

**Council of the Village of Yellow Springs  
Minutes**

**In Council Chambers @ 7:00 P.M.**

**Monday, May 4, 2015**

**CALL TO ORDER**

President of Council Karen Wintrow called the meeting to order at 7:00 pm.

**ROLL CALL**

Present were President Karen Wintrow, Vice President Lori Askeland , Gerry Simms, Brian Housh and Marianne MacQueen. Village Manager Patti Bates was present, as were Assistant Village Manager John Yung, Finance Director Melissa Vanzant, Supervisor of Water and Electric Distribution Johnnie Burns and Chief David Hale. Village Solicitor Chris Conard was also present.

**ANNOUNCEMENTS**

Housh noted that the Yellow Springs Schools have a levy on the ballot, and reminded citizens to vote tomorrow.

Housh also noted the Village's exchange International Fellows, Nadia Faradila Binti Jalawi from Malaysia and Ratih Dwi Rahmadanti from Indonesia, who introduced themselves to those present.

Housh noted the project the two women are working on for the Village regarding enhancing citizen engagement, which will be presented on May 28<sup>th</sup>, 7-9pm.

**CONSENT AGENDA**

1. Review of Minutes of April 20, 2015, Regular Council Meeting.
2. **Resolution 2015-14** Authorizing the Village Manager to Sign a Contract with Dayton Pool Management for the 2015 Summer Swim Season

Simms MOVED and Housh SECONDED a MOTION TO APPROVE ALL ITEMS ON THE CONSENT AGENDA. The MOTION PASSED 5-0 ON A VOICE VOTE.

**REVIEW OF AGENDA**

Resolution 2015-12 was added to the agenda.

**PETITIONS & COMMUNICATIONS**

Askeland reviewed the communications received.

The Clerk will receive and file:

Kathy Adams re: NAMI Ohio PTO Event at Mills Lawn

AJ Warren re: Sk8 Park Launch

Karen Gordon re: Thank You PD

Terry Graves re: Thank You PD

Sue Abendroth re: Police Chief

Bob Bingenheimer re: Utility Policy

Lori Askeland re: Scouts for Equality

Rachel McKinley re: Treasurer's Report

John Yung re: ICMA International Fellows Press Release

Brian Housh/Marianne MacQueen re: Board and Commission Roles and Responsibilities FINAL docs

On Line Only:

NAMI re: Little Art Film

Askeland MOVED that COUNCIL SEND THE LETTER ON BEHALF OF COUNCIL IN SUPPORT OF SCOUTS FOR EQUALITY. Simms SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

**PUBLIC HEARINGS AND LEGISLATION**

**Second Reading and Public Hearing of Ordinance 2015-05** Amending Section 1272.04 of the Codified Ordinances of Yellow Springs, Ohio to Increase Permit Fees. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Yung explained that Planning Commission met on April 13, 2015 and voted unanimously to recommend that Village Council APPROVE the proposed text amendment with the findings that it is in compliance with Section 1280.02(a) of the Zoning Ordinance.

Yung stated that Village Planning staff has been working on revising the permit fee schedule for zoning and subdivision permits. The permit schedule was last revised in 1993. Since then, the code has been moved from Section 11 of the Code of Ordinances to Section 12, and the entire zoning code was updated in September of 2013.

Yung then read through the fee schedule, noting changes.

Wintrow OPENED THE PUBLIC HEARING. There were no questions or concerns from those present.

Wintrow CLOSED THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**Second (of Three) Reading of Ordinance 2015-06** Amending Sections 1040.02 and 1040.03 of the Codified Ordinances of Yellow Springs, Ohio to Assign Responsibility for Utility Delinquencies to the Owner of any Rental Property. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Bates explained changes made to the ordinance over the last two weeks as follows:

Ordinance 2015-06 will apply only to new leases, not to any rental agreements currently in place.

Bates stated that all procedures previously outlined by Vanzant have been in place for some time (those procedures tightening up payment plans, etc.) with the exception of ordinance 2015-06.

