

RECORD OF PROCEEDINGS

Minutes of

ATHENS CITY COUNCIL (REG. SESS.)

Meeting

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

Held AUGUST 5

20 24

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

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

Also present: President Crawl, Mayor Patterson, Law Director Eliason, and Auditor Hecht.

DISPOSTION OF MINUTES:

Risner moved approval of the minutes for the Regular Session held June 17 and the Special Session held June 24, 2024; McCarey seconded. Minutes were unanimously approved as presented.

COMMUNICATIONS:

Council Member McCarey updated the Council on the City's partnership with the Strong Cities Network.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported the following:

- West Union Street is now open to two-way traffic, and it will remain so with some slight modifications and the need to use Jefferson Street.
- Armory renovation is underway.
- Fire Station Headquarters is on track to be move-in ready in early October, with bike path asphalt paving in the area to take place tomorrow.
- Encouraged the Council to view the Hebe statue in the City Building foyer.
- Ostroh, Ukraine Independence Day is August 24, 2024 – the Mayor requested a Resolution acknowledging their efforts to remain a sovereign independent nation, and he plans to fly the Ukranian flag in front of the Armory next to the United States flag on that day.
- The Rector for the National University Ostroh Academy will be in Athens visiting Ohio University in early October; the Mayor is hopeful for a meet and greet with the Council.
- Bounty on the Bricks Court Street closing will be on August 10.
- Athens Community Arts and Music Festival was held over the weekend.

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ORDINANCES FOR THIRD READING:

0-63-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23. Risner moved for Adoption; Spjeldnes seconded. Discussion: Noah Klaus, resident, asked for clarification on the appropriations to the DUI Court Fund.

Risner explained that Municipal Court uses fines, fees, and grants to supplement costs paid by the General Fund.

Klaus questioned what the DUI Fund is used to support.

Auditor Hecht responded that there are several grant funded lines within the Municipal Court budget. She can provide a fuller explanation to the Council.

When received, President Crawl will forward the information provided to Mr. Klaus.

Adoption was unanimously approved.

ORDINANCES FOR SECOND READING:

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 indicated there is still concern about light trespass.

0-65-24

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 23, ZONING, CHAPTER 23.04, PERMITTED USES, FOR TOBACCO AND CANNABIS ESTABLISHMENTS. Discussion: Swank expressed interest in amending this ordinance to add the word "church" to the list of places that must be at least five hundred (500) feet from a licensed cigarette, vapor product, or other tobacco product retail dealers. This would be consistent with State policies.

The Law Director questioned whether, with such an amendment, the Council may need to hold another public hearing. She would like time to research making such an amendment.

0-66-24

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PARTICIPATION AGREEMENT IN THE NEW NATIONAL OPIOID SETTLEMENT REACHED BY THE STATE OF OHIO WITH THE KROGER COMPANY, AND ACKNOWLEDGING THAT ALLOCATION AND DISTRIBUTION OF POTENTIAL SETTLEMENT FUNDS WILL BE PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AVAILABLE AT [HTTPS://NATIONALOPIOIDSETTLEMENT.COM](https://nationalopioidsettlement.com) TO ACCEPT THE TERMS OF THE ONEOHIO SETTLEMENT; AND DECLARING AN EMERGENCY.

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Clodfelter moved for Suspension of the Rules to meet an August 12 filing date; Swank seconded. Suspension of the Rules was approved unanimously. Clodfelter moved for Adoption; Swank seconded. Adoption was approved unanimously.

0-67-24

AN ORDINANCE AMENDING ORDINANCE 108-17, THE ATHENS CITY AFFORDABLE HOUSING COMMISSION.

0-68-24

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

0-69-24

AN ORDINANCE AMENDING ORDINANCE NO. 0-103-20, AS AMENDED BY ORDINANCE NO. 0-42-21, WITH RESPECT TO THE CREATION OF THE UNIVERSITY ESTATES INCENTIVE DISTRICT WITHIN THE CITY OF ATHENS; AUTHORIZING THE EXECUTION OF A FIRST AMENDED AND RESTATED TAX INCREMENT FINANCING AGREEMENT WITH THE PROPERTY OWNER IN SUCH INCENTIVE DISTRICT; AUTHORIZING THE EXECUTION OF A FIRST AMENDED AND RESTATED DECLARATION OF COVENANTS AND CONDITIONS RELATIVE TO SERVICE PAYMENTS IN LIEU OF TAXES, MINIMUM SERVICE PAYMENT OBLIGATIONS, AND OTHER MATTERS.

Swank shared that Service-Safety Director Stone will be discussing needed amendments at next week's Planning & Development Committee. A bid opening on the public infrastructure will take place this week.

0-70-24

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ECONOMIC DEVELOPMENT REVOLVING LOAN FUND ADMINISTRATION AGREEMENT WITH THE OHIO DEVELOPMENT SERVICES AGENCY.

0-71-24

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY USE PERMIT AT 19 WEST WASHINGTON STREET TO ADD AN AWNING THAT WILL BE LOCATED IN THE CITY RIGHT-OF-WAY OVER THE STOREFRONT WINDOWS.

Swank moved for Suspension of the Rules to allow the owner time to install the awning prior to the influx of Ohio University students returning to campus in a couple of weeks; Clodfelter seconded. Suspension of the Rules was approved unanimously. Swank moved for Adoption; Wood seconded. Adoption was approved unanimously.

