

**ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, JUNE 21, 2021,
7:00 P.M.**

Athens City Council met in Regular Session at the above hour. Due to concerns with COVID-19 the following members met via videoconference: Crawl, Fahl, Grace, McCarey, Risner, Smedley, and Ziff.

Also present via videoconference: President Knisely, Mayor Patterson, Auditor Hecht, and Law Director Eliason.

COMMUNICATIONS:

President Knisely is in receipt of a notice from the Ohio Division of Liquor Control for the transfer of D1, D2, D3, D3A and D6 permits **FROM** Pawpurrs, Inc., dba Pawpurrs, 37 N. Court Street, 1st floor and basement **TO** DAJ Athens, LLC, dba Pawpurrs, 37 N. Court Street, 1st floor and basement. Any concerns with this transfer must be submitted by July 12, 2021.

Council Member Fahl reminded everyone who is qualified to get a COVID-19 vaccination.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Mayor Patterson reported:

- This afternoon there was a ribbon cutting ceremony for the Bailey Trail System's Nelsonville Trailhead.
- Wednesday, June 23, at 11:00 a.m. there will be a ribbon cutting ceremony for the Micro-grid at the Service Garage being delivered from the Water Treatment Plant solar array.
- Notification has been received of a storm tunnel issue on Shafer Street between Byard and West State that is of concern.

ORDINANCES FOR THIRD READING:

0-70-21

AN ORDINANCE AUTHORIZING THE DISPOSAL OF CERTAIN FIRE DEPARTMENT EQUIPMENT NO LONGER NEEDED FOR A MUNICIPAL PURPOSE. Grace moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-74-21

AN ORDINANCE AUTHORIZING THE CREATION OF AN ATHENS UPTOWN DESIGNATED OUTDOOR REFRESHMENT AREA (DORA). Crawl moved to Amend Section I to remove Depot and replace with Smith, and to remove

Factory and replace with Station; and to Amend Section II, the Sanitation Plan and Staff to carry out the Sanitation Plan, as attached; Fahl seconded.

Discussion: Smedley questioned the likelihood that the DORA can be up and running this summer, and due to the last minute need for amending suggested possibly entertaining a motion to Table it and revisit it when there is more time for consideration.

Amendment was approved unanimously.

Crowl moved for Suspension of the Rules in that the Uptown Business Association (AUBA) hopes to kick-off the DORA in late summer; Grace seconded. Discussion: Crowl added that the amendments approved tonight do not change the essence of the DORA, and supports moving forward at this time. He believes there will be an economic benefit to the uptown businesses if the DORA can operate even a couple of weeks this summer.

Suspension of the Rules was approved unanimously.

Crowl moved for Adoption; Fahl seconded. Discussion: Fahl believes AUBA has done its due diligence in putting together the proposal, and the DORA will help build community in a nice outdoor setting.

Ziff asked whether the DORA, extending to Smith, will extend to the odd addresses on the south side of West Union.

Crowl responded that it is just the north side of West Union.

Ziff expressed concern that along with the open container environment there may be an added risk because there is no designated pedestrian crosswalk to the south side of Union Street to cross over to Depot.

Grace believes there is a crosswalk at the roundabout at Smith Street.

Ziff is aware of that crosswalk, but with the DORA not including the south side of Union, technically people are not allowed to walk on that side of the street with an open container.

Crowl agrees that the crosswalk at Smith Street is difficult and suggested Engineering & Public Works (EPW) examine that. However, he does not think the crosswalk is DORA related.

Mayor Patterson has reached out to Interim Director of EPW Jessica Adine – she indicated several factors that need to be evaluated when reviewing an uncontrolled crossing location such as lighting, speed, number of lanes, geometry, pedestrian volume, traffic volume, and the distance from other intersections and crossings – the Mayor will ask her to do a full review of that particular area – the Union/Smith roundabout is 600 feet from the intersection of Depot/West Union

-Smedley – absolutely wants to support our uptown businesses and see them thrive, especially after a year of COVID-19, but is concerned about the City's safety plan – she is hesitant that we are still evaluating an intersection that is within the DORA footprint and questioned that maybe this should happen before

we establish the DORA – it needs to be well thought out and safe, and maybe the DORA is being rushed

-Auditor – asked, if you have a DORA container from Uncorked and you want to walk with it to the Skull, whether the open container area is continuous
-Mayor – yes

-Ziff – asked if it would be possible to extend the DORA to the south side of West Union between Depot and Smith Streets

-Mayor – the south side of West Union is largely residential – City is trying to keep the DORA footprint where there are drinking establishments by and large

-Ziff – clarified that he was referring only to the area between Depot and Smith

-McCarey – asked how long the more thorough safety investigation will take, relative to the DORA activity occurring in August

-Mayor – he will ask that the assessment begin this week

-Art Oestrike, South May Avenue – would really like to get the DORA in place for a 3 to 4-week trial run this summer in order to make any needed changes for 2022 – this is an awesome opportunity for uptown Athens

-Jessica Thomas, co-owner of Brennan's Coffee Café and chair of AUBA – the DORA was designed by the Department of Commerce so it can be tailored to meet each community's needs – agrees that just a few week's experience this summer will be good preparation for next summer – DORA will benefit the entire uptown area – research by an Ohio University class indicates a 15-20% increase in retail in non-liquor establishments during the DORA hours

-Smedley – this is a difficult vote for her – she is, however, more comfortable after listening to the comments this evening – understands this first iteration will be for a very short period of time this summer, and there is ample opportunity to make changes, as needed, to our plan for next summer

Adoption was approved unanimously.

