

**ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, MAY 18, 2020, 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: Clodfelter, Crowl, Fahl, Kotses, Grace, Risner and Smedley.

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

Crowl moved to amend the Agenda to address Ordinance 61-20 prior to Ordinance 60-20; Fahl seconded. Amendment was approved unanimously.

**DISPOSITION OF MINUTES:**

Grace moved approval of the minutes of the Regular Session held May 4, 2020; Clodfelter seconded. The minutes were unanimously approved as presented.

**COMMUNICATIONS:**

Fahl received and responded to a survey for a study by several international universities, tasked by the United Nations, looking at climate emergency legislation.

President Knisely also responded to the survey.

**REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:**

**Mayor Patterson** reported the following:

- The Transportation Improvement District (TID) for our region met last Friday and the only project presented was for the Stimson Avenue improvements, and it was voted unanimously to move forward. These grants are extremely competitive. It is a 25% match for up to a \$250,000 grant, and the City has requested the full amount be awarded.
- Received an email, which he forwarded to City Council, from the National League of Cities requesting municipalities approve a resolution in support of the fourth stimulus package to include all municipalities regardless of population size.

**ORDINANCES FOR THIRD READING:**

**0-56-20**

AN ORDINANCE TO ENSURE LOCAL MATCH FUNDS FOR THE MOBILITY MANAGER GRANT. Kotses moved for Adoption; Smedley seconded. Adoption was approved unanimously.

### **0-57-20**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A WATER AGREEMENT WITH THE LE-AX REGIONAL WATER DISTRICT TO RELEASE, UPON ANNEXATION, CERTAIN PROPERTY WITHIN THEIR SERVICE AREA TO THE CITY OF ATHENS. Fahl moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

### **0-61-20**

AN ORDINANCE AMENDING ATHENS CITY CODE TITLE 1, GENERAL PROVISIONS, CHAPTER 1.03, CODE FEES ESTABLISHED, SOLID WASTE, RECYCLING AND COMPOSTING RATES. Discussion: Crowl noted that Athens-Hocking Recycling Centers (AHRC) is both willing and able to provide curbside compost as an option for every residence in the City. The Council needs to decide what type of composting service it would like to support and move forward with, whether to continue as is with a higher monthly fee only for those interested, or added as a monthly fee to each account holder as either an opt-in or opt-out program. Using the breakeven rates, the one container rate will increase from \$10.00 to \$14.50, two containers from \$15.50 to \$21.00, three containers from \$16.50 to \$24.00, four containers from \$17.50 to \$25.50, and five containers from \$18.50 to \$27.00. All increases are below 50%.

Clodfelter asked about the cost per residence for the opt-out program.

Crowl responded that at this point, a guesstimate would be between \$3.29 and \$6.33.

Clodfelter believes the opt-out program offers a built-in incentive to encourage residents to compost. Having less trash going into the landfill with more recycling and composting would be much better for the environment and the climate, making us a more sustainable City. She is not in favor of an opt-in program because there would likely not be enough participants. An opt-out program will provide a more stable budget and at the same time keep the fees lower.

Fahl prefers moving forward with the opt-out plan. Both our Comprehensive Plan and the City's sustainability goals are to move toward zero waste. Adding, this is also in line with our Climate Emergency legislation.

Smedley is supportive of composting, but COVID-19 has had a huge impact on our economy and she is concerned about the number of residents who are on unemployment and those who have temporarily closed their businesses. The more recent number of layoffs and furloughs at Ohio University only increases her concern. It is important that we look out for the most vulnerable and now is not the time to impose Citywide increases, however minimal. She understands that the proposed solid waste contract will require an increase in some costs in order to cover the cost of the service. She supports the smallest increase to make that possible. She appreciates the environmental benefits of composting, and for this reason, she is supportive in finding a way to keep

composting an optional, opt-in program, and using City resources to better educate the community on the benefits of composting and revisiting a Citywide program at a later date. She does not want to impose on those already facing economic challenges, the added chore of opting-out of the program. She is very interested in the breakeven structure.

Grace supports an opt-out plan. For sustainability reasons curbside composting is a City goal. Those either struggling to pay their bills or those not interested in the composting program can ask the City to remove that fee. She thinks there are many residents who will not utilize the service, but will pay the additional fee to support it. Participation in an opt-in program would be much lower.

Risner agrees with Smedley on the breakeven, opt-in composting option. These are financially hard times and full consideration of any increase in fees is warranted.

Crowl believes that, for the environment, a composting program is the right way to move forward. A curbside composting program shows leadership, and he wholeheartedly believes that it is necessary for all communities to move in this direction. The greater the participation, the greater the impact we can have in keeping food waste out of the landfill that is producing methane and causing environmental problems.

Grace clarified for all residents that curbside composting will not be mandatory, but will be an option.

Smedley believes that opt-in is the more honest approach, a fee that is not imposed unbeknownst to residents. They are participating in the program by choice. She questioned whether the six dollars and change would be reduced if there is overwhelming support by residents Citywide.

Crowl understands that the six dollars and change was based on 1500 participants. As the number increases the price can come down to a breakeven level.

