

RECORD OF PROCEEDINGS

Minutes of

ATHENS CITY COUNCIL (REG. SESS.)

Meeting

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

Held

SEPTEMBER 16,

20

24

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, SEPTEMBER 16, 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 Thomas.

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

APPOINT ACTING CLERK:

Swank moved to appoint Scott Thompson as Acting Clerk for this session of Council; McCarey seconded. The appointment was approved unanimously.

DISPOSITION OF MINUTES:

Risner moved to approve the minutes of the Regular Session held August 19, 2024; Clodfelter seconded. The minutes were unanimously approved as presented.

Clodfelter moved to approve the minutes of the Regular Session held September 3, 2024; McCarey seconded. The minutes were unanimously approved as presented.

COMMUNICATIONS:

Council Member Spjeldnes reported on the City's August 29 Cleanup Day. Approximately 5000 pounds of garbage was collected and about a half truck of scrap metal. It was a nice turnout.

Council Member McCarey shared that in 1981 the United Nations established the International Day of Peace which Ohio University will be observing this Saturday, September 21. The Division of Diversity and inclusion is leading a committee of "Make Respect Visible" week activities that will culminate with the September 21 event at Schoonover, Room 145, from 11:30 a.m. to 2:30 p.m. Additional information can be found at ohio.edu/respect. He encouraged all members of the public to attend this free event to commemorate the importance of peace and respect in our community.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported the following:

- Attended a State Mayors' meeting in Springfield, Ohio, along with former Governor Taft, to offer assistance and support following a wave of bomb threats in Springfield brought on by false and inflammatory statements about the increased number of migrants in the community. Springfield's public services

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are stretched, and they will need continued assistance to address the situation.

ORDINANCES FOR THIRD 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. McCarey moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

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. Swank moved for Adoption; Clodfelter seconded. Discussion: Clodfelter clarified this type of energy efficiency upgrade assistance is applicable for many buildings within the City.

Adoption was approved unanimously.

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. Swank moved for Adoption; Risner seconded. Discussion: James Blackwell, Central Avenue, asked whether this type of funding is available to residential homeowners.

Clodfelter responded it doesn't appear this type of assistance is available to homeowners at this time.

Spjeldnes indicated that it can be made available to landlords for their commercial interests.

The Mayor pointed out that for landlords there is a restriction that is based on the number of units within the building. He suggested Mr. Blackwell look into the Inflation Reduction Act and Renewal Tax Credit Program.

Adoption was approved unanimously.

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

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

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. McCarey moved for Adoption; Thomas seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

0-84-24

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

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.

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.

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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.

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.

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.

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.

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: McCarey asked the Mayor for any update from the Tavern Owners Association regarding these changes to the DORA.

The Mayor has no update since this legislation simply adds Ohio University spring commencement weekend, and not Homecoming and Moms Weekends.

Swank spoke with the members of the Association last week in an informal conversation and they had no issue with it.

Mayor Patterson met with President Gonzalez, and she shared no concerns with adding this language.

Anthony Bray, Elliot Street, asked why Homecoming and Moms Weekends were removed.

Mayor Patterson responded that Homecoming is a high-density weekend and didn't feel it would help the environment of the uptown area to include in the DORA, and while the thought of including Moms Weekend was to offload the number of patrons inside the bars, in return felt it would just be adding more people on the street.

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It would have been challenging for our law enforcement given the number of Moms coming in for that weekend.

ORDINANCE FOR FIRST READING:

0-94-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23.

Discussion: Swank asked whether the elevator is currently in working order.

The Mayor responded it is working; this is preventive maintenance.

Swank asked if these repairs need to be made now and if it would help to have Council suspend the 3-reading rule.

Mayor Patterson responded that the repairs have nothing to do with the functionality of the system, nor is it a critical feature that could lead to something catastrophic.

RESOLUTION FOR SECOND 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.

ANNOUNCEMENTS & OTHER BUSINESS:

Spjeldnes moved to confirm the Mayor's appointment of Shay Myers as an alternate member of the Board of Zoning Appeals; Swank seconded. The appointment was approved unanimously.

The Mayor requested that Ben Lachman be reappointed to a 2nd term and Joe Krause to a 3rd term on the Board of Zoning Appeals.

Swank moved to Table consideration of these two reappointments until the next Regular Session of Council; Spjeldnes seconded. Discussion: McCarey asked about general priorities the Mayor considers when looking for Board/Commission members.

Mayor Patterson responded that the particular Boards/Commissions often provide him with a slate of candidates. With the Board of Zoning Appeals he is very deliberate in looking at breadth of dynamics to serve, looking for diversity, expertise, and varied skill sets.

Tabling was approved unanimously.

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

McCarey moved to accept the July 2024 Credit Card Transactions; Thomas seconded. The motion was approved unanimously.

