

Proposed outdoor noise law packs public hearing

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Athens residents and business owners spoke out at a public hearing last week against a proposed ordinance limiting the time that outdoor businesses can be open in Athens, while only a few people spoke in favor of the rules.

The Athens Planning Commission held the public hearing Thursday to discuss the proposed ordinance, which resulted from residents' complaints about noise from the uptown area coming into their neighborhood late at night.

The main people complaining are those living in the near north side. They said they're upset about the noise coming from the outdoor patio at Broney's Alumni Grill, which is located at the corner of North Court Street and Carpenter Street. At night, noise from the patio wafts up the hillside into a residential neighborhood.

Athens City Council forwarded the issue to the Planning Commission, which amended an original proposed ordinance.

The amended ordinance is somewhat confusing, however, as it states that it is only for areas zoned B-2D, which is every block on Court Street except the block where Broney's is located. Council's original proposal was for the B-3 zone, which includes Broney's.

The proposed ordinance, as currently written, states that all eating and drinking business operations that are conducted in the B-2D zone will cease operations by midnight on Fridays and Saturdays and 10 p.m. on Thursdays.

Responding to the zone confusion, Chris Fahl, chair of the Planning Commission, said she amended the ordinance to make it cover the B-2D zone for discussion purposes, and said that it could be amended again for B-3 zones or for any zone in the city.

Since city residents and officials have been discussing the proposed ordinance, though, the general feeling has been that it would impact Broney's if it is approved. (*The Athens NEWS* incorrectly reported last week that the B2-D zone included the block where Broney's is located.)

Paula Horan Moseley, service/safety direc-



Joel Schechtman, co-owner of Skipper's Bar and Grill and the Blue Gator, explains at an Athens City Planning Commission public hearing on Thursday why he is against the proposed ordinance that would limit the hours when outdoor patios could be open in the evenings at bars and restaurants in uptown Athens. Photo by Ed Venrick.

tor for the city and a member of the Planning Commission, said Friday, however, that if the ordinance is approved as currently amended, it would not affect Broney's at all because the bar/restaurant is not located in the area zoned B-2D.

Fahl said Saturday that she was pleased with the discussion at the public hearing on the proposed ordinance and said that council will discuss the issue again and most likely vote on it at the Wednesday, Oct. 1 meeting.

"I think that a lot of the business owners brought up... a lot of things that need to be discussed," Fahl said.

DAVID CORNWELL, OWNER of Court-side Pizza on North Court, said he opposes the ordinance and asked if it is really a noise issue or a zoning issue. He has an outdoor patio at his restaurant and does not want it to be required to close early.

If the patio is forced to close early, he said, it would mean that the crowds of customers would disperse at closing, and likely would end up at house parties where they might

cause more problems.

Robert Satmary, owner of O'Betty's Red Hot restaurant on East State Street, said he has a few tables outside his business, and is concerned he, too, will be forced to close down his outdoor seating early if the ordinance is approved.

He added that the city should enforce the current noise ordinance, not create new regulations.

Chris Pyle, owner of Donkey Coffee and Espresso, said the ordinance could also force him to close his outdoor seating at night. The outdoor tables are popular and he makes sure his customers are not being loud, he added.

"Our clients are very quiet," Pyle said.

The city should not be making a new law that affects all businesses when there apparently is just one business causing the problem, Pyle argued. If Broney's is responsible for the problem, then that business should be a good neighbor and do something to address the situation, he said.

Kim Goldsberry, who lives on North Hill

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Business owners speak out

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Drive near uptown Athens, said she has no issue with the noise from Broney's or the uptown area.

Goldsberry said she can hear noise from the Ohio University band, football games and other activities in town, and said a law that would hurt local businesses by limiting the outdoor dining would be bad.

Joel Schechtman, co-owner of Skipper's and the Blue Gator bar/restaurants in uptown Athens, said that the proposed ordinance could hurt the outdoor patio at Skipper's and force it to close early. He added that he hates to see more regulations that make things tougher for small businesses.

Michael Wieser, who lives on Fairview Avenue, said he also dislikes seeing a law put in place specifically for one business. He said the city should enforce the noise ordinance and not create a new law.

Attorney Herman Carson represented Broney's at the hearing and said that he sees the proposed ordinance as "spot zoning," which he said is illegal.

"It is a regulatory taking," Carson said, adding that any affected businesses would have to be compensated by the city for this taking.

Carson also argued that Broney's is not violating the city's noise ordinance and said that state law for outdoor eating areas may override any regulations enacted by the city.

A FEW SPOKE in favor of the ordinance, though, including local lawyer Jim Sillery, who has spoken to council before about the issue. Sillery has stated previously that it is often

so loud in his near-uptown neighborhood that he cannot have the windows open in the evenings.

"I chose to live in a family neighborhood," he said at last week's meeting about his choice to move onto Fairview Avenue years ago. The city and neighborhood have changed since that time, and the city needs to plan for issues such as the noise from outdoor businesses, he said.

Christine Miles, who also lives near the uptown area, said that she and many others are bothered by the noise. One business should not be allowed to intrude on the rights of city residents to have peace in their homes and neighborhoods, she said.

She added that if this is allowed to continue, "we're moving in the wrong direction."

MAYOR PAUL WIEHL, who is a member of the Planning Commission, said after the hearing that he has concerns about the ordinance as it is currently written and will discuss them at the meeting Oct. 1.

Horan-Moseley said Friday that she was previously against the ordinance and still opposes it.

Planning Commission member Nicholas Bittner said he is concerned about the ordinance just being for one zone and not being for the entire city.

Bittner added that the commission has to look at all of the other possible impacts of the ordinance. He would also like to hear more from the Police Department about how the noise ordinance is being enforced (see related story).