

**MINUTES**  
**CITY & SAFETY SERVICES COMMITTEE**  
**MARCH 13, 2023**  
**7:00 p.m.**

Members in Attendance:

Micah McCarey, Chair  
Sarah Grace, Member  
Sam Crowl, Member  
Alan Swank, Member

Administrators and  
Other Elected Officials:

President Knisely  
Mayor Patterson  
Deputy Service-Safety Director Chiki

**ITEMS DISCUSSED:**

- Single-use Plastic Bags
  - Swank – addressed concerns from the last meeting:
    - 1) Who will enforce? He believes this would be an administrative decision – currently the legislation is complaint-driven and enforced by APD – asked the administration for thoughts on enforcement
  - Deputy Service-Safety Director Chiki – requested a month to make a recommendation to Council on the most effective enforcement
  - Swank – questioned whether other ordinances include provisions for enforcement
  - Mayor – depends on how the ordinance is structured, some ordinances are very proscriptive to process, and others left for the administration to decide enforcement – vagueness can lead to problems
  - Swank – asked if Code has the same enforcement capabilities as APD
  - Chiki – as the ordinance currently reads, APD can issue a citation – additional language could empower the Code Enforcement Office to file a notice of violation
  - Swank – asked about a preference at this time
  - Chiki – still researching – preference would be not to put the burden on the already stretched APD
  - Crowl – this is an important ordinance and agrees with giving the administration the appropriate time to decide on effective enforcement
  - Spjeldnes – enforcement may not be that complicated
  - Swank – added Bexley’s compliance is very, very high
  
- 2) Food Trucks
  - Swank – language to include food trucks can be added to the current ordinance

- Mayor – suggested amending the Vending Ordinance to include “Plastic-free by ‘23” that addresses containers, straws and cutlery
- Swank – is interested in having the administration explore such an amendment
- Spjeldnes – phasing in might be helpful – single-use plastic bags this year, containers, cutler and straws later
- Mayor – would prefer moving forward with Council’s Resolution “Plastic-free by ‘23” on City property

### 3) Product Bag (definition)

- Swank – a product bag is anything that contains a product – Law Director doesn’t believe a definition is needed

### 4) Effective Date of August 1

- Swank – believes 4 ½ months is sufficient time for transition – Cadillac of paper bags with handles costs \$.32, 100% recyclable

- President – asked about any implementation concerns from the administration
- Mayor – it is a short runway – shared concern of some independent stores that are currently using custom-branded plastic bags that may have a bag inventory they will need to use prior to the August deadline – the timeline can be explored in more detail

- Swank – since meeting with AUBA three weeks ago, pointed out that he has not heard any concerns

- Barbara Stout, owner of Athens Underground on Court Street – shared that the Goodwill in Jackson, Ohio will also be single-use plastic bag free effective in August – adding that while \$.32 may not seem like a lot, it is a lot for some small purchases made at small businesses

- Citizen, Grosvenor Street – is concerned about disposing of stockpiled single-use plastic bags – hopes folks will not just toss them into their garbage after August 1

- Grace – shared that the Athens Farmers Market is currently collecting plastic bags to build a bench – would be a good opportunity for a community-wide effort

- Information Technology Network Management Services (contract)

- Chiki – contract was recently renegotiated with Go2IT – the current contract with BSSI expires April 1 – base fee is approximately \$110,000, with additional costs dependent upon projects/upgrades (example, improving Wi-Fi access at City Hall) – new contract will be for 12 months, with two 12-month renewals at a cost not to exceed \$250, annually

- Risner – asked if the current contract met or exceeded recommendations

- Chiki – exceeded – having a team of experts for this type of support is important to maintain a secure environment

- City/County Sewer Expansion, Project #317 (resolution of tentative award)
  - McCarey – legislation needed to install a sewer line on Dairy Lane to Richland Avenue – project includes sidewalks on Dairy Lane
  - Chiki – bid opening has been extended to March 23
  
- Sanitary Sewer Easement (Dairy Lane)
  - Chiki – the State of Ohio, Department of Administrative Services (DAS), has approved granting this easement to the City
  
  - Spjeldnes – asked how soon this line will be constructed, and its location
  - Chiki – no exact timeline – general location is along Dairy Lane near the Dairy Barn, and on that side of the street

### **ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:**

1. IT Services
2. Easement

# MINUTES: MARCH 13, 2023

## FINANCE & PERSONNEL COMMITTEE

Members in Attendance:

Sam Crowl, Chair  
Jeff Risner, Member  
Solveig Spjeldnes, Member  
Ben Ziff, Member

Administrators and/or  
Other Elected Officials:

