

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

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

Held SEPTEMBER 3, 20 24

ATHENS CITY COUNCIL: REGULAR SESSION, TUESDAY, SEPTEMBER 3, 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 Crawl, Mayor Patterson, Law Director Eliason, and Treasurer Thomas.

DISPOSITION OF MINUTES:

Clodfelter moved to approve the minutes of the Regular Session held August 5, 2024; McCarey seconded

COMMUNICATIONS:

President Crawl conveyed the following:

- Receipt of a letter from Sandstone Family Apartments II, dated August 20, 2024, of their intent to construct a residential rental development located in or within a one-half mile radius of the City of Athens, and that they will be submitting an application to utilize the multifamily funding programs of the Ohio Housing Finance Agency (OHFA) for the development of this property. The project will be a three-story, elevator-equipped building containing 24 one-bedroom and 20 two-bedroom apartment units, neighboring the existing Sandstone Family Apartments, North Plains Road, The Plains, Ohio. City Council has an opportunity to submit comments regarding the proposed project's impact on the community. Any objections to the project must be submitted in writing and signed by a majority of all voting members. Comments must be received within 30 days of August 20, the mailing date of the notifying letter.

Council Member Spjeldnes expressed concern from constituents about the City's pilot Controlled Deer Archery Program, allowing bow hunting permits on specified City owned land within the City.

The Mayor responded this bow hunting of deer is via a lottery, with a limited number of permits within each designated area within the City, noting that some earlier identified locations have been removed from the list. Bow hunting has been permissible for some time within the City limits under certain conditions such as amount of acreage and distance from one dwelling to the next. He can provide her with details.

Spjeldnes would appreciate any clarity he can provide.

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REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Law Director Eliason reported on the Common Court of Pleas judge's decision ruling against the City of Athens, prohibiting local businesses from providing single use plastic bags to customers for purchased items. She explained the Council's options moving forward: 1) the right to appeal the decision to the Fourth District Court of Appeals before a three-judge panel, 2) the ordinance could be repealed, or 3) the Council could simply leave the ordinance on the books and not enforce it.

Swank moved that the City of Athens appeal the decision received from the Court of Common Pleas, Case No. 23CI0287; Risner seconded.

Discussion: Clodfelter asked about office time and resources the Law Director's office would need to devote to such an appeal.

Law Director Eliason responded it would be no further drain on office resources.

Spjeldnes is puzzled that the City of Athens is not the only jurisdiction in Ohio prohibiting the use of single use plastic bags, and yet we are the only one that was sued.

Swank views this as a political decision by the State Legislature.

McCarey asked about support from other entities for an appeal.

The Law Director responded this is a very important case, statewide, for Home Rule, citing support from both the Environmental Council and the Ohio Municipal League in the initial filing.

Mayor Patterson supports appealing this decision in defense of Home Rule.

The motion was approved unanimously.

Mayor Patterson reported the following:

- Notification from the Sustainable Ohio Public Energy Council that the City has been successful, yet again, in getting a Department of Transportation Charging and Fueling Infrastructure grant for corridors between Athens and Dayton, Ohio to provide DC fast-charging stations. Installations will be at the new Fire Station Headquarters on Stimson, as well as several other locations throughout the City. This has been in collaboration with other communities and will be a game-changer for Southern Ohio.

President Crawl noted that the fast-charging station at the Fire Headquarters location will be available for public use.

Clodfelter asked if this would be the corridor on 32/35 or 50.

The Mayor responded that while it is called the Corridors grant, it is not tied to a specific corridor. He has asked SOPEC to provide a map of southern Ohio with driving distances between the charging stations. This will make EV traveling much easier.

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0-84-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23; AND AUTHORIZING AN INTERFUND TRANSFER. Risner moved to amend to reduce the amount being appropriated to General Fund, 101.207, T.C. 500, from (\$6,330.00) to (\$2,806.02) to the Law Administration Building Improvements Fund, 585, T.C. 500, and closing out said fund; Swank seconded. The amendment was approved unanimously.

ORDINANCES FOR FIRST READING:

0-86-24

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME) LOCAL 2403(1) CONCERNING WAGES AND WORKING CONDITIONS. Discussion: The Mayor addressed changes to hourly wage increases that are in alignment with inflation, noting this is a 3-year agreement.

Wood commended AFSCME leaders for being good labor partners with the City; he appreciates the strong representation in our community.

0-87-24

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 21, SUBDIVISION REGULATIONS, CHAPTERS 21.03, APPLICATION, PROCEDURE FOR SUBDIVISION APPROVAL, 21.04, DESIGN AND CONSTRUCTION STANDARDS, AND 21.10, HILLSIDE REGULATIONS. Discussion: Swank explained this is an effort to streamline and make less restrictive our City Code as it relates to building in the City, extending to the 3-mile limit. These modifications have been well vetted within our community.

