

RECORD OF PROCEEDINGS

Minutes of ATHENS CITY COUNCIL (REG. SESS.)

BARRETT BROTHERS - DAYTON, OHIO

Meeting

Form 6101

Held APRIL 1, 2024

ATHENS CITY COUNCIL: REGULAR SESSION, MONDAY, APRIL 1, 2024, 7:00 P.M.

Athens City Council met in Regular Session at the above hour with the following members present: Clodfelter, McCarey, Risner, Swank, Spjeldnes, Thomas, and Wood.

Also present: President Crowl, Mayor Patterson, Law Director Eliason, Auditor Hecht, and Treasurer Thomas.

DISPOSITION OF MINUTES:

Thomas moved approval of the minutes of the Regular Session of Council held March 18, 2024; Clodfelter seconded. The minutes were approved as presented.

COMMUNICATIONS:

President Crowl indicated that City Council Members have received notification from the Division of Liquor Control of D1 and D2 liquor permit transfers from Athens Uncorked 21, LLC, dba Athens Uncorked, and mezzanine, 14 Station Street and Patio, to JSF Wine & Spirits, LC, and mezzanine, same address. If there are no objections the Clerk will return the notice with no request for a hearing.

He also acknowledged approximately 40 communications regarding their desire that the City of Athens join in the Council of Governments (COG) for resource management.

Council Member Wood noted he has received correspondence from a dozen or so for the Baileys Trail, and a lot of COG support.

Council Member McCarey has also received the above noted correspondence, and reported on the White House's first acknowledgement of Transgender Visibility Day.

Council Member Swank acknowledged the considerable number of emails, phone calls and texts received, particularly related to the City's solid waste contract, including a very well-orchestrated surge of emails over the last 24 hours from a group of Ohio University students.

REPORTS AND COMMUNICATIONS FROM OTHER ELECTED OFFICIALS:

Auditor Hecht reported on the recent completion and successful outcome of the State audit of the City's Police and Fire pension funds. The City's State general audit will be ongoing through June.

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Mayor Patterson provided an update on the West Union Street Project, a project that was initially envisioned in 2017. Through multiple delays and obstacles, including a pandemic, massive inflationary pressures, and three attempts to get a successful bid, the project is finally underway. Due to the saturation of the market, the estimated engineer's cost had to be increased, as well as an extension of the amount of time available for construction. The City Administration recognizes the impact on the traveling public and the area businesses and are pushing the contractor to finish all work on Herrold Avenue as quickly as possible so it can return to bi-directional travel. The contractor is also being asked to provide a change order cost to complete Phase IV early on the western half of the project (West Union Bridge to the Fairgrounds) so that two-way traffic can be reintroduced on that portion by August. A firm price has not yet been received. The contract contains the services of a Community Liaison to assist affected property owners with maintenance of traffic concerns. The City is pushing the contractor to make this liaison more available to property owners, particularly when they have specific events or other needs. The public is asked not to take it upon themselves to move the signs or barricades that would adjust the flow of traffic in the work zone; this is illegal and dangerous.

ORDINANCES FOR THIRD READING:

0-25-24

AN ORDINANCE AMENDING ORDINANCE 62-23; AUTHORIZING PRELIMINARY ENGINEERING SERVICES FOR THE STATE ROUTE 682/56 INTERSECTION IMPROVEMENTS, PROJECT (#357). Spjeldnes moved for Adoption; Risner seconded. Adoption was approved unanimously.

0-26-24

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 17, MUNICIPAL INCOME TAX, CHAPTER 17.01, [IN GENERAL], SECTIONS 17.01.011(B), AUTHORITY TO LEVY TAX, AND 17.01.012, PURPOSES OF TAX; RATE; AND CHAPTER 17.01.09, ANNUAL RETURN, SECTION 17.01.091(A)(1), RETURN AND PAYMENT OF TAX. Risner moved for Adoption; Swank seconded. Adoption was approved unanimously.

0-27-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23. Risner moved for Adoption; McCarey seconded. Discussion: Swank noted the receipt of a comprehensive report from the Court distributed to the Council on or about March 11. He pointed out that about \$60,000 was raised through the Diversion Program fees, but more importantly, he noted that in recent years in both the Substance Abuse Program and the Driving Under Suspension Program the number of people in those programs has declined considerably.

