

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (SPEC. SESS.)

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held JUNE 24, 2019

**ATHENS CITY COUNCIL: SPECIAL SESSION, MONDAY, JUNE 24, 2019, 8:00 P.M.**

Athens City Council met in Special Session at the above hour with the following members present: Grace, Kotses, McGee, and Risner.

Also present: Acting President Pro Tem Fahl, Acting Mayor Knisely, and Auditor Hecht.

**ORDINANCES FOR THIRD READING:**

**0-54-19**

AN ORDINANCE AUTHORIZING FIBER OPTIC NETWORK CONSTRUCTION TO TRAFFIC SIGNALS ON EAST STATE STREET (PROJECT #328); AND AUTHORIZING AN INTERFUND TRANSFER. Kotses moved for Adoption; Risner seconded. Adoption was approved unanimously.

**0-55-19**

AN ORDINANCE AUTHORIZING DESIGN ENGINEERING SERVICES FOR THE WEST UNION STREET IMPROVEMENTS PROJECT (#322). Kotses moved for Adoption; Grace seconded. Adoption was approved unanimously.

**0-57-19**

AN ORDINANCE DECLARING A REAL AND PRESENT EMERGENCY, THUS OBTAINING THE FORMAL BIDDING PROCEDURE, FOR RESIDENTIAL AND FRANCHISE AREA REFUSE AND RECYCLING COLLECTION SERVICES. Fahl moved for Adoption; Risner seconded. Adoption was approved unanimously.

**0-58-19**

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) FOR ISSUE I FUNDS; TO EXECUTE CONTRACTS AS REQUIRED. McGee moved for Adoption; Risner seconded. Adoption was approved unanimously.

**0-59-19**

AN ORDINANCE AMENDING THE 2019 APPROPRIATION ORDINANCE. Risner moved for Adoption; Grace seconded. Adoption was approved unanimously.

**0-60-19**

AN ORDINANCE AUTHORIZING THE AUDITOR TO ENTER INTO A MERCHANT AGREEMENT WITH GOVERNMENT PAYMENT SERVICE (GPS), INC., TO ALLOW THE INCOME TAX DEPARTMENT TO ACCEPT CREDIT CARD PAYMENTS. Risner moved for Adoption; Grace seconded. Discussion:

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Auditor Hecht is pleased to be able to add this service for our tax payers. This company works with other governmental entities, allows payments by phone, and offers an excellent security program. Adoption was approved unanimously.

**0-63-19**

AN ORDINANCE CLOSING A PORTION OF WEST STATE STREET BETWEEN COURT AND CONGRESS ON SATURDAY, JULY 13, 2019, FROM 8:00 A.M. TO 9:00 P.M.; AND CLOSING A PORTION OF COURT STREET BETWEEN WASHINGTON AND CARPENTER, AND STATE STREET BETWEEN CONGRESS AND COLLEGE ON SATURDAY, JULY 20, 2019, FROM 6:00 A.M. TO MIDNIGHT FOR OHIO BREW WEEK. Kotses moved for Adoption; Risner seconded. Adoption was approved unanimously.

**0-64-19**

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE SECTION 13.04.10, UNNECESSARY NOISE, IN THE UPTOWN AREA, ON SATURDAY, JULY 13, 2019; AND SATURDAY JULY 20, 2019, FOR OHIO BREW WEEK. Kotses moved for Adoption; Risner seconded. Adoption was approved unanimously.

**0-65-19**

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE CHAPTER 11.04, VENDING, PEDDLING AND SOLICITING, TO ALLOW VENDING IN A DESIGNATED AREA ON SATURDAY, JULY 13, 2019; AND SATURDAY, JULY 20, 2019, DURING THE OHIO BREW WEEK EVENT. Kotses moved for Adoption; Grace seconded. Adoption was approved unanimously.