Bates highlighted inclusion in the packet of a recap of a survey of AMP communities that supply electricity as a utility. She noted that of those, 62% hold the property owner responsible for utilities, and of those, only two communities separate out electric. None of the communities make a distinction between commercial and residential properties.

Bates noted that the procedures and the ordinance are separate documents, and that the procedures can be adapted and modified as needed.

Bates explained that it is up to the landlord as to whose name appears on the utility account, and that if the landlord chooses not to permit a tenant to hold the utilities, the tenant is not eligible for HEAP or for a payment plan option.

Conard explained the Utility Dispute Resolution Board as a body responsible for implementation of the proposed ordinance. The UDRB, he stated, will have the ability to set policy (decisions would have the effect of a resolution) and will be made up of the Village Manager, Finance Director, Electric Superintendent and two citizens.

Wintrow commented that she would like to hear new concerns, and opened the floor for that purpose.

Michael Kreitzer received clarification that if the account is in the landlord's name, it is the landlord's call as to whether or not a payment plan can be implemented.

Dino Pallotta asked that Council consider landlords as experts on their side of the business just as they consider the expertise of their staff.

Pallotta asked whether staff has determined whether or not making landlords responsible has any effect on lower income families.

Pallotta asked that Council consider not changing the policy on responsibility for electricity, while making landlords ultimately responsible for the other provided utilities.

Jo Dunphy asked that Council wait until the new electric meters are installed, commenting that waiting would allow time for the Village to determine where the issue of delinquencies lies.

Bates addressed Pallotta's first question, stating that she had asked about the impact upon lower income residents, and that communities she had spoken with had not noticed any significant impact.

Bates commented that if the Village did maintain responsibility for electricity, it would necessitate mailing two bills, and that effort alone would likely negate any savings realized from the proposed change in policy.

Regarding waiting to enact the policy until electric meters are in, Bates stated that she and Teresa Dunphy have been e-mailing about the matter, and the staff is working to assure that implementation goes as smoothly as possible.

Askeland asked Vanzant to explain the logic behind not waiting to see whether the changes in policy now in place have the desired effect before enacting the ordinance.

Vanzant stated that the new meters will solve a problem of under-billing due to inaccurate meters. Accuracy is critical, Vanzant stated, as is the fact that remote reads will enable staff to read water meters monthly rather than quarterly.

Jo Dunphy complained that she did not have the experience of having adequate explanations given by the Utility Department.

Askeland commented that she was struggling with her final decision, and has wavered in her opinion as she has gathered information and listened to constituents. She stated that she is still listening and developing her opinion.

Askeland stated that two of her largest concerns have been addressed, the first being that of potential impact upon low income or vulnerable populations. Askeland stated that she has been reassured by information from Linda Rudawski, who works as a housing advocate for mentally disabled populations and who is in support of the utility ordinance.

Askeland noted that the tenant's low income status can be used by the landlord in accessing funds to weatherize and improve the home.

Askeland noted that her conversation with Judith Hempfling, who is opposed to the policy, influenced her as well, and stated that she is in support of the policy currently, but still gathering information.

MacQueen stated that she is currently in support of the policy, and mentioned establishing some sort of a local fund for local tenants who are struggling. She mentioned looking into a similar option for commercial properties and stated that such a fund should be managed outside of the auspices of the Village.

Regarding affordability, MacQueen stated that the Village needs more affordable rental property, and asked that Council look into development of the Glass Farm for this purpose.

Housh noted that he is pleased with the tenor of the discussion, and focused upon four points: Fairness, which Housh stated he sees as tipping the scale towards landlord responsibility; Timeliness, which Housh believes is accomplished with this "gentle implementation"; Affordability. Here Housh stated his agreement with Wintrow's repeated suggestions that landlords improve properties and work with the Village and their tenants to assure that. And, finally, Cherry Picking, which is separating out one aspect of the ordinance to say that the new approach won't work instead of looking at the policy and procedures holistically, which he believes will work. Housh stated that what is critical is that the issues of rates and metering are separate and can continue to be worked on as the situation develops.

