

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

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

**Monday, August 17, 2015**

**CALL TO ORDER**

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

**ROLL CALL**

Present were President Karen Wintrow, Vice President Lori Askeland, Gerald Simms, Brian Housh and Marianne MacQueen. Village Manager Patti Bates was present, as were Assistant Village Manager John Yung, Planning Intern Scott Sears, Chief David Hale and Village Solicitor Chris Conard.

**ANNOUNCEMENTS**

Bates announced that 10-year veteran dispatcher Teresa Newton will be retiring on September 25<sup>th</sup>, 2015.

Housh announced peak shaving for Tuesday, August 18, 2-6pm.

Housh also announced that the PAC is accepting VIDA (Village Inspiration & Design Award) nominations for Fall 2015 through September 7<sup>th</sup>.

**PETITIONS AND COMMUNICATIONS**

Askeland reviewed the communications received.

The Clerk will receive and file:

- Susan Gartner re: YSCA Station Manager's Report
- Rachel McKinley re: Treasurer's Report
- Karen Wintrow re: DDN Article on Sidewalk Fixes
- Bob Swaney re: Online Bill Payment
- Judy Skillings re: Thank you
- MVRPC re: Invitation to Bike Planning Meeting
- Greene Co. re: Hazard Mitigation Plan and Sample Resolution
- Mayor's Monthly Report

There was conversation regarding a letter of complaint about charges incurred from paying utilities online, and Bates stated that Finance Director Vanzant will be in attendance at the meeting on August 24<sup>th</sup> to address those concerns with other payment options.

Bates commented upon the Hazard Mitigation Plan, noting that the Village will need to pass a resolution enacting a plan.

**WORK SESSION**

Follow Up on Sidewalks Discussion (Assistant Village Manager John Yung with Intern Scott Sears). Sears and Yung presented a PowerPoint presentation highlighting sidewalks within the Village that are either damaged, not ADA compliant, or are incomplete.

Council discussed the need to provide ADA compliant sidewalk ramps and landings. Bates noted that accessibility at the front of the Mills Lawn School does not negate the need for ramps or landings at the side and rear.

Yung noted that about 15.9% of all the sidewalks surveyed in the Village are not ADA compliant. He explained the parameters used to derive the data presented, and stated that his financial information assumes a need to replace 27.61% of the sidewalks in the Village, at a cost of about \$12 per linear foot. This would carry a cost of about 1.34 million dollars.

MacQueen pointed out that areas that do not now have sidewalks were not assessed in terms of cost or need.

Askeland suggested gathering data on where citizens see a strong need for sidewalks.

Yung noted that regardless of what further information and data are gathered, the need for sidewalk repair cannot be met with the Village's current budgetary situation, and cannot be met through Safe Routes to Schools. He commented that if the Village continues to retain responsibility for the sidewalks, there could additionally be insupportable costs related to lawsuits.

Solicitor Conard spoke to the matter, noting that the Village has qualified immunity from lawsuit for failure to maintain the sidewalks. He noted that no municipality has yet lost this qualified immunity status through legal channels.

Conard noted that the Village would need to maintain the sidewalks as ADA compliant if it retains responsibility.

Yung presented two options for addressing sidewalk repair. The first is to return responsibility for sidewalks to the property owner but to institute a 50% replacement grant program for properties cited by code enforcement.

Yung detailed the conditions under which this approach could work, and responded to questions.

Bates suggested that letters of notice go to property owners with sidewalks in need of repair and they be given the option of a 50% grant for as long as the funds are available.

Wintrow suggested assessment to taxes as an option.

Yung stated that since the sidewalk survey is now completed, his goal is to increase awareness among property owners about the non compliant sidewalks through mailings.

Yung presented a second recommendation to proceed with a levy for 1.4 million dollars for sidewalk repair.

Simms asked about the ongoing cost associated with such a program for repair and upkeep, and was told that it is a nearly constant process in terms of the ongoing need for repair and replacement.

Wintrow noted that the levy would be ongoing, since need for repair arises constantly.

Discussion ensued regarding the need for a levy, with Bates pointing out that bicycling infrastructure should be added if a levy is likely to occur.

Council then discussed whether or not to place both levies on the same ballot with general consensus that the issues must be separated.

Bates noted that having a ranking system for sidewalks is the only equitable way to proceed, and that any other ranking of need may be too subjective.

Wintrow opened a public hearing.

Dan Reyes commented that many of the properties most in need of repair are actually Village properties.

Reyes commented that concrete is often damaged, and that the Village should make more of an effort to obtain grant funds.

Bates explained that the grants require matching funds, and that if a grant is obtained but a levy does not pass, the Village remains responsible for obtaining the matching funds.

Rose Pelzl commented that the properties noted in red on the map are in immediate need of replacement, and opined that these need to be repaired as soon as possible to limit liability.