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President noted receipt of testimonials from program participants having had very positive experiences.

Adoption was approved unanimously.

ORDINANCES FOR SECOND READING:

0-28-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23; AND AUTHORIZING AN INTERFUND TRANSFER.

0-30-24

AN ORDINANCE AMENDING ORDINANCE 65-23; AUTHORIZING ENGINEERING SERVICES FOR REHABILITATION OF THE STIMSON AVENUE BRIDGE, PROJECT (#358).

ORDINANCES FOR FIRST READING:

0-31-24

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY USE PERMIT AT 74 AND 74 ½ NORTH COURT STREET TO REPLACE AN EXISTING BALCONY LOCATED IN THE CITY RIGHT-OF-WAY.

0-32-24

AN ORDINANCE GRANTING A SPECIAL RIGHT-OF-WAY USE PERMIT AT 32 WEST CARPENTER STREET TO CREATE A PATRON DROP OFF AREA LOCATED IN THE CITY RIGHT-OF-WAY.

0-33-24

AN ORDINANCE AMENDING ORDINANCE 02-24; AUTHORIZING A CITY FIBER NETWORK, PROJECT #347. Discussion: Swank asked about the possibility of public Wi-Fi in the project area.

Mayor Patterson responded that this is being examined along with needed robust security measures.

0-34-25

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO RENEW A FIVE-YEAR CONTRACT WITH AXON ENTERPRISE, INC. TO UPGRADE BODY WORN CAMERAS AND TASERS FOR THE ATHENS POLICE DEPARTMENT. Discussion: Mayor pointed out that the bulk of the increase comes from a necessary upgrade in the taser itself to ensure audio and video recording.

From the audience, Rebecca Wood asked if this upgrade includes officer training.

Mayor assured that it does.

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0-35-24

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2024 ENERGIZED COMMUNITY GRANT(S) FUNDS.

ANNOUNCEMENTS & OTHER BUSINESS:

Clodfelter moved to appoint Daniel Bell-Moran, Francis (Shane) Benton, and Nichole Mazzone to the Environment & Sustainability Commission; Thomas seconded.

Amy Delach, Chair, Environment & Sustainability Commission, noted that the Commission is excited to have these appointees on board, and hopes the Council will accept these appointments. The Commission's next meeting is this week on Wednesday at 6:00 p.m. in the Berry Conference Room on the first floor, and she invited interested parties to attend.

The appointments were approved unanimously.

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

Andy Vogt, Board President of the Athens Hocking Recycling Center (AHRC), appreciates the Administration's input at recent meetings of the Council of Governments (COG). The economic future of the Athens-Hocking Recycling Center (AHRC) is not great and for it to survive they do need the City of Athens to be a part of their program.

Benjamin Shonk, Organics Processor at AHRC, a Union position, feels our community's future will be bleak without AHRC collaborating with us to save our environment. AHRC is actively educating the public for free on composting and diverting waste from the landfill.

Nancy Pierce, a member of Athens Rethink Plastics, spoke about the threat of plastics to our environment. Rumpke is sending our plastics for chemical recycling or pyrolysis (burning plastics). Plastics contain toxic chemicals that damage our environment. Chemical recycling is inefficient, energy intensive, and it contributes to climate change. The City needs to proceed with the COG before losing AHRC's recycling facilities.

Barb Campinola, Longview Heights, is an organic gardener and urged moving forward through a Council of Governments for our waste management, so we can align with the values of so many of our community members.

Jessie Powers, Executive Director of the Outdoor Recreational Council of Appalachia (ORCA), indicated that the organization's bylaws indicate that membership dues are to be paid by January 31 each year. She reminded the

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Council that building the Baileys Trail System was projected to take three years with adequate upfront capital, however they did not happen. ORCA secured more than \$10.6 million of development funding to construct a one of a kind \$9.1 million asset.

Rebecca Wood encouraged the Council to approve joining the COG and to continue to be responsible for our own waste; let's move forward not backward with sustainability.

Sean White, North Shafer Street, representing Little Fish Brewing Company, is happy to have been a customer of AHRC for eight plus years.

Heather Cantino, Cable Lane, quoted a statement from the City's bid specs for the solid waste contract, "The City reserves the right to reject any or all bids and is not bound to accept the lowest cost response if that response is not in the best interests of the City. As the City desires to become a zero-waste community a sustainability focused waste management plan is integral to the overall success of the City's commitment to reducing solid waste and increasing waste diversion." AHRC was built to provide services for Athens, and in the process was able to provide recycling for all the County; that will disappear when AHRC goes down.