Simms identified his concern as primarily with the start date, and he MOVED that the ordinance go into effect on January 1, 2016. Askeland SECONDED.

Wintrow stated that she would like the Energy Board to look into incentives for energy efficiency for landlords, and commented that she would like energy efficiency to become a priority. Wintrow opined that perhaps a portion of the funds saved by enacting the ordinance could be placed into a fund to incentivize energy efficiency and perhaps benefit local contractors in the process.

Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**First Reading of Ordinance 2015-07** Accepting Planning Commission's Recommendation to Rezone 104 Xenia Avenue from C-1 with Overlay District to B-1 with Overlay District.

Yung reviewed the recommendation from Planning Commission as follows:

Staff found that the property at 104 Xenia Avenue, which is the location of a restaurant known as Peach's Grill, was rezoned C6Conservation when the zoning map was adopted in September, 2013. The property has contained a restaurant for over a decade. Staff identified the conflict and asked the Planning Commission to initiate a rezoning. The Commission voted unanimously in February of 2015 to rezone the property from C6Conservation with a Gateway Overlay District to B-1 Central Business with a Gateway Overlay District.

There were no questions or comments from those present.

Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**First Reading of Ordinance 2015-09** Amending Section 1042.01 of the Codified Ordinances with Respect to Determination of the Power Supply Cost Adjustment. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates explained that, in the past, the Village's power supply cost was based upon a rolling 12-month period, and is always adjusted to one year prior to the date. Bates stated that the method is costing the Village money, and that an every-three-month method will help the Village to realize savings in a more timely fashion.

There being no comments or questions, Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**Reading of Resolution 2015-17** Supporting the Purchase by Glen Helen Association of Real Estate Known as the David A. Case Trust Property. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Glen Helen Director Nick Boutis spoke, giving some history of the area and noting that the purchase will preserve the area and assure greater protection of the watersheds for Birch Creek and the Glen Helen eco system. Boutis stated that the Glen will be bringing the funding for the project.

Boutis commented that he seeks the Council letter as support in applying for grant funding as part of the purchase.

There were no comments or questions, and Wintrow CALLED THE VOTE. The MOTION PASSED 5-0 ON A VOICE VOTE.

**Reading of Resolution 2015-12** Authorizing Cooperative Agreement for Installation of the Water Loop Completion Project between the Village of Yellow Springs, Ohio and the Ohio Water Development Authority. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Bates explained that the loan is intended to repay the amount removed from the General Fund to pay for the Loop Completion Project. The resolution is a necessary step in applying for the loan.

Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 ON A VOICE VOTE.

## **CITIZEN CONCERNS**

There were no Citizen Concerns.

## **SPECIAL REPORTS**

There were no Special Reports.

## **OLD BUSINESS**

There was no Old Business.

## **NEW BUSINESS**

**ACE Task Force Discussion Proposal.** MacQueen stated that she has decided that it might be best to respond to information received from the community to date, and to have a conversation about the community's desires regarding its police force.

MacQueen acknowledged that there is a normal tension surrounding the police, and commented that the community needs to promote its perspective. She commented that the Police Department (PD) is the major source for expenses to the General Fund, which is currently spending at an unsustainable rate. MacQueen stated that this reality has to be addressed during the budget discussion.

MacQueen commented that this is the philosophy part of the overall discussion, to be followed by the budget discussion.

Housh asked for Bates and the Chief's input as to how best to frame the discussion.

Wintrow asked whether information from social media would be included in the mix.

MacQueen stated that she had planned to use information available from YS News articles and information gleaned from the HRC Local Policing Forums.

Council discussed potential dates for a general policy discussion, and suggested the second meeting in June. Bates commented that the sidewalks topic will likely be ongoing at that time.

**Solid Waste Contract.** The Village Manager noted that she has been in discussion with Tom Dietrich of the Environmental Commission and has read the recent letter from Tom Clevenger. Bates also met with Dana Stortz of the Greene County Solid Waste District to gather suggestions.