**0-67-19**

AN ORDINANCE SUSPENDING THE ENFORCEMENT OF ATHENS CITY CODE SECTION 13.04.10, UNNECESSARY NOISE, IN THE UPTOWN AREA, ON SATURDAY, AUGUST 10, AND UNTIL 1:00 A.M. ON SUNDAY, AUGUST 11, 2019, FOR "BOOGIE ON THE BRICKS", A FAMILY MUSIC AND ARTS FESTIVAL. Kotses moved for Adoption; Risner seconded. Discussion: Kotses recently attended an Athens Uptown Business Association meeting (AUBA). During this meeting AUBA emphasized the need for promoters to discuss the effect of street closures on businesses, and expressed the concern that often times the number of people the event is reported to draw into the uptown area is much lower than anticipated. Adoption was approved unanimously.

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**ONE-READING RESOLUTION:**

**R-06-19**

A RESOLUTION DECLARING OPPOSITION TO HOUSE BILL 242, AS IT RELATES TO PREEMPTION OF LOCAL CONTROL AND THE USE OF DISPOSABLE SINGLE-USE PLASTIC. Fahl moved for Adoption; Risner seconded. Adoption was approved unanimously.

**ANNOUNCEMENTS & OTHER BUSINESS:**

Risner moved to Reappointment Richard Vedder to the Historic Preservation Commission; Fahl seconded. Reappointment was approved unanimously.

Acting Mayor Knisely thanked City Council Aide Zach Shriver. Zach has just graduated from Ohio University and this is his final City Council meeting; he has accepted a position with WTAP in Parkersburg, WV.

At approximately 8:30 p.m. Grace moved to Adjourn the meeting; Kotses seconded, and the meeting was adjourned.

*Kent B. Fahl*  
Acting President Pro Tem of Council

ATTEST:

*Debra J. Walker*  
Clerk of Council

**MINUTES**  
**CITY & SAFETY SERVICES COMMITTEE**  
**JUNE 24, 2019**  
**7:00 p.m.**

Members in Attendance: Chris Fahl, Vice-Chair  
Sarah Grace, Member

Administrators and/o  
Other Elected Officials: Acting Mayor Knisely

**ITEMS DISCUSSED:**

- ARTS/West (AMAC proposed patio mural)  
-Acting Mayor Knisely – AMAC has voted unanimously to support the in-house project of an outdoor paver stone patio area and additional artwork on the walls at ARTS/West
- Mutual Aid Agreement (City of Dayton)  
-Acting Mayor Knisely – this is with the Police Department to provide mutual aid emergency assistance, and is similar to other agreements the City already has in place
- City/County Sewer Expansion area, Project 317  
-Acting Mayor Knisely – an appropriation and authorization is needed in the amount of (\$45,500) for water line design on Dairy Lane that will be served by future City sewer lines as part of the City/County Sewer expansion area

**ITEMS NEEDED ON THE NEXT CITY COUNCIL AGENDA:**

1. Mutual Aid Agreement
2. Water Line Design

**MINUTES**  
**June 24, 2019**  
**COMMITTEE OF THE WHOLE**  
**7:00 P.M.**

Council Members in Attendance: Sarah Grace  
Peter Kotses  
Patrick McGee  
Jeff Risner

Administrators and/or  
Other Elected Officials: Acting President Pro Tem Fahl  
Mayor Knisely

**Item Discussed:**

- Compost Program (Rural Action presentation)
  - Acting Mayor – the Mayor and City Council have been very supportive of this curbside composting pilot project
  
  - Andrea Reany, representing Rural Action, Zero Waste Program – covered four main topics: fee structure of the City’s waste services – the City has not changed its refuse and recycling rates since 2010 – this could be an opportune time to introduce a new composting service for a fee – an informal survey of the pilot compost participants showed that they would be willing to pay \$20-35 per month for waste hauling services that includes composting – composting could be structured like recycling, with each household paying a support fee – this would significantly reduce the cost of composting per household – sustainability: the USEPA estimates that approximately 30% of the average household waste is compostable – the City of Athens Sustainability Action Plan’s goal is to compost 50% of organic material by 2020, reducing its contribution to the waste stream and greenhouse gas emissions – Rural Action believes that curbside composting is the most efficient measurable and cost effective way to achieve this goal – Rural Action is interested in continuing the conversation around supplementing curbside collection with decentralized and individual backyard composting initiatives – after three years of research on best practices for municipal programs, analyzing local concepts, and because so much has already been invested in curbside collection, Rural Action strongly recommends the City’s main approach to residential organic’s diversion remain the curbside service – to make the service available and affordable to more residents, including renters, Rural Action recommends in the long-term, the compost program be citywide just as refuse and recycling – studies show that opt-in services typically see around 30-40% participation rate, while opt-out programs generally see a 60-70%