Clodfelter commented that education will be vital to the program, and an important initiative for the City.

Mayor asked if there is a timeframe for opting in or out.

Crowl has been told that, initially, it might be through the end of the year.

Crowl moved to Table in order to have final figures available for the change in rates; Fahl seconded. Discussion: President Knisely indicated that a Special Session will be needed next week to remove this from the Table for a vote in order to meet the contract deadline.

Tabling was approved unanimously.

**0-60-20**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A CONTRACT FOR MUNICIPAL REFUSE, RECYCLING AND COMPOSTING. Discussion: Clodfelter asked if the cost of standardized containers has been removed from the contract price.

Grace indicated that comments received from Code Director Riggs and Director Underwood of AHRC state that the containers are not a part of the base bid, but are an option.

Law Director Eliason believes there may be some inconsistencies between the Ordinance and the attached contract.

President Knisely noted that resident Alan Swank has pointed out that the contract language states that the end date is July 30, 2023 and should be June 30, 2023.

Crowl moved to Table for updated contract information; Risner seconded. Tabling was approved unanimously.

**ORDINANCE FOR SECOND READING:**

**0-65-20**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO SUBMIT AN APPLICATION AND ENTER INTO AN OHIO PUBLIC WORKS COMMISSION (OPWC) GRANT AND LOAN AGREEMENT FOR THE STIMSON AVENUE IMPROVEMENTS PROJECT (#315); AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

**ORDINANCES FOR FIRST READING:**

**0-66-20**

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR SMALL CITY PROGRAM FUNDS FOR PROGRAM YEAR 2020; AND DECLARING AN EMERGENCY. Discussion: Kotses explained this is a \$2 million grant with a 5% local match to be used for a single-lane roundabout at the intersection of State Rt. 56 and State Rt. 682.

**0-67-20**

AN ORDINANCE TO RENEW THE EXISTING CITY INCOME TAX OF TEN HUNDREDTHS PERCENT (.10%) PER ANNUM FOR A PERIOD OF TEN YEARS FOR STREET IMPROVEMENTS; AND AUTHORIZING THE QUESTION TO BE PLACED ON THE BALLOT AT THE NEXT GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020; AND DECLARING AN EMERGENCY. Discussion: Kotses noted that this levy has been in place for two decades.

**0-68-20**

AN ORDINANCE AMENDING THE 2020 APPROPRIATION ORDINANCE. Crowl moved for Suspension of the Rules in order to meet payroll obligations this month; Smedley seconded. Suspension of the Rules was approved. Crowl moved for Adoption; Clodfelter seconded. Adoption was approved by a 6/0/1; with Kotses abstaining.

**RESOLUTION FOR FIRST READING:**

**R-05-20**

A RESOLUTION TO PLACE THE ISSUE OF RENEWING THE EXISTING CITY INCOME TAX OF TEN HUNDREDTHS PERCENT (.10%) PER ANNUM FOR A PERIOD OF TEN YEARS BEGINNING JANUARY 1, 2021, ON THE BALLOT AT THE NEXT GENERAL ELECTION ON NOVEMBER 3, 2020; AND DIRECTING THE BOARD OF ELECTIONS OF ATHENS COUNTY TO CONDUCT THE ELECTION; AND DECLARING AN EMERGENCY. Discussion: Kotses explained this is the legislation that will put the language on the ballot in November for the street improvements levy for an additional ten years.

**ONE-READING RESOLUTION:**

**R-06-20**

A RESOLUTION PROTECTING OUR ELECTIONS DURING THE COVID-19 PANDEMIC. Fahl moved for Adoption; Risner seconded. Adoption was approved unanimously.

**ANNOUNCEMENTS & OTHER BUSINESS:**

Crowl moved the reappointment of Ed Newman to the Environment & Sustainability Commission; Clodfelter seconded. Reappointment was approved unanimously.

Risner moved to Accept the Auditor's April, 2020, Financial Reports; Fahl seconded. Motion was approved unanimously.

Fahl moved to Accept the March, 2020, Credit Card Transactions; Grace seconded. Adoption was approved unanimously.

President Knisely encouraged citizens to continue safe practices during the COVID-19 pandemic. With Ohio University students moving back into off-campus housing for the summer, she reminded all of the importance of social distancing and the courtesy to others of wearing masks.

Fahl shared that wearing a mask shows that you love your community and its residents.

**EXECUTIVE SESSION:**

At approximately 8:20 p.m. Grace moved to go into Executive Session to discuss Collective Bargaining and three matters of Pending or Imminent Court Action, and invited the Mayor, Interim Service-Safety Director, Auditor, and Law Director to attend; Fahl seconded. A roll call vote was taken as follows: Smedley, aye; Risner, aye; Crawl, aye; Fahl, aye; Kotses, aye; Grace, aye; and Clodfelter, aye.

At approximately 9:10 p.m., Clodfelter moved to come out of Executive Session; Fahl seconded. Motion was approved unanimously. Risner then moved to adjourn the meeting; Fahl seconded. Motion was approved unanimously.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council