Bates noted that Rumpke comes to the Village four days per week with one trash and one recycling truck, and that several citizens have suggested reducing the number of days scheduled for pickup.

Bates stated that the number of pickup days cannot be easily reduced and, if they were reduced, the number of trucks on the pickup days would need to be doubled.

Bates noted that Stortz had commented that the number of pickup days is not problematic given the situation above. One suggestion she had was use of trucks with an idle/stop function, but those are not yet readily available.

Curbside composting was also mentioned as a possibility, although Stortz cautioned against this as creating potential EPA issues.

Bates noted that she would like to simplify the current rate structure and go to a flat rate plan.

Wintrow commented that she agreed with Tom Clevenger's suggestion that recycling be incentivized.

Askeland suggested that MacQueen and Tom Clevenger coordinate on priorities, stating that Yellow Springs's values should be reflected in the policy.

Wintrow suggested partnering with Antioch College regarding recycling. Bates responded that she has looked into this and does not think it is a good fit based upon their methods. Wintrow suggested pursuing composting in partnership with the College.

Simms commented that the pickup system in Trotwood seems far less expensive and easier to manage, opining that the Village is being penalized for asking that their recyclables actually be recycled.

Bates will have a resolution regarding the RFP back for the first meeting in June.

**Community Solar Discussion Planning.** Bates stated that she has been researching financing opportunities and has made plans to visit a facility in Wyandot, MI, which constructed a solar facility with grant funds. Bates stated that she would use the funds set aside for attending the ICMA conference to fund this visit instead.

MacQueen suggested that the Energy Board work together to produce a proposal.

The group discussed who all might attend such a visit, including Staff and Energy Board members.

Wintrow asked that the option of purchasing AMP solar not be lost sight of. She noted that all are working towards the same goal of reducing the Village's carbon footprint.

Dan Rudolf of the Energy Board stated that they had gone through all of the noted options and opined that it would be his preference that Council select the option that the EB had recommended, since tax incentives would be going away.

Rudolf stated that PPAs (Power Purchase Agreements) have been considered in the past and that one had fallen through.

Rick Walkey of the EB promoted the Community Solar Project as one that could be done soon, and noted the importance of not losing the RECs (Renewable Energy Credits). Regarding PPAs, Walkey suggested adding a solar PPA once one of the Village's energy commitments drops off.

In response to a question from MacQueen, Walkey stated that the first priority is to rewrite the current solar power ordinance in collaboration with the Energy Board, Staff and John Courtney.

Bates commented that a new ordinance would need to allow Virtual Net Metering, and that the ordinance requires some clean up.

Rudolf responded to a question from Wintrow, stating that the local solar array would be sited locally but could be in multiple locations.

Wintrow received clarification that if the project moves forward, it will need to be vetted through Planning Commission and the Village Manager's office.

Rudolf stated that the project would have to set a price per Kw, and would have to have enough participants to make it profitable for the installer-developer.

Burns commented that Community Solar would be the only meter in front of Village utilities. This, he stated, means that the Village would then be a buyer.

Burns commented that because the proposed community solar project will use all of the available Kw for solar permitted by the Village, any citizens wishing to install solar on their property would be unable to do so, and would have to either purchase from Community Solar or go without the option.

Rudolf interrupted to state that the proposed ordinance would not take up all of the available solar.

Wintrow asked that the Energy Board work with the Village to address these questions. There needs to be some give and take, Wintrow stated, commenting that Council is not accustomed to ignoring the recommendations of staff, and that the EB needs to work with staff.

MacQueen agreed to work with staff and the EB to gain clarity on the issues so that they can be brought back before Council.

Simms commented that the Energy Board had forwarded a plan on the assumption that Village-owned solar was not an option, and suggested that all options needed to be revisited in light of this information.

MacQueen commented that it may be possible for both options to exist, and that the private enterprise might be able to move forward immediately.

## **MANAGER'S REPORT**

Bates asked Burns to report on the Loop Completion Project.

