or

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chain-link fence. He questioned inserting these as part of an amendment to the Planning Commission's recommendation or requesting more detailed plans from the owner before adoption. He understands this change will be a positive one for economic development, but he would like the development to be sensitive to residential homeowners. He asked if it would be possible to get detailed plans.

Mott believes plans at this stage are premature until the rezoning is approved, as there are different bulk controls for different zones, and plans cannot effectively be prepared, citing the City does have specific requirements currently in place for light pollution, fencing, greenspace, and shade trees to be sure concerns are addressed through the development stage.

Swank added, the requirements in place are minimums, and he believes the residents are requesting something more than the minimum.

Spjeldnes sees this as a Catch 22 in that the owner doesn't want to provide plans unless the rezoning is approved and the Council does not want to approve the rezoning unless plans are provided.

Mott responded that it is a bit of a Catch 22, noting that developing plans takes time and money, and his client is looking to put his money into projects that will enhance economic development, and does not want to spend money developing plans on something that may ultimately be rejected.

Wood believes plans would be helpful.

Mott can ask for plans.

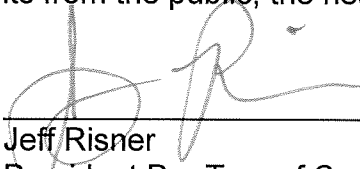
Swank clarified he is not requesting complete architectural plans, just detailed intentions for the property.

Swank questioned whether the Special Use of the Right-of-Way application for Don Wood Hyundai, to be discussed by the Council next week during a committee meeting, and this rezoning are connected and, if so, how would one affect the other.

Mott responded that if the rezoning is approved and his client is able to develop additional space, some of the vehicle inventory could be moved from the front toward the back. The special use of the right-of-way permit will likely not impact what may or may not come from the rezoning request.

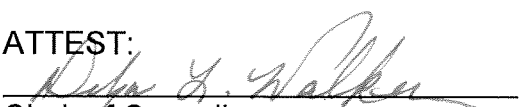
Stephanie Hunter, Elmwood Place, suggested the City look into strengthening its dark sky ordinance for all properties that may be dealing with light pollution.

Hearing no further questions or comments from the public, the hearing was adjourned at approximately 7:25 p.m.



Jeff Risner
President Pro Tem of Council

ATTEST:



Clerk of Council

ATTENDANCE SHEET
PUBLIC HEARING

**Rezoning Undeveloped Lots on Grand Park Boulevard and Eden
Place from R-2 to R-3
Monday, June 3, 2024
7:15 p.m.**

NAME:

- | | |
|--------------------------------|-----------|
| 1. <u>Walter Laughlin</u> | 16. _____ |
| 2. <u>Mary Jones</u> | 17. _____ |
| 3. <u>Mike Keefe II</u> | 18. _____ |
| 4. <u>Jim El Redf</u> | 19. _____ |
| 5. <u>Stephanie Hunter</u> | 20. _____ |
| 6. <u>Julie</u> | 21. _____ |
| 7. <u>Lucy Schaefer</u> | 22. _____ |
| 8. <u>Robert Barber-Delach</u> | 23. _____ |
| 9. <u>Crissa Cummings</u> | 24. _____ |
| 10. <u>William Blain</u> | 25. _____ |
| 11. <u>David Mott</u> | 26. _____ |
| 12. _____ | 27. _____ |
| 13. _____ | 28. _____ |
| 14. _____ | 29. _____ |
| 15. _____ | 30. _____ |