

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held JUNE 17, 2024

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, JUNE 17, 2024, 7:00 P.M.

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

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

DISPOSITION OF MINUTES:

Clodfelter moved approval of the minutes for the Regular Sessions held May 20 and June 3, 2024; Thomas seconded. Minutes were unanimously approved as presented.

COMMUNICATIONS:

Council Member Risner, on behalf of a constituent, thanked the Administration for the additional speed limit signs along Mulligan and Old Coach.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Acting Mayor Crowl reported the following:

- Shared a communication from Loraine McCosker strongly supporting the COG Ordinance.

ORDINANCES FOR THIRD READING:

0-45-24

AN ORDINANCE AUTHORIZING THE MAYOR TO PAY THE 2024 MEMBERSHIP FEE FOR THE OUTDOOR RECREATION COUNCIL OF APPALACHIA (ORCA), TO PROVIDE FINANCIAL SUPPORT FROM THE CITY'S TRANSIENT GUEST TAX FOR THE BAILEYS TRAIL SYSTEM ALONG WITH OTHER RECREATIONAL ACTIVITIES. Clodfelter moved for Adoption; Swank seconded. Discussion: Spjeldnes asked about the General Fund cash reserve balance and whether it is near the required 9%.

Treasurer Thomas responded it is not at this time, adding the Auditor will report on the General Fund balance when City Council returns to session in August.

Adoption was unanimously approved.

RECORD OF PROCEEDINGS

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held

JUNE 17, 2024

PAGE 2 OF 8

0-53-24

AN ORDINANCE AUTHORIZING THE MAYOR TO TAKE ALL STEPS NECESSARY TO JOIN THE SOUTHEAST OHIO RECYCLING TERMINAL (SORT) COUNCIL OF GOVERNMENTS (COG); AND TO PROVIDE THE ANNUAL DUES PAYMENT. Risner moved for Adoption; Clodfelter seconded.

Discussion: Chris Cooper, owner of rental properties in the City, questioned what the proposed \$24 improved parcel fee offers him as a rate payer if he is contracting with another provider.

Acting Mayor responded that the proposed parcel fee is a County action, not a City action.

Council Member Thomas explained that this Ordinance is to decide whether or not to join the COG and does not address the proposed improved parcel fee that would be imposed on all property owners within the County.

Cooper questioned what the impact would be if the City decided not to join the COG.

Thomas reiterated the parcel fee is a county action.

Adoption was unanimously approved.

0-54-24

AN ORDINANCE REZONING PROPERTIES LOCATED AT 14, 20, 24, 30, 32, 34 and 36 ELLIOTT STREET, FROM R-3 RESIDENTIAL, MULTI-FAMILY ZONE TO B-1 NEIGHBORHOOD BUSINESS ZONE. Swank moved for Adoption; Thomas seconded. Discussion: Clodfelter asked if any proposed plans have been received from the property owner.

Swank has not received any plans.

Paul Hillard, Morris Avenue, continues to encourage the City to seek transparency of intentions in order to stay in line with the City's Comprehensive Plan.

Adoption was approved by a vote of 4-1; with Spjeldnes voting in opposition.

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. Discussion: Swank noted that vehicles along East State Street are no longer parked in the right-of-way, improving visibility. City Council is in receipt of a site map from the owner, showing use of only three lots for parking, leaving a fairly substantial amount of greenspace between the parking lot and the residential homes, in consideration of the concerns expressed by neighbors (see attached plan). Swank continues to have concerns about light pollution. The Code Enforcement office provided him with light meter readings of the property and area. He explained the Athens City Code sets acceptable light at 1/10 of one footcandle, and the current reading registered twenty times that at 2.1 per footcandle. He is reluctant to move this forward without giving the owner time to

RECORD OF PROCEEDINGS

Minutes of

ATHENS CITY COUNCIL (REG. SESS.)

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held

JUNE 17, 20 24

PAGE 3 OF 8

mitigate the lighting. Swank moved to Table until August 5 to allow the owner time to come into compliance; Clodfelter seconded.

Clodfelter agrees with tabling in order to address lighting concerns expressed by the residents.

Acting Mayor Crawl asked about solutions to dimming the current lights.

Service-Safety Director Stone responded he does not know if it is possible to manipulate the current lights to a dimmer setting. Possibly a guard could be placed on the light to provide a screening effect.

Thomas asked, since the lighting is out of compliance with our City Code, whether the owner would be required to comply.

Stone responded, yes, a violation could be given. City Council has leverage by not granting use of the City right-of-way to get the change. Or, the City could issue a violation notice to the owner.

Based on a business-friendly philosophy and in recognition of the efforts the owner has already made to work with the neighbors, Swank would prefer to give them time to work through this issue.

Attorney Mott, representing his client, noted that this lighting issue has never been communicated to him. Ideally, a fence will be placed at the northern property line where it will block most of the light reaching the neighbors. The Shade Tree Commission will require shade trees, and his client will ask if all of those trees can be planted in the greenspace to grow and block light. His client has looked at options of angling the lights or installing shades. He sees no valid reason to delay a vote on this Ordinance.