participation rate – higher participation means more food waste is diverted from the landfill which benefits all of us and helps the City achieve its stated goals – education and promotion: the most important element to the success of the waste diversion program is the City’s investment in educating and engaging its participants – accurate, proactive and consistent messaging, not only increases participation rates in recycling and compost programs but also decreases contamination by educating residents on source reduction – reducing contamination lowers program costs – if the City intends to continue curbside composting in a financially sustainable way, Rural Action recommends annual communication via print, mail, email, social media, etc. covering the basic do’s and don’ts of composting and frequent troubleshooting messages to address contamination issues as they arise – next steps: Rural Action recommends that within the next 1-2 months the City approve a continuation of the curbside compost service with a user support fee – the target number of participating households will need to be determined in order to calculate the cost – within the next 3-6 months, the City should conduct a financial analysis to determine the amount that waste disposal fees should be increased to ensure that the cost of the hauling and processing with AHRC is covered, and that the City’s refuse/recycling fund is solvent for many years to come

-McGee – continues to be interested in educational outreach programs on ways to backyard compost and the benefits of the end product

-Kotses – asked if Rural Action is recommending an opt-in or opt-out program  
-Reany – an opt-out program would be recommended for a long-term citywide program – that would increase participation to bring down the cost for each customer – in the short-term, an opt-in program may be advisable

-Bruce Underwood, Executive Director of AHRC – would like to continue to be a City partner in curbside composting – it is important for landfill diversion and the environment – requested the City reexamine the rates for refuse/recycling services for a citywide system – would like the City to approve a short-term extension of the pilot

-Risner – there are currently 299 curbside compost residents in the pilot that is ending on June 30 – the City has been subsidizing each of those households by \$20.65 per month – asked what residents would pay if this program was to be implemented citywide, and whether composting cost is similar, more, or less than the \$3.50 currently being assessed for recycling

-Underwood – depends on the ultimate number of participants – with 4000 households participating it could be \$5-\$6 per month – compost processing is different – collection costs are similar

-McGee – asked about bottom line cost to the City if composting is included

-Underwood – current AHRC contract with the City is approximately \$1.36 million (prior to 2019/2020 extension) – again, refuse rates in the City have not been changed since 2010 and are quite low in comparison to other municipalities – the

contract extension that included compost is a little over \$1.5 million – the bid price for composting was approximately \$132,000

-McGee – asked about any future breakthroughs in recycling or whether it will need to continue to be subsidized

-Underwood – hopefully recycling markets have hit bottom – however, recovery will take some time – anticipates costs not changing much – cost escalation features were part of the bid to the City

-Fahl – City has plans to review refuse/recycling rates over the next few months

-Judith Roman, Northwood Drive – questions adding composting along with extra charges when residents can do it in their own backyard

-Fahl – an opt-in, opt-out program would help

-Roman – the proposed additional charge of \$20.65 is a lot each month

-Acting Mayor – the Administration concurs with AHRC, that a long-term plan is needed for the composting – on a short-term basis it has been suggested that a “special” haul for composting fee could be added to the City Code that would allow those currently in the pilot to continue for a fee of \$20.65

-Grace – asked if there is a sense from Rural Action as to how many residents may remain in the program if charged this fee

-Reany – she recalls that it was \$5-\$10 per month that residents were willing to pay

-Risner – if the City Code is amended to include a “special” haul composting fee, composting will open up to all interested City residents – asked if AHRC is prepared to handle that