Burns noted that Construction on the Loop Completion Project has started, and that GM Pipeline will be working in town for approximately 6 weeks. Burns commented that the crew had hit solid rock several feet in on Corry Street, and will be bringing in more heavy duty equipment tomorrow.

Burns is communicating with local businesses through both Facebook and direct communication.

The Electric Crew has begun replacing the poles that failed inspection (10% of the total number, or just under 300 poles).

Soil borings are complete at the potential new site for the water plant, and the results show that the area can hold the proposed infrastructure. The Village is now entering the 30% design phase and meetings with the OEPA. Bates stated that she will be applying for OPWC funding in July and will keep Council posted on the progress.

Home, Inc. held an Open House for the first C-Street home on May 1<sup>st</sup>.

Installation of the new library roof should begin mid-May, weather permitting.

Bates noted that pool passes went on sale May 1<sup>st</sup>. She further noted that patrons must have their passes to gain entry to the pool or will have to pay the daily rate.

## **ASSISTANT VILLAGE MANAGER'S REPORT**

Yung read from his report as follows:

Regarding the East North College vacation request, Village staff and the Village Solicitor are preparing a legal description of the property and drafting an agreement with Antioch College on the scope of maintenance regarding the right-of-way. Those documents should be ready by the late May or early June Council meetings.

Regarding the East Herman Street vacation request, Yung noted that Jason Hamby, Reggie Stratton from Antioch College and he met last week to review Planning Commission's requests regarding continuance of the application. Yung is preparing a report to bring back for the Planning Commission's May meeting.

Staff is continuing to develop the sidewalk report for the second May Council meeting. The focus is to look at case studies, cost and types of improvements & repairs, and also possible funding strategies for different options. Yung has been developing a timeline and analysis of efforts made within the last ten years. He is coordinating with Superintendent of Streets Jason Hamby and Finance Director Melissa Vanzant on the logistical and financial details of the report.

## **CLERK'S REPORT**

The Clerk reported a busy several weeks and provided the May 18<sup>th</sup> Work Session Agenda for review.

Wintrow explained her logic around what items are contained on the agenda for the 18<sup>th</sup>, noting that these may be developed further at Agenda Planning.

## **FUTURE AGENDA ITEMS**

May 18 WORK SESSION 6pm

Final Reading and Public Hearing of Ordinance 2015-06

Final Reading and Public Hearing Ordinance 2015-07 Accepting Planning Commission's

Recommendation to Rezone 104 Xenia Avenue from C-1 with Overlay District to B-1 With Overlay District

Community Solar Discussion

Sidewalks Policy Discussion (5-18-15)

Report Back on Community Solar (5-18-15)

Climate Action Plan (5-18-15)

Board and Commission Ordinance (6-1-15)

Charter Review Commission Report (6-1-15)

Solid Waste Contract

Procedure for Village Manager Review

Ordinance 2015-08 Accepting Planning Commission's Recommendation to Vacate East North  
College Street Between Livermore and Corry Streets  
Discussion Regarding Amending Tap-In Fees  
Direction for Economic Sustainability Commission (AVM)  
2016 Tax Budget (7-6-15)  
Bi-Annual Goal Review (July)

**EXECUTIVE SESSION**

At 9:02pm, MacQueen MOVED and Simms SECONDED a MOTION TO ENTER EXECUTIVE  
SESSION For the Purpose of Discussion of the Clerk's Performance and Contract Terms. The MOTION  
PASSED 5-0 ON A ROLL CALL VOTE.

At 9:50pm, Simms MOVED and Housh SECONDED a MOTION TO EXIT EXECUTIVE  
SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE at pm.

**ADJOURNMENT**

At 9:51pm, Simms MOVED and MacQueen SECONDED a MOTION TO ADJOURN. The  
MOTION PASSED 5-0 ON A VOICE VOTE.

*Please note: These notes are not verbatim. A DVD copy of the minutes is available for viewing in the  
Clerk of Council's office between 9am and 3pm Monday through Friday.*

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Karen Wintrow, President

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Attest: Judy Kintner, Clerk