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0-72-24

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY USE PERMIT AT 85 ELMWOOD PLACE, TO REPLACE/REPAIR AN EXISTING FENCE AND POOL HOUSE LOCATED IN THE CITY RIGHT-OF-WAY ON SHANNON AVENUE.

0-73-24

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT SUSTAINABLE OHIO PUBLIC ENERGY COUNCIL (SOPEC) COMMUNITY GRANT FUNDS FOR THE CITY OF ATHENS ARMORY SOLAR PROJECT. Risner moved for Suspension of the Rules to allow the timely payment of an invoice; Clodfelter seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

0-74-24

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT CARBON FEE EXPENDITURE FOR THE CITY OF ATHENS ARMORY SOLAR PROJECT. Risner moved for Suspension of the Rules to allow payment of an invoice; Clodfelter seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Swank seconded. Adoption was approved unanimously.

0-75-24

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT CITY OF ATHENS PUBLIC PRICING PROGRAM CARBON FEE EXPENDITURE FOR THE CITY OF ATHENS ARMORY SOLAR PROJECT. Risner moved for Suspension of the Rules to allow payment of an invoice; Clodfelter seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

0-76-24

AN ORDINANCE AUTHORIZING AN INTERFUND TRANSFER; AND DIRECTING SAID FUNDS TO THE ATHENS COMMUNITY IMPROVEMENT CORPORATION FOR THE CITY OF ATHENS ARMORY SOLAR PROJECT. Risner moved for Suspension of the Rules to allow payment of an invoice; Spjeldnes seconded. Suspension of the Rules was approved unanimously. Noah Klaus, resident, requested basic context on the Armory project and role of the Athens Community Improvement Corporation (ACIC).

President Crawl would be happy to meet outside this meeting to discuss the Armory renovation in length, as this project has been ongoing for some time.

Mayor Patterson explained that the function of the ACIC is to stimulate economic development. While the property has been transferred to the ACIC the City will continue to control the property. ACIC ownership has access to other ways of financing the project that includes historic tax credits.

Klaus asked if, at some point, the property would be transferred back to the City.

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The Mayor responded, "no," noting that the ACIC Board is governed by the Ohio Revised Code, and he serves as the Board's Chair with other City officials serving as members.

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

ANNOUNCEMENTS & OTHER BUSINESS:

Clodfelter moved to confirm the Mayor's appointment of Joanna Sokol to a three-year term on the Shade Tree Commission; McCarey seconded. The appointment was approved unanimously.

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

McCarey moved to accept the May Credit Card Transactions; Wood seconded. The motion was approved unanimously.

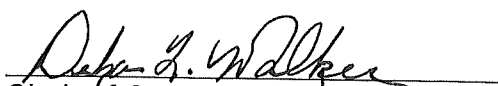
EXECUTIVE SESSION:

At approximately 7:50 p.m., McCarey moved to go into Executive Session for the purpose of considering Collective Bargaining and Threatened Litigation, and invited the Mayor, Law Director, Auditor, and the Human Resources Director to attend; Swank seconded. A roll call vote was taken as follows: Spjeldnes, aye; Risner, aye; Wood, aye; Swank, aye; McCarey, aye; and Clodfelter, aye.

At approximately 9:05p.m., McCarey moved to come out of Executive Session; Clodfelter seconded. The motion was approved unanimously. The Regular Session reconvened, and Swank moved to adjourn the meeting; Risner seconded. The motion was approved unanimously.


President of Council

ATTEST:


Clerk of Council

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**ATHENS CITY COUNCIL: PUBLIC HEARING, MONDAY, AUGUST 5, 2024,
7:00 P.M. – PERMITTED USES FOR TOBACCO AND CANNABIS ESTABLISHMENTS
IN THE CITY ZONING CODE.**

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

Also Present: President Crowl, Mayor Patterson, Law Director Eliason, Auditor Hecht, and Human Resources Director Lucas.

Attendance by the Public: (see attached list)

President Crowl opened the Public Hearing to discuss the Planning Commission's recommendation to include Permitted Uses for Tobacco and Cannabis Establishments in the City Zoning Code.

Rob Delach, Morris Avenue, supports proposed legislation to amend the City's Zoning Code to include permitted uses for these establishments.

Mayor Patterson noted that the City's two medical dispensaries will be permitted to begin selling recreational marijuana tomorrow.

Risner asked how the proposed legislation would affect tobacco/vape establishments currently operating in the City.

President Crowl understands that it will not change anything for current businesses, other than the need for them to apply for a license to sell recreational marijuana. If the proposed legislation is adopted future businesses will need to comply with the City's zoning requirements. He believes the State has issued a one-mile distance between establishments.

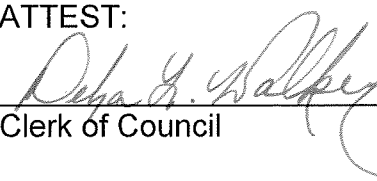
Swank noted that there is a possibility that the State's one-mile provision could be modified following the next election.

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



Sam Crowl
President of Council

ATTEST:


Clerk of Council

SPEAKER SIGN-IN SHEET
ATHENS CITY COUNCIL

**PUBLIC HEARING: TOBACCO & CANNABIS ESTABLISHMENTS
CITY ZONING CODE, PERMITTED USES**

PLEASE CLEARLY PRINT NAME AND ADDRESS

NAME:

ADDRESS:

Mary Abel 48 Strathmore Blvd. Athens

Robert Delach 124 Morris Ave Athens

David McCoy 24 Old Coach Rd. Athens

Kathy Hehr 94 Second St Athens
