

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held FEBRUARY 6, 2023

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, FEBRUARY 6, 2023, 7:00 P.M.

Athens City Council met in Regular Session at the above hour with the following members present: Crowl, Grace, Swank, Spjeldnes, and Ziff.

Also present: President Pro Tem Risner, Acting Mayor Knisely, Service-Safety Director Stone, Law Director Eliason, and Auditor Hecht.

DISPOSITION OF MINUTES:

Ziff moved approval of the minutes from the Regular Session of Council held January 17, 2023; Grace seconded. Minutes were unanimously approved as presented.

COMMUNICATIONS:

Council Member Crowl shared this is "Ohio Loves Transit Week" with a free fare day of Friday, February 10, for public transit, On Demand, and a discount for the GoBus.

Council Member Spjeldnes reminded Members of Council and the Administration that midnight tomorrow is the last opportunity to offer comments on the Pedestrian Accessibility Plan. A neighborhood/ward 10-year plan will be included so that it can be individualized to everyone's interests and needs.

Council Member Grace announced that on Monday, February 20, City Council will hold a public hearing to consider recommendations from the Athens City Planning Commission to amend Athens City Zoning Code Sections 23.03.10, Buildings on Public Streets; 23.03.11, Accessory Structures, to include Accessory Energy Systems; 23.04.04, B-1 Neighborhood Business Zone, and 23.04.07, B-3 General Business Zone, to permit outdoor dining, and that Eating and Drinking Establishments, drive-in/drive-through, must be at least 200 100 feet from any R-1 or R-2 Zone; and 23.06.02, Zoning Certificates and Permits; and adding Section 23.03.12, Principal Renewable Energy Systems.

ORDINANCES FOR SECOND READING:

0-03-23

AN ORDINANCE AUTHORIZING UNNEEDED OR OBSOLETE MUNICIPAL PERSONAL PROPERTY TO BE SOLD BY INTERNET AUCTION.

0-04-23

AN ORDINANCE AMENDING ORDINANCE 156-22; REALLOCATING REVENUES FROM THE CITY INCOME TAX; AND DECLARING AN EMERGENCY.

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0-05-23

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO CLOSE STREETS IN THE UPTOWN AREA FOR SPECIAL EVENTS DURING THE 2023 CALENDAR YEAR, AND TO CHANGE REQUESTED DATES OR CANCEL EVENTS AS NECESSARY.

0-06-23

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE TITLE 13, GENERAL OFFENSES, CHAPTER 13.04, OFFENSES AGAINST PUBLIC PEACE, SECTION 13.04.10, UNNECESSARY NOISE, IN DESIGNATED EVENT AREAS.

0-07-23

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING, TO ALLOW VENDING IN DESIGNATED EVENT AREAS.

0-08-23

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO SUSPEND, THE FEE FOR PARKING AT METERED SPACES IN THE MUNICIPAL PARKING GARAGE.

0-09-23

AN ORDINANCE SUSPENDING ATHENS CITY CODE SECTION 7.05.03, CONTINUOUS PARKING IN THE SAME LOCATION, FROM, MONDAY, DECEMBER 17, 2023, THROUGH MIDNIGHT ON SATURDAY, JANUARY 13, 2024.

0-10-23

AN ORDINANCE AUTHORIZING THE ANNUAL PURCHASE OF WATER SOFTENING SALT FOR THE WATER TREATMENT PLANT.

0-11-23

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR CONSTRUCTION OF THE NEW FIRE HEADQUARTERS, PROJECT #346; AND DECLARING AN EMERGENCY. Discussion: Service-Safety Director Stone reminded Council Members that this Ordinance will likely need to be tabled at third reading since the final purchase agreement will not be approved by the State Controlling Board until February 28.

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ORDINANCES FOR FIRST READING:

0-12-23

AN ORDINANCE DECLARING A REAL AND PRESENT EMERGENCY, THUS OBTAINING THE FORMAL BIDDING PROCEDURE, TO REPLACE A COLLAPSED STORM LINE, LOCATED AT 30 CURRAN DRIVE, THAT HAS FORMED A SINKHOLE, PROJECT # 360. Grace moved for Suspension of the Rules due to the storm line collapse on Curran Drive; Ziff seconded. Suspension of the Rules was approved unanimously. Grace moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-13-23

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE 155-22, AND AMENDING ORDINANCE 126-22; AUTHORIZING AN INCREASED EXPENDITURE IN CONSTRUCTION AND CONSTRUCTION ENGINEERING FOR THE WATER TREATMENT PLANT SALT STORAGE ROOF SLAB AND BEAM REPLACEMENT PROJECT (#354).

