

**ATHENS CITY COUNCIL: SPECIAL SESSION, MONDAY, MAY 26, 2020,  
7:00 P.M.**

Athens City Council met in Special 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 Auditor Hecht.

**ORDINANCE FOR THIRD 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. Discussion: Crowl explained that this Ordinance is both to accept a \$400,000 grant, and enter into an agreement for an additional \$400,000 through a zero percent loan with OPWC.

Crowl moved for Adoption; Risner seconded. Adoption was approved by a 6/0/1 vote; with Kotses abstaining.

**ORDINANCES FOR SECOND 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.

**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.

## **RESOLUTION FOR SECOND 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.

## **ONE-READING RESOLUTION:**

### **R-07-20**

A RESOLUTION BY THE CITY OF ATHENS, OHIO IN SUPPORT OF FAIR, DIRECT FEDERAL EMERGENCY SUPPORT TO REOPEN AND REBUILD LOCAL AMERICAN ECONOMIES. Fahl moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

## **OTHER BUSINESS:**

Crowl moved to Remove from the Table;

### **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. Grace seconded. Motion was approved unanimously.

Discussion: Crowl commented that after many discussions that included feedback from the local community, he is asking Council to consider an amendment that will include an optional composting program, either opt-out or opt-in. He explained that an opt-out program would mean that individual account holders would contact the City Utilities Billing Office to indicate that they do not want to participate in the composting program, while an opt-in program would require an account holder to contact the City Utilities Billing Office of their interest to participate. Changes to this Ordinance will include the word "optional" and correct the rates to meet the breakeven costs of the contract for solid waste, recycling and composting services. The amended rates per 32-gallon container reflect about a 40-50% increase. Extra bag charges will increase from \$1.50 to \$5.00 each (a larger than 50% increase) to encourage residents to recycle and compost, and lessen the amount of garbage being sent to the landfill. Again, these rate increases are to cover the roughly 56% increased cost of the overall solid waste contract.

Crowl moved to Amend 0-61-20 as indicated above and a copy was provided to each Council Member; Smedley seconded. Discussion: Kotses supports the breakeven rates needed to meet the contract.

Fahl asked about the status of the standardized containers. If these containers are not included, she suggested that Code Enforcement check during rental inspections to be sure that containers have lids because stagnant water becomes a problem and a public health issue.

Crowl responded that in order to keep the rate increases as low as possible the standardized containers will not be purchased at this time. He understands many residents are interested in this, and he hopes that in a few years it can be implemented.

Smedley also likes the idea of standardized containers and would like to revisit at the next appropriate time.

Risner asked about the charge for a 5-gallon compost bucket.

Whether it is an opt-in or opt-out program, Crowl responded that the fee will be \$6.33 per month, per account, per bucket. This is the amount that was part of the original bid from AHRC.

Mayor Patterson would like to review annual increases to match inflation and cost of living to allay further 40-50% increases.

President Knisely has received a question from the public asking if only 1000 residents participate in the composting program at \$6.33 per month, how the City will make up the \$25,000 shortfall.

Crowl explained that the composting bid from AHRC included two separate options. The option of the City paying AHRC \$139,000 for the total program, or the City could pay the \$25,000 base price of the program, plus \$6.33 per account. AHRC believes it can operate the program with those figures.

Amendment was approved unanimously.

Crowl moved for Suspension of the Rules in order to meet the contract deadline; Clodfelter seconded. Suspension of the Rules was approved unanimously.

Crowl moved for Adoption; Risner seconded. Adoption was approved unanimously.

Crowl moved to Remove from the Table;

#### **0-60-20**

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A CONTRACT FOR MUNICIPAL REFUSE, RECYCLING AND COMPOSTING. Clodfelter seconded. Motion was approved unanimously.

Crowl moved to Amend to include an optional composting program, opt-out, to authorize the expenditure of up to \$1,696,692.00, and to substitute the attached updated contract; Clodfelter seconded. Discussion: Crowl believes this opt-out program will have the largest possible environmental impact in contributing to the greenhouse gas emission reductions that are necessary to alleviate global warming and our climate emergency.

Grace supports an opt-out program for the reasons stated.

Clodfelter very strongly supports an opt-out program to include as many participants as possible.

Smedley disagrees, the whole reason for making the program optional was to keep the cost down. By making the program opt-out the City is automatically enrolling every account holder, and those who do not want to be charged the higher fee are the ones who will have to make a special effort to have it removed from their bill. She supports an opt-in program.

Crowl respects her position, but contends that the impact on the environment needs active participation, and those who are not interested aren't mandated to pay, but can opt-out.

Risner agrees with Smedley. He doesn't think imposing an additional cost is suitable during this time of economic challenge. He cannot support the amendment.

While Grace understands and appreciates Member Smedley's point about who the City is asking to take action, many community members who support a program and can pay the higher fee may not take the action needed to make that happen, leading to lower participation and a less sustainable approach.

President Knisely read a letter from Jan Hodson, President of the Far East Neighborhood Association (FENA) regarding Ordinances 60-20 and 61-20 (see attached).

Kotses sees the benefit of opt-out in order to have more users, and feels to promote an opt-in program will be costly to the City.

Smedley added, opt-in or opt-out the process needs to be kept simple.

President Knisely believes the idea is that residents can opt-in or opt-out by phone or email, so it should be fairly easy.

Risner asked if a roll call vote could be taken.

Smedley, nay; Risner, nay; Crowl, aye; Fahl, aye; Kotses, aye; Grace, aye; and Clodfelter, aye. Amendment was approved by a 5/2 vote; with Risner and Smedley voting in opposition.

Crowl moved for Suspension of the Rules in order to meet the contract deadline; Grace seconded. Suspension of the Rules was approved unanimously.

Crowl moved for Adoption; Clodfelter seconded. Adoption was approved unanimously.

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

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President of Council

ATTEST:

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Clerk of Council