0-75-21

AN ORDINANCE AUTHORIZING THE DISPOSAL OF A TRACKHOE IN THE DEPARTMENT OF ENGINEERING AND PUBLIC WORKS THAT IS NO LONGER NEEDED FOR A MUNICIPAL PURPOSE. Grace moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-76-21

AN ORDINANCE AUTHORIZING THE PURCHASE OF A REPLACEMENT TRACKHOE FOR THE ENGINEERING & PUBLIC WORKS DEPARTMENT. Grace moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-78-21

AN ORDINANCE AUTHORIZING THE MAYOR TO PAY A ONE-YEAR MEMBERSHIP FEE TO THE OUTDOOR RECREATION COUNCIL OF APPALACHIA (ORCA) TO PROVIDE FINANCIAL SUPPORT FROM THE CITY'S TRANSIENT GUEST TAX FOR THE BAILEYS TRAIL SYSTEM ALONG WITH OTHER RECREATIONAL ACTIVITIES. Crowl moved for Adoption; Fahl seconded. Discussion: Smedley finds this financial commitment more palatable than the earlier much larger commitment. She finds value in committing to the Bailey's as it will have an impact on our community and recommended that the City consider, when funds are available, to invest in our City trails that might complement the Bailey Trail.

Jessie Powers, Executive Director of the Outdoor Recreation Council of Appalachia (ORCA), reminded the Council that this will be the longest contiguous mountain bike optimized trail system in the State of Ohio and east of the Mississippi River. The Bailey Trail System will enhance all of our outdoor recreational opportunities and increase Ohio's tourism.

Adoption was approved unanimously.

0-79-21

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT A NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2021 ENERGIZED COMMUNITY GRANT(S) FUNDS; AND DECLARING AN EMERGENCY. Crowl moved for Adoption; Risner seconded. Discussion: Crowl pointed out that this grant will be used to continue locating solar lampposts in mid-blocks on streets on the City's far east side where there is no power grid. Adoption was approved unanimously.

0-81-21

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO EXECUTE SUPPLEMENTAL ELECTRIC LINE EASEMENTS AND RIGHTS OF WAY FOR THE STROUDS RUN-CLARK LINE WITH THE OHIO POWER COMPANY (AEP); AND DECLARING AN EMERGENCY. Fahl moved for Adoption; Grace seconded. Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

0-77-21

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ACCEPT BIDS, WHERE NECESSARY, AND ENTER INTO CONTRACT FOR REPLACEMENT OF THE ROOF ON THE CITY BUILDING; AND DECLARING AN EMERGENCY.

Crowl moved for Suspension of the Rules in order that the replacement can be done during this construction season; Smedley seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Risner seconded. Adoption was approved unanimously.

0-80-21

AN ORDINANCE AMENDING THE 2021 APPROPRIATION ORDINANCE; AND AUTHORIZING THE AUDITOR TO MAKE AN INTERFUND TRANSFER. Crowl moved for Suspension of the Rules in order that the transactions can be included in the June financial report; Fahl seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Fahl seconded. Adoption was approved unanimously.

0-82-21

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 3, ADMINISTRATIVE PROVISIONS, CHAPTER 3.03, EXECUTIVE; OTHER OFFICIALS, SECTION 3.03.07, DEPUTY AUDITOR. Crowl moved for Suspension of the Rules to allow the Auditor to begin the hiring process for a new Income Tax Administrator; Ziff seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Grace seconded. Adoption was approved unanimously.

0-83-21

AN ORDINANCE AMENDING THE 2021 STAFFING LEVELS AUTHORIZED BY ORDINANCE 141-20. Crowl moved for Suspension of the Rules, again in order to allow the Auditor to begin the hiring process for a new Income Tax Administrator; Smedley seconded. Suspension of the Rules was approved unanimously. Crowl moved for Adoption; Ziff seconded. Adoption was approved unanimously.

0-84-21

AN ORDINANCE DECLARING A REAL AND PRESENT EMERGENCY, THUS OBVIATING THE FORMAL BIDDING PROCEDURE, FOR STRUCTURAL REPAIRS TO THE ATHENS FIRE DEPARTMENT HEADQUARTERS, PROJECT #343. Grace moved for Suspension of the Rules given the structural condition of the building; Fahl seconded. Suspension of the Rules was approved unanimously. Grace moved for Adoption; Smedley seconded. Discussion: Smedley requested Fire Chief Rymer return by the end of this year to report on locating an alternative/new site for the headquarters.

