

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

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

Held August 19, 20 24

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, AUGUST 19, 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, Thomas, and Wood.

Also present: President Crowl, Mayor Patterson, Law Director Eliason, and Treasurer Thomas.

COMMUNICATIONS:

President Crowl conveyed the following:

- Receipt of two liquor permit applications to change the stock ownership for GoMart, Inc., 928 East State Street, and GoMart, Inc., at 707 West Union Street. The Council expressed no need to request a public hearing, and the Clerk will transmit same to the Ohio Division of Liquor Control.
- A Historic Buildings tour, Heritage Square District, will be held on Saturday, September 7, at 1:00, 2:00, and 3:00 p.m., to include the Mount Zion Black Cultural Center, the Armory, the site of the former Hotel Berry (invisible ground app), City Hall, and the Southeast Ohio History Center, with complimentary refreshments served.
- The end of season pool schedule is available on the City's website. The pool will close for open swim on September 2.

Council Member McCarey shared that the Athens Community Relations Commission has vacancies. Those interested in learning more about the Commission or wanting to volunteer to serve can find information on the City's website.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Treasurer Thomas addressed the City's financial "health" indicators from the State of Ohio. First, he wanted the Council to understand this is a very good report. The City's cautionary areas increased from two (2) in 2022, to five (5) in 2023, with all five categories referencing the General Fund. The State has deemed that entities with eight (8) or more areas in a cautionary status will be more likely to experience fiscal stress within the next two to three years, and City Auditor Hecht stresses the need to take a proactive approach regarding the current General Fund balance and future General Fund appropriations requests. The Administration is discussing recommendations and offering solutions to begin correcting these issues

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now and in the City's 2024 budget, which includes the Treasurer's recent work on moving interest into the General Fund.

Swank asked about 2023 property taxes and what that particular indicator might look like after the recent reappraisal.

The Treasurer indicated that property tax collections through the half year have increased some, and the City's income tax is up slightly.

Swank emphasized the importance of keeping the Council apprised of ways in which these cautionary indicators are being addressed.

Spjeldnes questioned whether, to a certain extent, some of these cautionary trends may correct themselves post-Covid.

Treasurer Thomas is hopeful.

Mayor Patterson reported the following:

- The fitness court is being constructed next to the new Fire Station Headquarters. This will be a new asset for our citizens.
- There was a ribbon-cutting ceremony this morning for the re-opening of Dairy Lane, the addition of 1,700 feet of new sidewalk, and restoration of the brick street leading up to the Dairy Barn Arts Center.
- Corrected misinformation reported earlier that West Union Street has returned to two-way traffic; it is back to one-way traffic for the time being. Soon Jefferson Street will be used as an arterial for returning two-way traffic.
- Shared concern about the State's cautionary financial indicators for our General Fund, noting that the General Fund largely operates off income tax revenue which has not been increased since 2016, yet inflation and salaries continue to increase, and we need to be mindful as we move forward.

ORDINANCES FOR THIRD 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. Swank moved to Table until the light pollutions is addressed and brought into compliance; McCarey seconded. Discussion: Clodfelter asked whether there is an agreement with the owner to make the requested changes, or if this is a point of contention.

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Swank has spoken with Code Director Riggs who indicated that baffles have been added on some of the lights, but another reading will need to be taken to ascertain whether the lights are yet in compliance.

The amendment to Table was approved by a 6/1; with Risner voting in opposition.

0-65-24

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 23, ZONING, CHAPTER 23.04, PERMITTED USES, FOR TOBACCO AND CANNABIS ESTABLISHMENTS. Swank moved to Amend to include the word "church" as a place that must be at least 500 feet from licensed cigarette, vapor product, or cannabis establishments, making it consistent with the Ohio Revised Code as it relates to medical marijuana establishments; Spjeldnes seconded.

McCarey asked the Law Director to comment that adding the word "church" would be consistent with the Ohio Revised Code.

Law Director Eliason responded that the Ohio Revised Code does include the word "church" for medical marijuana.

Clodfelter asked whether amending this ordinance and returning it to first reading will be problematic.

Law Director Eliason does not feel delaying approval would be a concern.

The Mayor feels a sense of urgency as he would like to be in the forefront of the State Legislature on regulating recreational marijuana establishments and requested possible Suspension of the Rules following the amendment, should the motion be approved.

Swank agrees with the Mayor.

Bob Gall, Strathmore Boulevard, noted that the word "church" was included in the statute that was adopted by Initiative Petition.

Rob Delach, Morris Avenue, questioned the amendment to include tobacco and vaping as part of the 500-foot restriction in the uptown area. Looking at it from a business perspective, he believes it is too restrictive.

Swank responded that all current businesses would be grandfathered.

Thomas clarified that only cannabis is included in limiting the number of establishments in a zone; it is the 500-foot restriction that addresses tobacco, vaping, and cannabis.

Delach believes there was a reason the Planning Commission did not include "churches" and questioned the Council making this amendment.

The amendment was approved unanimously.

Swank moved for Suspension of the Rules; Clodfelter seconded. Suspension of the Rules was approved unanimously.