If City Council should vote to approve this legislation tonight, Clodfelter asked how he believes his client might respond to receiving a violation.

Mott believes his client would address the concern.

Swank emphasized that the lights being referred to are not those in the right-of-way, but in the middle of the property.

Heather Laughlin, a resident of Grand Park since 1969, attended the Planning Commission meetings and voiced concern from both Grand Park and Eden residents with the bright lighting. She stressed this is an R-1, residential zone and it is a problem; it affects their quality of life. She also shared concern about employees parking along the street.

William Blair, 6 Grand Park, reiterated the lighting being a hindrance to their quality of life.

Risner asked when these lights were erected.

Heather responded, about two years. They were initially told that the lights could be redirected.

Thomas asked if the lights are currently out of compliance.

Swank responded that they are not in compliance.

President Pro Tem Risner suggested this compliance issue should be directed to the Code Enforcement office.

Spjeldnes asked whether this is the responsibility of the Code Enforcement office or is it the responsibility of City Council to correct the issue as it pertains to this rezoning.

RECORD OF PROCEEDINGS

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held

JUNE 17, 2024
PAGE 4 OF 8

Swank believes it is the responsibility of both the Administrative offices and the Council. He would like the owner to come into compliance prior to granting this rezoning request.

Acting Mayor Crowl asked which of the two ordinances on tonight's agenda, the rezoning of this property or request for use of the City's right-of-way is most appropriate to deal with the situation with the lights.

Swank responded that two of the light poles in this area are part of the proposed rezoning.

Tabling was approved by a vote of 3-2; with Risner and Thomas voting in opposition.

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. Spjeldnes moved for Adoption; Clodfelter seconded. Adoption was unanimously approved.

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. Thomas moved for Adoption; Clodfelter seconded. Discussion: Swank asked about maintenance and upkeep.

Service-Safety Director Stone responded that it is the responsibility of the City. Adoption was unanimously approved.

0-58-24

AN ORDINANCE AUTHORIZING THE PURCHASE OF SOCCER NETTING AS PART OF THE WEST STATE PARK SOCCER FIELDS, PROJECT #355. Thomas moved for Adoption; Swank seconded. Discussion: Swank asked about parking.

Service-Safety Director Stone believes the current plan is to use head-in parking on the gravel access road.

Adoption was unanimously approved.

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. Risner moved for Adoption; Clodfelter seconded. Adoption was unanimously approved.

RECORD OF PROCEEDINGS

Minutes of

ATHENS CITY COUNCIL (REG. SESS.)

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held

JUNE 17, 2024
PAGE 5 OF 8

0-60-24

AN ORDINANCE AMENDING ORDINANCE 28-24; CORRECTING THE TRANSFER AMOUNT NEEDED TO MAKE AN INTERFUND TRANSFER. Risner moved for Adoption; Clodfelter seconded. Adoption was unanimously approved.

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. Swank moved for Adoption; Spjeldnes seconded. Discussion: Today, Service-Safety Director Stone received the documentation to amend the TIF agreement.

Spjeldnes noted that the plans for the development will be discussed at tomorrow's Affordable Housing Commission meeting.

Marcia Ruhling, Altamonte, expressed concern that there is only a single ingress/egress from this area.

Spjeldnes understands her concern and that conversation will continue.

Adoption was unanimously approved.

ORDINANCES FOR SECOND READING:

0-61-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23.

ORDINANCES FOR FIRST READING:

0-63-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23.

0-64-24

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY USE PERMIT AT 810 EAST STATE STREET FOR OFF-STREET VEHICLE PARKING AND LIGHT POLES LOCATED IN THE CITY RIGHT-OF-WAY. Discussion: Swank suggested amending Section I at second reading to allow off-street vehicle parking located in the City right-of-way on Grand Park, and light poles located in the City right-of-way on Grand Park and East State Street.

0-65-24

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 23, ZONING, CHAPTER 23.04, PERMITTED USES, FOR TOBACCO AND CANNABIS ESTABLISHMENTS. Discussion: Swank believes this legislation may be in conflict with State legislation.

RECORD OF PROCEEDINGS

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held

JUNE 17, 2024
PAGE 6 OF 8

Service-Safety Director Stone understands the State is only issuing licenses to current medical providers. He has heard that there will be a limit of a one-mile radius between licenses. If that's the case, that would be significantly more restrictive than what the Planning Commission has proposed. The Planning Commission's recommendation was to establish regulations appropriate in our City Zoning Code to provide it as an allowed use, but it would not be an overabundant use and would be in place should the State of Ohio choose to change their approach.

Swank asked about churches not being addressed within the 500 feet distance requirement.

Stone responded that the Planning Commission removed the word "Church" from consideration.

Swank would like the Law Director's office to review any and all inconsistencies between this Ordinance and State Law.

Law Director Eliason responded there is no State Law at this time.