Mayor indicated that during the repairs he will ask for complete documentation on the extent of the damage to the building, reminding Council that this is a 66-year old building nearing the end of its useful life as a fire station.

Adoption was approved unanimously.

ORDINANCES FOR FIRST READING:

0-85-21

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 9, GENERAL REGULATIONS, CHAPTER 9.06, INTOXICATING LIQUORS; NARCOTICS, SECTION 9.06.04, POSSESSION OF OPENED BOTTLE OR CONTAINER OF BEER OR LIQUOR AND ESTABLISHMENT OF GLASS-FREE ZONE. Fahl moved for Suspension of the Rules in order to have in place prior to operation of the DORA; Grace seconded. Suspension of the Rules was approved unanimously. Fahl moved for Adoption; Grace seconded. Adoption was approved unanimously.

0-86-21

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PROVIDE INITIAL FUNDING FOR CREATING A REMOTE WORK SYSTEM FOR THE CITY OF ATHENS WITH SUNDAY CREEK HORIZONS, A CONSULTING FIRM.

ONE-READING RESOLUTION:

R-10-21

A RESOLUTION REQUESTING THE ATHENS CITY PLANNING COMMISSION CONSIDER AMENDING THE ZONING CODE OFF-STREET PARKING AND LOADING/UNLOADING REGULATIONS. Fahl moved for Adoption; Grace seconded. Discussion: Risner asked about major/negative impacts and outcome from these changes.

Paul Logue, City Planner, explained that this change will likely spur development within our community. Some land uses currently being used for parking could potentially be used to develop much needed housing. As an example, the historic Follett's building at the corner of Court and Union has absolutely no opportunity to develop parking. In our commercial historic area, it is important that the property owner has rental unit income on the second floor and above. The City needs to give flexibility to property owners to make a better choice about how much parking they need. It would be difficult to know negative impacts until the change is implemented. However, he can think of several negative impacts under our current off-street parking regulations such as: environmental impacts, land use impacts, floodplain impacts, congestion, noise, reliance on single-occupancy vehicles, and it impacts our ability to walk places, use public transit, and riding bicycles; making an unsafe City.

Risner asked if these changes will in any way help the developers.

Planner responded that it will reduce the parking requirements for a location like Follett's in the uptown area to have student rentals on all but the ground level.

Our current parking requirements are a mismatch and need some balance.

Grace also pointed out flexibility within the new language that parking may be provided within a radius of 1000 feet instead of only 250, allowing for the big uptown lots to be filled.

Smedley noted a conversation she had with a local business owner that believes the changes may provide creative options to businesses. She pointed out that this is one of many meetings the City will have to discuss these changes.

Crowl believes we need to move away from the “car” culture regulations and to emphasize alternative transportation, walking, bicycling, and public transit use. He also understands the negative, if we are not yet out of that “car” culture, reducing off-street parking requirements may impact on-street parking in our near uptown residential neighborhoods.

Adoption was approved unanimously.

ANNOUNCEMENTS & OTHER BUSINESS:

President Knisely announced that when City Council returns on August 2nd, after the July recess, all meetings will be held in-person in the Council Chambers. Public attendees who are not fully vaccinated will be required to wear a mask.

Risner moved to confirm the Mayor’s reappointment of Kay Tousley to the Board of Zoning Appeals; Fahl seconded. Reappointment was approved unanimously.

Fahl moved to Accept the May, 2021, Financial Reports as submitted by the Auditor; Crowl seconded. Motion was approved unanimously.

Risner moved to Accept the May, 2021 Credit Card Transactions; Ziff seconded. Motion was approved unanimously.

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

Saraquoia Bryant, representing the Ohio Community Rights Group and concerned citizens, explained about the potential of oil and gas waste entering our water supply. Documents concerning past instances where our roadways could have been polluted by oil and gas brine were turned in to Attorney General Yost today as well as to Prosecutors around the State, including Athens County Prosecutor Keller Blackburn, for an investigation. They Group also inquired about language in House Bill 282 and Senate Bill 171 now being considered to establish conditions and requirements for the sale of brine from oil and gas operations as a commodity, and to exempt that commodity from requirements otherwise applicable to brine.

The group finds this very discouraging in that we already have very lax regulations on oil and gas brine. She believes these Bills we be considered in the fall session, and requested that City Council draft legislation stating that the City of Athens opposes these Bills on behalf of our citizens, and to then share this with the Ohio Municipal League for discussion at the State level. Products high in radium should not

be dumped onto our roadways. ODNR's own testing in 2017 found that the extremely high levels of radium are present in both traditional gas and oil waste, and the waste coming from fracked wells; neither is safe, and radium pollution from both is dangerous and not acceptable.

At approximately 8:40 p.m. Fahl moved to adjourn the meeting; Ziff seconded. Motion was approved unanimously.

President of Council

ATTEST:

Clerk of Council