0-88-24

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 23, ZONING, CHAPTER 23.03, GENERAL REGULATIONS AND PERMITTED MODIFICATIONS, SECTIONS 23.03.08(C), YARD REGULATIONS, AND 23.03.14, FENCES, WALLS, TERRACES, AND STOOPS; AND TABLE A, SCHEDULE OF BULK CONTROLS. Discussion: Swank explained this will begin the process of addressing housing affordability as it relates to the guiding principles in housing and neighborhoods, and housing priorities of the City's 2040 Comprehensive Plan, by reducing lot size and setback requirements. He emphasized there are provisions to ensure the character of the existing neighborhoods will be preserved.

0-89-24

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ANNEXATION AGREEMENT WITH THE ATHENS TOWNSHIP TRUSTEES FOR PROPERTY LOCATED EAST OF CABLE LANE. Discussion: Swank said this is an approximately 35-acre parcel.

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ORDINANCES FOR SECOND READING:

0-48-24

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 25, FLOOD DAMAGE PREVENTION, CHAPTERS 25.01, GENERAL PROVISIONS; 25.02, DEFINITIONS; 25.03, ADMINISTRATION; 25.04, USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION; 25.05, APPEALS AND VARIANCES; AND 25.06, ENFORCEMENT; AND DECLARING AN EMERGENCY.

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.

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.

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.

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0-90-24

AN ORDINANCE AMENDING TITLE 7, TRAFFIC CODE, SECTIONS 7.02.11, 7.02.17, 7.02.23, 7.03.07, 7.03.07.1, 7.03.25, 7.04.58, AND 7.05.31; AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH. Discussion: The President explained these are amendments to the City's Traffic Code to align the Athens City Code with that of the State of Ohio Code.

The Law Director noted how helpful it is to keep these two Codes in alignment and plans to do these updates annually.

0-91-24

AN ORDINANCE AMENDING TITLE 13, GENERAL OFFENSES, SECTIONS 13.02.04, 13.03.01, 13.05.01, 13.05.08, AND 13.05.13; AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH. Discussion: The President explained these amendments to the City's General Offenses, again, are to align the Athens City Code with that of the State of Ohio Code.

0-92-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23.

0-93-24

AN ORDINANCE AMENDING ORDINANCES 74-21, 116-22, and 36-24; AUTHORIZING ATHENS UPTOWN DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) HOURS OF OPERATION. Discussion: Thomas explained this legislation only changes the DORA season to include Ohio University Spring Commencement. It does not include Homecoming and Moms Weekend.

Wood asked if the current signs would need to be updated to reflect this change.

The Mayor indicated the signs will need updated, noting the cost would be minimal.

Spjeldnes asked if Ohio University is comfortable with adding graduation to the DORA calendar.

Swank shared that there will be a meeting next Monday between the Mayor and Ohio University officials to discuss this change. Without the University's support, he will likely not vote in favor of this legislation.

Having experienced many years of graduations in the uptown area, she believes it is a nonfactor for crowds and partying, expressing need for City autonomy even though the University may not approve.

McCarey understands this is no longer about overcrowding in the bars and hopes productive conversations will move forward to address that issue.

The Treasurer clarified this is not a street closure, just an extension of the DORA season.

Rob Delach, Morris Avenue, shared that other State universities our size have DORA every day of the year, and encouraged the Council to keep an open mind.

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Brittany Anderson, East Carpenter Street, would like to see DORA hours extended to close at 2:00 a.m.

RESOLUTION FOR FIRST READING:

R-06-24

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

ONE-READING RESOLUTION:

R-07-24

A RESOLUTION AFFIRMING THE CITY OF ATHENS' RESPECT FOR THE INDIGENOUS HISTORY OF THE LAND NOW KNOWN AS ATHENS, OHIO. McCarey moved for Adoption; Clodfelter seconded. Discussion: The Mayor views this as a great step forward.

Adoption was approved unanimously.

OPPORTUNITY FOR CITIZENS TO SPEAK ON ITEMS

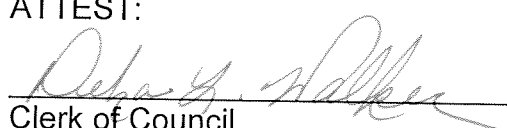
Brittany Anderson, East Carpenter Street, expressed concern with crossing mid-block on Carpenter Street between Court and East State due to a high volume of traffic and requested consideration to put a crosswalk with push button lighting near Grosvenor.

McCarey moved to adjourn at approximately 8:15 p.m., Swank seconded, and the meeting was unanimously adjourned.



President of Council

ATTEST:



Clerk of Council