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OPPORTUNITY FOR CITIZENS TO SPEAK ON LEGISLATIVE ITEMS AND CITY SERVICES NOT COVERED ON THE AGENDA:

Davey McNelly, Chair of the City's Disabilities Commission, spoke to a systematic failure of the City of Athens in meeting the requirements of ADA accessibility. He used the historic Court/Union intersection crosswalk, completed about six years ago, as an example. The curb cuts do not meet ADA guidelines and are dangerous. He emphasized that each year the Disabilities Commission's year-end report speaks to their priorities. His wheelchair gets stuck in the crosswalk at least once a month. He is aware this week of someone whose wheelchair tipped over at the curb cut. He consistently hears from those with disabilities not to come uptown because it is not accessible. This is not a historic issue; it is current systemic failure that is happening in the City of Athens, and needs to be addressed. A curb cut should be a quarter of an inch or less and these curb cuts are an inch or more. The Commission on Disabilities' Accessibility Advocacy Committee has met with EPW numerous times about this particular issue, and has also worked with the Pedestrian Accessibility Ad Hoc Committee to develop a matrix of concerns. He understands the City received a large grant but has been unable to find a contractor. He then cited the Stimson Avenue accessible improvements, the grinding of some uptown sidewalks, and discretionary funds used as a matching grant for businesses to be accessible as largely successful. The City needs to put together a budget and a plan to fix these major issues now, to fix uptown curb cuts and sidewalks, with Court/Union being a major concern.

He requested City Council adopt legislation for a 10-year ADA Transition Plan recognizing these issues. It would be helpful to have a City staff member who prioritizes the City's ADA and makes it happen.

He pointed out that during the current construction on Union Street there needed to be an accessible pathway to access the businesses. Even though the City Administration has been alerted, there is still no accessible pathway.

He also requested an additional budget request next year to continue to provide discretionary funds, possibly \$30,000 as a matching grant for businesses, as it was a good tool to raise awareness.

McCarey pointed out that these are administrative actions, and questioned why he chose to come to City Council

McNelly believes the community needs to be aware of what is happening. These are major issues that the City has not been able to get done. He is looking for direct action and next steps to getting the job done.

Swank asked what has come from conversations with the City's DEIA Coordinator.

McNelly pointed out that the DEIA Coordinator has not been able to consistently come to any of the Commission on Disabilities meetings due to scheduling conflicts. They have asked the Mayor to have another mayoral designee attend their meetings.

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Swank asked how often the Commission meets.

McNelly responded the Commission on Disabilities meets the third Wednesday of each month, their Accessibility and Advocacy Committee meets monthly, at noon, on the second Friday, and there is an Educational and Outreach Committee.

Michelle Hahn, Union Street, pointed out that the United States Department of Justice mandated the Transition Plan in the 1990 ADA requirements. That is 34 years the City has been out of compliance. In 1991 the standards for design were written and in 2010 those were updated and made enforceable. The U.S. Department of Justice could come down on the City for the lack of accessible curb cuts and sidewalks, along with any other requirements of the law.

Stephanie Hunter, Elmwood Place, currently a graduate student in City/Regional Planning, minoring in Policy, and she just wrote a paper on the sidewalk policy in the City of Athens. She has attended City Council before on the 2023 Sidewalk Accessibility Report, and has worked with the City's Pedestrian and Bicycle Accessibility Task Force and believes her paper really matters to this Council. It states that the City of Athens' sidewalk legislation and policy is not working. As per Code Enforcement Director Riggs the process for homeowners to repair their sidewalks is not manageable. She suggested the City pass a sidewalk levy, put in a line item, make a 10-year plan, enforce standards, get results, and be ADA compliant. Make it a Citywide cost for a Citywide benefit. We do this for cars traversing our streets, why not for people walking on our sidewalks. "Let's be a City for everyone."

A resident of Nelsonville and member of the Disabilities Commission supports Davey McNelly's comments, pointing out she and her husband, a disabled veteran, bought a house in Nelsonville because there is not a single affordable, accessible house in Athens. There is no reason her husband should have mobility issues in uptown Athens. The time is now for ADA compliance.

Davey McNelly added the Disabilities Commission's disappointment with the University Estates development. This project was initially pitched to them as both accessible and affordable housing and it ended up being neither.

Charlie James, Mill Street, addressed the issue of homelessness in the City of Athens. He cited that in 2022 there were 77 unsheltered people in the City that increased to 177 in 2023, and asked what the City is doing about the homeless.

Spjeldnes commented that the Athens County Foundation is well aware of the homelessness issue, with a coalition of folks working on solutions.

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McCarey moved to adjourn at approximately 8:40 p.m., Clodfelter seconded, and the meeting was unanimously adjourned.



President of Council

ATTEST:



Acting Clerk of Council