0-14-23

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE 155-22, AND AMENDING ORDINANCE 89-22; AUTHORIZING AN INCREASED EXPENDITURE FOR THE WEST WASHINGTON SIDEWALK AND SAFETY IMPROVEMENTS, PROJECT (#335). Discussion: Swank asked if the brick sidewalk on Shafer Street across from Stewart-MacDonald will be replaced with a concrete sidewalk.

Stone responded, "Yes."

Spjeldnes asked about the length of the sidewalk with this project.

Stone responded that where this project ends the West Union Street project will begin; all sidewalk repairs between West Washington and West Union will be completed.

0-15-23

AN ORDINANCE AMENDING THE 2023 APPROPRIATION ORDINANCE, AND AUTHORIZING THE AUDITOR TO MAKE INTERFUND TRANSFERS.

Discussion: Spjeldnes requested additional detail on items listed under T.C. 300, Professional Services.

Swank questioned the term "incentives" used when appropriating funds to Municipal Court.

Acting Mayor Knisely responded that grant funding can allow incentives for program participants in the form of small gift cards.

Auditor Hecht further clarified that these would be gift cards used for items such as food, clothing, and fuel.

Swank hopes these cards benefit our local businesses. He, too, would like additional information on these professional service items.

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Auditor noted that the grant parameters are regulated by the State.

0-16-23

AN ORDINANCE AMENDING ATHENS CITY ZONING CODE, TITLE 23, CHAPTER 23.03, GENERAL REGULATIONS AND PERMITTED MODIFICATIONS, SECTIONS 23.03.10, 23.03.11, AND ADDING SECTION 23.03.12. Discussion: Swank asked about the exception not to allow ground-mounted solar within the historical overlay district.

Stone responded that a variance could be requested through the Board of Zoning Appeals.

Spjeldnes understands that if you live in an area with a Homeowners' Association (HOA) that has bylaws contrary to solar arrays; the HOA regulations would supersede this legislation.

Law Director Eliason agreed that an HOA is a private contract and would take precedence.

Amy Delach, Morris Avenue, Chair of the City's Environment & Sustainability Commission, is excited by this opportunity to further encourage and reduce barriers to provide solar within our community.

0-17-23

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE ATHENS CITY ZONING CODE, TITLE 23, CHAPTER 23.04, PERMITTED USES, SECTIONS 23.04.04 (A)(1), B-1 NEIGHBORHOOD BUSINESS ZONE, AND 23.04.07 (1) AND (3), B-3 GENERAL BUSINESS ZONE. Discussion: Swank questioned whether a food truck is considered an enclosed building.

Stone responded that food trucks without wheels are functionally a building, and those that are mobile are not.

Swank asked if the 100' measurement for restaurants with drive-ins and drive-throughs is from the property line of the establishment, or from the place of ordering.

Stone indicated that it is currently from the principal building, but it is being revised to read from where the order is placed at the drive-through.

Swank questioned why the change from 200' to 100'.

Stone responded that the Commission found the 200' to be a specific barrier for businesses. This will provide flexibility and should not be a detriment for the adjacent residential zones. He believes speakers are better now and this is a less objectionable use of property than it was when this Code was written.

Swank expressed concern about businesses on East State Street that border residential zones.

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0-18-23

AN ORDINANCE AMENDING ATHENS CITY ZONING CODE, TITLE 23, CHAPTER 23.06, ADMINISTRATION AND BOARD OF ZONING APPEALS, SECTION 23.06.02, CERTIFICATES AND PERMITS. Discussion: Spjeldnes asked for clarification on the need to remove current language.

Stone responded that this is a very old section of the City Code and changes have been made in the way the City does business.

0-19-23

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A ONE-YEAR AGREEMENT WITH SUNDAY CREEK HORIZONS, A CONSULTING FIRM. Discussion: As part of this agreement, Swank would like to include periodic progress reporting to City Council.

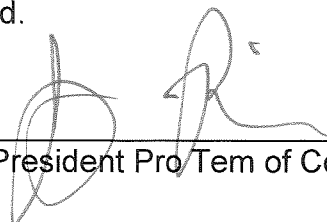
ANNOUNCEMENTS & OTHER BUSINESS:

Grace moved to confirm the Mayor's Reappointment of Aaron Thomas to the Board of Zoning Appeals; Ziff seconded. Motion was approved unanimously.

Ziff moved to confirm the Mayor's Appointments of Dianne Bouvier and Annah Abetti-Korpi to the Commission on Disabilities; Grace seconded. Motion was approved unanimously.

Swank moved to confirm the Mayor's Appointments of Annie Valeant and Stuart Goldsberry to the Recreation Advisory Board; Grace seconded. Motion was approved unanimously.

At approximately 8:10 p.m. Ziff moved to Adjourn the meeting; Grace seconded, and the meeting was adjourned.



President Pro Tem of Council

ATTEST:



Clerk of Council