President Knisely  
Mayor Patterson  
Deputy Service-Safety Director Chiki

### ITEMS DISCUSSED:

- NOPEC Energized Community Grant Program
  - Crowl – this grant provides funds to NOPEC member communities for energy infrastructure projects – in the past we have used this grant to provide solar bus shelters, personal device charging stations on table umbrellas at the City pool, solar street lamps on the near east side, and energy efficient LED lighting at the Community Center
  - Mayor – City will receive \$7,745 this year that will be used for solar pathway lighting for a planned pocket park on Meadow Lane, southwest corner – National Realtor’s Association grant of \$5,000 will go toward the pocket park space development
  
- Appropriations
  - (\$5,348) to General Fund, Fire, service fees associated with the FEMA Grant
  - (124,652) to General Fund, Capital, FEMA Grant to replace all fire hoses, 13,000 feet of hose, 40 nozzles, and four pump intakes – requires a 10% match
    - Mayor – City will be reimbursed \$106,000
    - Ziff – these are highly specialized hoses that need replaced approximately every 10 years
  - (\$5,431) to Recreation Fund, Arts West, for their production of Once, from the Athens County Foundation Fall Grant Cycle
  - (\$500) to Recreation Fund, Arts West, for Arts Instructors, a grant from the Thomas and Barbara Kostohryz Fund - Athens County Foundation
  - (\$4000) to Recreation Fund, Arts West, for Arts Instructors, a grant from The Kleinpenny Education Fund
    - Swank – asked if these are additive positions
    - Chiki – yes, for additional art instruction, not pre-prescribed
  - (\$5,735.83) to Recreation Fund, capital, for soccer goals, a donation from the Greater Athens Soccer Association (GASA)
    - Spjeldnes – asked if these goals will be located at the former West Elementary site
    - Crowl – responded, “no” that is a City School District project – currently there are goals at the Athens Public Library field, and

there are two sets of goals at the new space the City is developing at the West State Park fields – in order provide community soccer at both locations another set of goals was needed – this will provide for multiple soccer locations

- (\$2,000) to Community Center Fund, COAD grant, for childcare
- (\$26,100) to General Fund, Auditor, professional services, for software upgrade

-Crowl – Software Company is requiring the Auditor’s Office to upgrade their “fixed asset” application, current application ends in July 2023 – in 2020, the Auditor fully upgraded their finance, tax and payroll applications – one final application “docu-scan” will be required when available

## **ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:**

1. NOPEC Energized Grant
2. Appropriations

# MINUTES

## PLANNING & DEVELOPMENT COMMITTEE

### MARCH 13, 2023

Members in Attendance:

Sarah Grace, Chair  
Sam Crowl, Vice-Chair  
Micah McCarey, Member  
Solveig Spjeldnes, Member

Administrators and/or Other Elected Officials:

President Knisely  
Mayor Patterson  
Deputy Service-Safety Director Chiki

#### Items Discussed:

- Dr. May's Thai Kitchen (amend 0-106-21)
  - Grace – Ordinance 106-21 granted Dr. May a Title 49, special r-o-w use permit, for a sign – a request has been made by the administration to expand the usage to include (3) private parking spaces
  - Spjeldnes – asked if this change would allow the business to finally open
  - Grace – understands that this issue is not responsible for the delay in opening – other permitting, outside the purview of the City, is still needed
  - Crowl – is in support of expediting this legislation if it will facilitate the process
  - Nathan Roth, owner – clarified that these parking spaces are on Hudson Avenue, not East State Street, and were used by the previous business – the opening delay came from the State permitting process, however, he and Dr. May would appreciate the timely adoption of this permit
- Zoning Code, B-1 Neighborhood Business and B-2 General Business (0-17-23)
  - Grace – concerns were addressed regarding outdoor dining, and many concerns expressed about changing the drive-in, drive through distance from 200' to 100' to residential zones
  - Spjeldnes – a constituent has requested a definition for outdoor dining – suggested possibly referencing the City's noise ordinance in this section of the Athens City Code (ACC)
  - Grace – would like to clarify the definition of a restaurant in 23.10, and define eating and drinking places and establishments, in B-1 and B-3 zones as per ACC 23.04.04 and 23.04.07, as well as provide a definition for carryouts where there is no indoor seating but food is purchased, and to use consistent language throughout our Code – Bexley's definition of a restaurant: "means a business

establishment within which the primary use is prepared food offered for sale and consumption either within the structure, on the premises, or within a designated and permitted outdoor area, or a business establishment within which the primary use is prepared food and beverages offered for sale in disposable containers and packaged for carryout” – their definition is more encompassing – the City of Dublin’s definition of Eating and Drinking: “a facility that prepares or serves food or beverages directly to the public for on or off premise consumption. This use includes but is not limited to sit down or takeout restaurants, cafes or coffee shops, ice cream parlors, and may also include uses such as taverns, brew pubs or wine bars.” – our outdoor dining areas vary a lot and it will be difficult to come up with terms and a definition that would accommodate all of them – cautioned against being too overly specific – noise and litter regulations are already set out in our City Code and would apply – it would be unreasonable to try to add these to every scenario