Shannon Pratt-Harrington, Hudnell Road, spoke on behalf of Zero Waste Productions, and concerns about losing our compost facility. Her business offered composting to 15 events last year. She explained that Ohio University has the only other compost facility in the area. The next closest one is in Lancaster, Ohio, 50 minutes away. In 2023, 760,540 pounds of compost were diverted from the landfill at our local facility, 240 tons of CO2 was taken out of the atmosphere. This is equivalent to the electricity used by 44 households in a year. She encouraged supporting the COG and saving our composting and recycling facilities.

Katherine, Congress Street, understands that in 2016, Rumpke took over the solid waste contract in Bath Township, outside of Akron, and that by year 2020 there were significant increases in price.

Skip Rondy, formerly a co-owner of Green Edge Gardens, employing 15, stressed the importance of recycling.

Amy Delach, Chair, Environment & Sustainability Commission, reminded the Council that in February the Commission unanimously approved a motion urging the City to move forward expeditiously with the Council of Governments for Solid Waste Management.

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John Gutekanst, Maplewood Drive, spoke about ramifications to businesses due to construction on West Union Street. They have lost almost half of their business. Employees will need to be removed from their schedule. There is no construction this week except in front of Seamans, but the entire roadway, except for one lane, is barricaded. Businesses will be hard-pressed to remain open if this continues for an additional five months.

Ally Rapp Lee, 3rd Street, representing the Athens Real Estate Company located at 540 West Union Street informed the Council that there are 10 businesses in this complex, and it is so hard to get to those businesses due to the construction. The progress is slow at each stage, and the cones are difficult to understand and navigate. Business owners are requesting to make two-lane traffic possible, to minimize the disruption to businesses.

The Executive Director of Habitat for Humanity indicated their business profits were down 30% in March, and that is a lot for a thrift store. An additional five months of construction will be a challenge if the decrease in sales and customers continues. Donors have said they will not continue to donate items because the construction with lane closures is so disruptive. He pointed out that West Union Street, unlike Stimson, has no intersecting streets. This is a unique situation made more difficult by the contractors. He encouraged the Council's help in turning this back to a two-way street and to maintain a line of communication with businesses and organizations on Union Street. One-way traffic is damaging the City's businesses on Union Street, and is posing a big threat in serving our communities housing issues and help to local families.

Ben Holtser, pharmacist and co-owner of Shrivvers Pharmacy and Wellness, West Union Street, employs 18, 11 full-time, informed the Council that the business has seen a \$100,000 decline in revenue due to current construction. West Union is made up of local businesses, not national corporate chains. August is a long time away and many businesses may not make it that long. Employees will need to be laid off or at least go to part-time. He questioned why the street cannot be sectioned off and two-way traffic maintained. The City needs to figure this out.

Brandon Jackson, General Manager of Avalanche Pizza, and Supervisor of Slice House on West Union Street, is concerned about the lack of communication from the City Administration with business owners. These local businesses are suffering, local businesses are the heart of our community, citing support for AHRC.

Shawna Stump, small business owner on West Union Street for 24 years, expressed concern for the hit these businesses are taking due to the current construction. The placement of the barrels is confusing and asked for a better

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system. Working together to benefit both businesses and construction needs will be helpful as we all look forward to completion of the project.

Eric Lee, Third Street, Athens Real Estate Company on West Union Street, employs seven staff members working with 18 agents, believes the current construction barrels are a safety issue.

Swank called for the Order of the Day. The motion was denied by a 1/6 vote with Swank voting in the affirmative and Spjeldnes, Risner, Wood, McCarey, Clodfelter, and Thomas voting in opposition.

Nick Tepe, Ellis Avenue, believes the City is at risk of losing a resource, AHRC, in this community. Considering what is happening with the larger environment, losing that resource puts the City of Athens and this entire region very much at risk. We have a way to preserve this resource, and he very strongly encouraged the Council to take actions necessary to move us forward in preserving AHRC through the COG process.