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

0-67-24

AN ORDINANCE AMENDING ORDINANCE 108-17, THE ATHENS CITY AFFORDABLE HOUSING COMMISSION. Spjeldnes moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

0-68-24

AN ORDINANCE AUTHORIZING DISPOSAL OF A VEHICLE NO LONGER NEEDED FOR A MUNICIPAL PURPOSE. Spjeldnes moved for Adoption; Thomas seconded. Adoption was approved unanimously.

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 moved to amend as presented; Clodfelter seconded. The amendment was approved unanimously. Swank moved for Suspension of the Rules to begin infrastructure work during this construction season; Risner seconded. Suspension of the Rules was approved unanimously. Swank moved for Adoption; Clodfelter seconded. Discussion: Ken Oehlers, Executive Director of Habitat and City resident, expressed his support for all types of housing; this project will be beneficial to the community, and he looks forward to assisting in creating lower cost housing. Adoption was approved unanimously.

Mayor Patterson believes this is a positive signal to developers that Athens is looking to have development for housing stock here in the City of Athens for us to grow.

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. Risner moved for Adoption; Thomas 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. Swank moved for Adoption; Thomas seconded. Adoption was approved unanimously.

ORDINANCES FOR FIRST READING:

0-77-24

AN ORDINANCE APPROVING THE PETITION, PLAN, AND ARTICLES OF INCORPORATION OF THE ATHENS REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT, INC. AND DECLARING THE NECESSITY OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF ATHENS, OHIO IN COOPERATION WITH THE ATHENS REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT, INC.

0-78-24

AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF ATHENS, OHIO IN COOPERATION WITH THE ATHENS REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT.

0-79-24

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF ATHENS, OHIO IN COOPERATION WITH THE ATHENS ENERGY SPECIAL IMPROVEMENT DISTRICT, APPROVING AN ENERGY PROJECT COOPERATIVE AGREEMENT AND A SPECIAL ASSESSMENT AGREEMENT. Discussion: The Mayor asked if the owner can also take advantage of the 30% credit from the Inflation Reduction Act (IRA), on top of this.

Chris Jones, Ohio PACE Program Administrator, responded that any other type of tax credits would still be available to the owner as part of capital stack financing.

Spjeldnes is enthusiastic about this process.

0-80-24

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY USE PERMIT AT 49 CENTRAL AVENUE FOR PRE-EXISTING PATIO, STAIRS, AND PARKING IN THE CITY RIGHT-OF-WAY.

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0-81-24

AN ORDINANCE AFFIRMING THE SERVICE-SAFETY DIRECTOR'S EXECUTION OF EASEMENTS WITH THE STATE OF OHIO NECESSARY FOR THE CONSTRUCTION OF CITY SEWER SYSTEM IMPROVEMENTS, PROJECT #330.

0-82-24

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) FOR ISSUE I FUNDS; AND TO EXECUTE CONTRACTS AS REQUIRED; AND DECLARING AN EMERGENCY.

Spjeldnes moved for Suspension of the Rules to meet the August 31 application deadline; McCarey seconded. Suspension of the Rules was approved unanimously. Spjeldnes moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

0-83-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE AND AMENDING ORDINANCE 51-23; AUTHORIZING THE PURCHASE OF A NEW DUMP TRUCK. Spjeldnes moved for Suspension of the Rules to get this new dump truck in the City's operational fleet as soon as possible; Clodfelter seconded. Suspension of the Rules was approved unanimously. Spjeldnes moved for Adoption; Thomas seconded. Adoption was approved unanimously.

0-84-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23; AND AUTHORIZING AN INTERFUND TRANSFER.

0-85-24

AN ORDINANCE APPROVING A THEN-AND-NOW CERTIFICATE FOR PAYMENT TO WEBSTAIRANT STORE, LLC; AND DECLARING AN EMERGENCY. Risner moved for Suspension of the Rules to meet the Ohio Revised Code requirement of 30-day approval; Swank seconded. Suspension of the Rules was approved unanimously. Risner moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

ONE-READING RESOLUTION:

R-05-24

A RESOLUTION CONGRATULATING OSTROH, UKRAINE, SISTER CITY WITH THE CITY OF ATHENS, OHIO, ON THE OCCASION OF UKRAINIAN INDEPENDENCE DAY, AUGUST 24, 2024. Swank moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

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ANNOUNCEMENTS & OTHER BUSINESS:

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

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

McCarey moved to remove 0-48-24 from the Table; Risner seconded. The motion was approved unanimously.

0-48-24

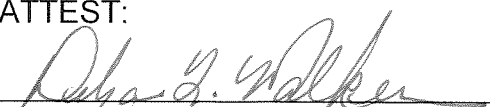
AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 25, FLOOD DAMAGE PREVENTION, CHAPTER 25.01, GENERAL PROVISIONS, SECTION 25.02.07, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

Discussion: McCarey moved to amend to meet State and Federal requirements that include a Flood Insurance Study and a Flood Insurance Rate Map; Clodfelter seconded. The amendment was approved unanimously.

At approximately 8:30p.m. McCarey moved to adjourn; Clodfelter seconded, and the meeting was adjourned.


President of Council

ATTEST:


Clerk of Council