-Spjeldnes – agrees that consistent definitions are important – while she likes the idea of outdoor eating and drinking establishments in neighborhoods, they could become a nuisance if they create a noise issue – would like the option to cross reference the noise ordinance hours in this section of the ACC

-Swank – referenced the court case on East State Street that the City lost last June with regard to a drive-through – the Court was very specific in its ruling and made some suggestions that Council might want to consider in terms of definitions – this is something Council needs to discuss – will forward the recommendation from the Court to all Council Members – there are people who feel very strongly about various parts of this legislation – asked the Chair about steps moving forward with this tabled ordinance – it is an important matter, but he does not believe it is necessary to rush this

-Grace – would like to continue this conversation and propose further updates and specific language for amendments at the next Planning & Development Committee – cited yet another definition of a restaurant from Oberlin that specifically states this term does not include pharmacies, confectionary stores, lunch stands, nightclubs, and filling stations, where hot meals are habitually prepared and sold, and served at noon and evening – so, there are many options that Council needs to consider on how our existing businesses would align with these different definitions and uses – would like to seek guidance from the administration in improving our definitions, and acknowledges the need to address the instructions of the Court in the noted case

-Barbara Stout, East State Street – her house adjoins the property that is currently going through the City Planning Commission for a proposed drive-through Starbucks and Chipotle – urged Council to carefully think about long term repercussions and unintended consequences to nearby residences, that includes traffic concerns

-Swank – cited the above-mentioned Court case that states, “It is certainly reasonable for Council to want to limit drive-throughs to restaurant type

businesses, or drink businesses because of the long lines that may be generated which may even spill out onto the roadway.” – an unintended consequence

**ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:**

1. Special Use Permit



# TRANSPORTATION COMMITTEE

## MARCH 13, 2023

Members in Attendance: Jeff Risner, Chair  
Sarah Grace, Member  
Alan Swank, Member  
Ben Ziff, Member

Administrators and/or

Other Elected Officials: President Knisely  
Mayor Patterson  
Deputy Service-Safety Director Chiki

- Parking Garage Improvements (Phase 3)
  - Dep. S-S Director – this improvement phase includes: 1) installation of solar on upper level and improvements to host events; 2) to replace parking meters with entry/exit arms and a pay kiosk; and 3) install a bay of Level 2 EV chargers on Upper 2 – is requesting a total of \$500,000 for these improvements: \$200,000 for pay system; \$100,000 for event space and solar installation (will look at the carbon fee to pay a portion of the solar); \$150,000 for Level 2 EV chargers – goal is to complete the project by year-end
  - Swank – asked about the area of coverage for solar
  - Chiki – would like to have as much coverage as possible on the upper level
  - Swank – asked if parking would be available under the solar panels
  - Chiki – yes
  - Swank – questioned staffing of the entry/exit kiosk – sometimes they do not work
  - Chiki – in the event that the arm does not raise, 24-hour fallback assistance is available from APD and Parking Enforcement, as well as custodial staff during weekdays until midnight
  - Mayor – trained staff will be quick to respond – believes these will be positive improvements – added a freshman Communications Honors Tutorial class at Ohio University worked on Upper and Lower 6 and came up with some very interesting and creative features they felt would enhance the space for hosting events – they even dubbed the space “Top Lot”
  - Rob Delach, Morris – good to make the facility useful
  - Mayor – Inflation Reduction Act (IRA) tax credits for solar will also be explored with this project
- Road Salt (annual ODOT’s Cooperative Purchasing Program)
  - Chiki – City’s road salt bin is nearly full due to our mild winter – will be looking at topping that off – will likely cost \$40,000 - \$50,000 – the City has an agreement in place with Ohio University that we also purchase on behalf of them

- Train Safety (resolution)
  - Risner – voiced the need for tighter regulations and placing more regulatory provisions on owners/operators – there are one to two miles of track in the City of Athens’ proper and he understands it is not used for primary hauling, but is active – operator is Kanawha Railroad, rails are owned by Norfolk Southern – rail through the City is well maintained – recommended a Resolution for rail safety
  
  - Mayor – has signed a document through the National League of Cities (NLC) affirming safe rail travel
  
  - Grace – as a small City in a rural area, we have very well trained and prepared emergency responders – commended our Fire Department
  - Risner – Norfolk Southern has announced it is starting a free training program for all emergency responders within the State of Ohio and West Virginia – it would be prudent for the City to explore this opportunity

### **ITEMS NEEDED ON AN UPCOMING CITY COUNCIL AGENDA:**

1. Parking Garage
2. Road Salt
3. Train Safety Resolution