Also, as an avid mountain biker and volunteer for ORCA, helping maintain the Baileys, and having many connections in the cycling community across the State, he referred to Baileys as a gigantic explosion in the cycling world. People are coming hours, if not days away, to visit the Baileys. He routinely encounters people on the trails from Pittsburgh, Detroit, Indianapolis, Charleston, and Louisville. This investment is coming back into this community and hopes the City will continue to support ORCA.

The Chief Program Officer at Rural Action is a long-standing partner with AHRC, 15 years, working to increase recycling to build a circular economy, and address hard to recycle materials in the region. Highlights of this partnership include completing and implementing the Athens-Hocking Zero Waste Action Plan, contributing to an increase in recycling and diversion rates in both counties, from 8.9% in 2009, to 26.9% in 2020. A composting program has begun in Athens City, including collaboratively procuring necessary composting equipment. Rural Action, together with AHRC and other partners, have leveraged millions of dollars in this region to support solid waste management. Over the last three years AHRC has helped process 29,505 pounds of books, 28,250 pounds of electronic waste, 3,300 pounds of hard plastic, and supporting recycling through community events, over 2,500 pounds. AHRC is a key reason some of our iconic events, like the Nelsonville Music Festival and the Paw Paw Festival are both able to achieve such high diversion rates. Without AHRC the end destination for compost is uncertain. Over the past 40 years, community members, organizations and agencies have been working to keep solid waste assets under local ownership, and AHRC is key to this in our vision for a thriving community, healthy forests, and clean streams. By committing to the COG, its formation, functioning, its strategic planning, and contracting of services, the City can be a part of moving forward a vision for solid waste that keeps good paying

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jobs close to home, encourages innovation, ensures access to recycling, and benefits the entire region.

Heather Johnson, Franklin Avenue, supports AHRC as it cares about our community and environment, pointing out that while Ohio University has a composting facility, it does not have a shredder, and O.U. Campus Recycling relies heavily upon the use of AHRC's shredder.

An Albany resident has been actively involved in recycling for over 25 years. With the help of Rural Action, our community was able to secure funding to build our own local multi-material recycling facility. Time is of the essence, and the responsibility lies with the Council to join the COG now. He urged the Council to act swiftly.

Patrick Modzelewski, employee of AHRC, urged the Council to support the COG and keep AHRC.

Saraquoia spoke on behalf of her local business, Cool Digs, partnering with AHRC for 12 years, expressed concern about all our waste if we lose our local recycling company. She questioned whatever happened to "Shop Local." Let's keep our local jobs here. AHRC is not just a business, it is a social enterprise, which is what Athens is built on and it is what we purport to desire here.

Christine Hughes, Village Bakery, strongly supports the City of Athens becoming a founding member of the COG to use the services of AHRC. She acknowledged that there is a less than ideal timeline. Having confidence in the business that has served us well is what we fall back on when it comes down to the wire and time is of the essence. She described the following ways the City will benefit by taking this action: 1) joining the COG will foster a productive culture of cooperation among its members, increasing accountability and transparency in our solid waste management system; 2) it will mean increased educational opportunities and community engagement around our sustainability and zero waste goals; 3) it will allow members of the COG to enact long-range planning for waste management, building a stronger foundation for success; 4) using this regional Council non-profit model allows Athens to demonstrate that strong community values are an economic strength, attracting businesses and residents to our innovative community; 5) local, fairly compensated jobs that offer the satisfaction of working for the greater good are beneficial for the workers as well as our local tax base, keeping wages circulating locally rather than siphoned away to distant urban centers increases the prosperity and security of our community; and 6) by joining the COG and utilizing the resources of AHRC, Athens City will win local control over our solid waste management, and Athens City residents are all about local control. This is a COG moving us in the right direction.

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EXECUTIVE SESSION:

At approximately 8:50 p.m., Clodfelter moved to go into Executive Session for the purpose of considering Pending and Threatened Litigation, and invited the President of Council, Mayor, Law Director, Auditor and Treasurer to attend; Swank seconded. A roll call vote was taken as follows: Spjeldnes, aye; Risner, aye; Wood, aye; Swank, aye; McCarey, aye; Clodfelter, aye; and Thomas, aye.

At approximately 9:25 p.m., Swank moved to come out of Executive Session; Risner seconded. The motion was approved unanimously. The Regular Session was reconvened. Clodfelter immediately moved to adjourn the meeting; Risner seconded. The motion was approved unanimously.



President of Council

ATTEST:



Clerk of Council