-Underwood – yes, the collection could start right away

- Local Bag Tax Preemption (HB 242)

-Fahl – preemption by the State is whittling away at local decision-making, and HB 242 continues that by allowing the State to prohibit municipalities from imposing a local tax or fee on the use of single-use plastic that is so harmful to our communities

-Kotses – affirmed the earlier work done by Council Member Cochran on limiting the use of single-use plastic bags

-Grace – this should be a decision made by local legislators – Home Rule is important to our community

-Acting Mayor – the Ohio Municipal League testified before the Legislature last week on overruling local governments

-Nancy Pierce – member of a group that would like to revisit the issue of single-use plastics regulation in Athens

-Janalee Stock – the use of plastics is a crisis across the globe – cannot afford to sit back and do nothing about this – our local community needs to step up and address this crisis

-Ed Newman, Currier Street – the European Union and Canada within the last few months are getting ready to ban single-use plastics – we're talking whole countries – appreciates City Council's support on this issue

-Kathy Hecht, Second Street – HB 242 appears to be taking a step backwards – we need to fight this at the State level

-Acting Mayor – sponsors of the Bill are George Lang of West Chester and Don Jones of Freeport

**MINUTES**  
**FINANCE & PERSONNEL COMMITTEE**  
**June 24, 2019**  
**7:00 p.m.**

Members in Attendance: Jeff Risner, Chair  
Peter Kotses, Member

Administrators and/or  
Other Elected Officials: President Pro Tem Fahl  
Acting Mayor Knisely

**ITEMS DISCUSSED:**

- Appropriations/Transfers  
-Risner – Recreation Director Terri Moore is requesting a decrease of (\$9300) in the Recreation Land Improvement line, and a subsequent increase to the Recreation Supplies line by (\$3000) and the Professional Services line by (\$4300)

**ITEMS NEEDED ON THE NEXT CITY COUNCIL AGENDA:**

1. Appropriations/Transfers

**MINUTES**  
**TRANSPORTATION COMMITTEE**  
**JUNE 24, 2019**  
**7:00 p.m.**

Members in Attendance: Peter Kotses, Chair  
Patrick McGee, Vice-Chair

Administrators and/or  
Other Elected Officials: Acting President Pro Tem Fahl  
Acting Mayor Knisely

**ITEMS DISCUSSED:**

- Street Closure (Miller Avenue)
  - Richard Linscott, Central Avenue, West Side Community Association – requested a street closure on Miller Avenue between Walker and Wallace (Cemetery Road) – this is for an event at ARTS/West – as part of that event they would like the ability to host food trucks and the driveway incline is too steep for the low-bed trucks – this closure would impact 1 and 3 Miller residences – has been able to contact residents living at 3 Miller and they are supportive of the idea
  - Kotses – asked about the date for this closure
  - Linscott – September 7<sup>th</sup> for the bulk of the day – event will be over by 8:00 p.m.
  - McGee – asked if alcohol would be served at this event, and the actual closure time needed on Miller Avenue
  - Linscott – they will be seeking an F2 permit on the grounds of ARTS/West – planned closure time would be from 11:00 a.m. to 9:00 p.m. for setup and cleanup
  - Kotses – asked about the purpose of this event
  - Linscott – this is the first full weekend of the return of Ohio University students – idea is that this will be a “welcome to the neighborhood” draw for permanent west side residents and off-campus students living in the area – there will be a live stage
  - Acting Mayor Knisely – the Mayor is supportive of increasing the visibility of the Community Association and connecting with the students, but is reluctant to closing Miller Avenue – he suggested bagging metered parking spaces along West State Street for food vending trucks

-McGee – will likely need a suspension of the City’s noise ordinance if there is going to be amplified music

- Lease Renewal with Ohio University
  - Kotses – the City’s Parking Garage encroaches on Ohio University land – a 25-year lease is expiring and needs to be renewed for an additional 25-year period
  - Acting Mayor Knisely – this is a very small back corner nearest College Street

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

1. Lease Renewal