Stone reminded the Council that this legislation is not a licensing provision; it is a zoning use change.

ONE-READING RESOLUTION:

R-04-24

A RESOLUTION APPOINTING A NEW MEMBER TO THE BOARD OF TRUSTEES OF THE RIDGES NEW COMMUNITY AUTHORITY TO REPLACE A VACANCY IN THE OFFICE OF THE CITIZEN MEMBERS OF THE BOARD OF TRUSTEES; RE-APPOINTING A MEMBER TO THE BOARD OF TRUSTEES OF THE RIDGES NEW COMMUNITY AUTHORITY; AND DECLARING AN EMERGENCY. Clodfelter moved for Adoption; Spjeldnes seconded. Discussion: Clodfelter expressed concern with perception by the community of the appointment of the current Ohio University President's spouse to this Board of Trustees.

Joe Recchie, Director of The Ridges New Community Authority, responded that he does not see any concerns with that, in fact quite the opposite. He believes Gonzalez will bring historic skills to the table that are really important. The current critical issue is stewarding the transfer of the property through the Ohio Department of Administrative Services and the Controlling Board. He believes Mr. Gonzalez's engagement in that regard and his knowledge of the University is really important at this point.

Adoption was unanimously approved by a roll call vote.

ANNOUNCEMENTS & OTHER BUSINESS:

Swank moved to accept the May 2024 Financial Reports; Clodfelter seconded. The motion was approved unanimously.

RECORD OF PROCEEDINGS

Minutes of

ATHENS CITY COUNCIL (REG. SESS.)

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held

JUNE 17, 2024
PAGE 7 OF 8

Clodfelter moved to accept the April 2024 Credit Card Transactions; Swank seconded. The motion was approved unanimously.

Swank moved to hold a Special Session of Council following the Committee meetings next Monday, June 24, 2024; Clodfelter seconded. The motion was approved unanimously.

Thomas moved to appoint Natalie Johnson to the Community Relations Commission; Clodfelter seconded. The appointment was approved unanimously.

OPPORTUNITY FOR CITIZENS TO SPEAK ON LEGISLATIVE ITEMS NOT ON THE AGENDA:

Marcia Ruhling, Altamonte Drive, and Kay Taylor, NuRad Road, expressed concern about the Ohio University Swim Team using the City swimming pool for practice while the University's Aquatic Center is closed. This has contributed to overcrowding during community adult lap swim Monday through Friday. Of the eight (8) lap lanes, four (4) will be closed next week.

Kay Taylor added, the community understands the need to share lanes, but this year it has become very stressful. Adult swimmers arrive as early as an hour beforehand to get in line for a lane.

Swank, as liaison to the Arts, Parks & Recreation (APR) Advisory Board, will take their concerns to the APR Director.

Jane Forest Redfern, Director of the Athens-Hocking Solid Waste District (AHSWD), requested time during the next session of the Council to make a presentation on the contents of the draft Athens-Hocking Solid Waste Management Plan prior to the Council recess, since public hearings and comment have been scheduled during that time.

She added, the Policy Committee of the AHSWD adopted the draft plan for public comment. The proposed adoption of a \$24 per year charge for an improved parcel fee in both counties is part of this Plan. She clarified the definition of "improved parcel" as all improved lots and parcels, or those in the process of being improved, with at least one permanent portable or temporary building. The improved parcel fee is being proposed as opposed to increasing land fill fees and garbage rates. This fee is to provide revenue to purchase and maintain the Athens-Hocking Recycling Center and to implement the Solid Waste Management Plan to provide access and programs for proper solid waste disposal, recycling, and diverting hard to recycle materials, and the proper disposal of household hazardous waste. There will be three public hearings as follows: Tuesday, June 25, at 6:00 p.m. at the Athens Community Center; Tuesday, July 2, at 6:00 p.m. at the Nelsonville Public Library, and Thursday, July 11, at 6:00 p.m. at the Hocking County Fairgrounds Youth Building in Logan.

RECORD OF PROCEEDINGS

Minutes of

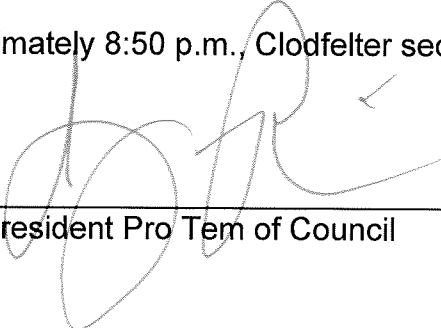
Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held

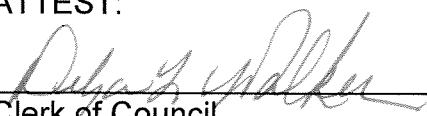
JUNE 17, 2024
PAGE 8 OF 8

Swank moved to adjourn at approximately 8:50 p.m., Clodfelter seconded, and the meeting was unanimously adjourned.



President Pro Tem of Council

ATTEST:



Clerk of Council