Lauren Heaton from the Yellow Springs News asked whether it would be possible to remove unneeded sidewalks so that they do not have to be repaired.

Yung responded that the need for separation between properties and the street is considered a safety matter, and that it would be incorrect to limit the safety of certain streets by removing existing sidewalks.

MacQueen commented that she is not in favor of returning responsibility for sidewalks to the property owners.

Bates commented that it is late in the year for sidewalk projects, so repairs would likely have to wait until Spring.

Askeland agreed with MacQueen, stating that the matter should go on the ballot as a levy matter, and if it fails, then revert responsibility to property owners. She commented further that the Village should immediately repair its own sidewalks.

Simms opined that the matter should go as a levy issue, and commented that it is Village responsibility to repair those sidewalks identified as heavily damaged.

Housh commented that he would like to explore options for repairs. He agreed that putting the matter to a levy vote makes sense.

Askeland noted that if the Village fixed all the areas noted as heavily damaged, including the Bryan Center, the main corridors of town will have been repaired.

Wintrow asked Bates to follow up with Durst Brothers to determine whether they might be able to repair the Bryan Center sidewalks this year.

#### **MANAGER and ASSISTANT VILLAGE MANAGER REPORTS (8:20)**

Bates reported on the following:

Bates noted that the meeting for water plant RFQ final contenders needs to be scheduled.

The committee charged with vetting these will select three finalists to present starting at 6pm on November 17<sup>th</sup>.

Wayne Cannon from RCAP will present the rate study during the Work Session on September 21<sup>st</sup>, starting at 6pm.

Hydrant flushing will take place this year immediately following Street Fair.

The DP&L lawsuit has been settled, and the rates officially set at \$1.32 per Kw for the Village.

Bates announced that she has made hiring decisions to fill Yung's position, and has split the position in two parts. Denise Swinger will fill the Planning, Zoning and Code Enforcement position. Melissa Vanzant will serve as the new Assistant Village Manager, and will begin to assume additional duties immediately. She will retain her position as Finance Director.

Yung reported out briefly on his trip to Malaysia.

#### **STANDING REPORTS**

Askeland noted that Planning Commission will meet on August 31<sup>st</sup>, and that Greene County Regional Planning met on July 28<sup>th</sup> and discussed several zoning cases. Askeland commented that GCRPC seems supported and more stable than it has seemed in the last year.

Simms reported that the Library roof is progressing.

Housh noted that the PAC now has a recommendation for a revised Public Art policy, which is more streamlined and user friendly. Housh noted as well that the ordinance for Boards

and Commissions for the PAC is prepared for discussion, including a recommended name change to Arts and Culture Commission to cover more accurately its activities.

The YS Community Access Station Manager's Report was lauded by Housh as insightful and informative. He stated that the fiber network information from Springs-Net should be ready to come to Council soon.

MacQueen received confirmation that cancelled meetings must also be noticed, since the Energy Board had not met and signs were not posted. The Clerk noted that this usually happens with enough time to post signs and notice online via the YS News, but that she had been out of the office.

MacQueen noted a report from the HRC about a new place called "Hope Spot" in Xenia, which is a resource for addicts in recovery that was presented at the HRC meeting. She noted that the Commission had given out several grants, and had discussed Block Parties. MacQueen discussed with the HRC ways in which the organization could assist with outreach to the Police Department.

Duard Headley is scheduled to return with a Climate Action Report, focusing on ICLEI, on Monday the 24th.

Wintrow announced a Chamber lunch meeting regarding the new credit card chip technology.

Wintrow stated that she had attended Greene County Economic Development Commission in lieu of attending MVRPC, which was scheduled at the same time, and reported a very good GCED session.

**FUTURE AGENDA ITEMS**

- Second Reading and Public Hearing of Ordinance 2015-08 Accepting Planning Commission's Recommendation to Vacate East North College Street Between Livermore and Corry Streets
- Second Reading and Public Hearing of Ordinance 2015-11 Accepting Planning Commission's Recommendation to Vacate the East Herman Street Right-of-Way Which is Situated between the Developed Portion of East Herman Street and Corry Street
- September 21 Work Session (6pm): Wayne Cannon Presentation of RCAP Utility Rate Study
- October 5 General Fund budget presented to Council
- October 19 Enterprise & Special Revenue Funds & Capital budgets presented
- November 2 Budget workshop ó collective budget with any revisions from prior meetings
- November 16 2016 Budget
- December 7 2016 Budget 1<sup>st</sup> read ó as an emergency
- December 21 2016 Budget 2<sup>nd</sup> read ó as an emergency
- Special Meeting of Council for Presentation from Finalists for Water Plant Design/Build Firms (Nov. 17 @6pm)

**ADJOURNMENT OF WORK SESSION**

At 9:12pm, 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

