

**Council for the Village of Yellow Springs  
Regular Session Minutes**

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

**Monday, June 17, 2019**

**CALL TO ORDER**

President of Council Brian Housh called the meeting to order at 7:00pm.

**ROLL CALL**

Present were President Housh, Vice President Marianne MacQueen and Council members Lisa Kreeger, and Kineta Sanford. Also present was Village Manager Patti Bates, Public Works Director Johnnie Burns, Chief Carlson and Finance Director Colleen Harris. Kevin Stokes was away on a family matter.

**EXECUTIVE SESSION**

There was no Executive Session.

**SWEARINGS-IN**

Emily Seibel: Economic Sustainability Commission.

**ANNOUNCEMENTS**

Krista Magaw, Tecumseh Land Trust re: Greenspace Reimbursement. TLT Director Krista Magaw updated Council as to TLT's activities regarding grant submission and educational outreach. She noted the return of \$64,960.00 to the Village from their donation to the purchase of easements at the Arnovitz auction held in 2017.

MacQueen followed up with questions regarding a Greene County Soil/Water District official who will meet with land owners regarding water runoff and retention matters, and was informed that it would be possible to ask for information in this regard for the Glass Farm.

MacQueen announced that the final report on Village Policing would be made available in mid-to-late July, and that Council would make a decision as to how this will be presented to the Community.

Bates announced that the food forest project she has spearheaded as her legacy will hold a volunteer planting session this fall in which 50 trees and bushes, all of which will bear fruit, will be planted.

Bates assured Kreeger, who expressed concern that the area not be designated as a park, that the area will be officially designated as a "food forest".

Housh noted that June 22 has been proclaimed "Bob and Tia Huston Day" in the Village.

Housh noted that Bates' retirement reception will be held from 6-8pm on June 27<sup>th</sup>.

Housh noted upcoming Pride Week Events for the week of June 24-30.

Housh noted that there will be a speaker on the topic of the Stonewall Revolution on June 27<sup>th</sup> from 7-9.

Each Council member stated their appreciation for Bates, and she was presented with flowers and a gift, and thanks for her five years of service.

Bates noted her appreciation for Council and for her staff.

**CITIZEN HERO AWARD**

Citizen Ransome Phelps was awarded the Citizen Hero Award for 2019 by Chief Carlson, for his actions on the morning of May 28<sup>th</sup>, 2019. Phelps rescued his two neighbors and their dog from a house fire.

**REVIEW OF AGENDA**

Kreeger added discussion of the Revolving Loan Fund (RLF) to Old Business.

**CONSENT AGENDA**

1. Minutes of June 3, 2019 Regular Session

MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE. The MOTION

PASSED ON A 4-0 VOICE VOTE.

## **PETITIONS/COMMUNICATIONS**

MacQueen reviewed communications received as follows:

Barbara Mann re: Active Transportation  
YS Chamber re: Appreciation  
ESC re: Enviroflight  
TJ Turner re: Chief Carlson  
Judith Hempfling/Ellis Jacobs re: Air BnB Restrictions  
Brian Housh re: Cincinnati Marijuana Ordinance  
Johnnie Burns re: Proposal for Water Meter Replacement/OWDA Funds

Council approved the letter from the ESC encouraging the business to remain in the Village be sent on to Enviroflight.

The Clerk asked that Burns be given five minutes in Special Reports to discuss the proposal for water meter replacement.

## **PUBLIC HEARINGS/LEGISLATION**

**Second Reading and Public Hearing of Ordinance 2019-15** Repealing and Replacing Section 1064.02--Rates, Admissions and Season Hours of Chapter 1064--Municipal Swimming Pool of Part Ten--Streets, Utilities and Public Services of the Codified Ordinances of the Village of Yellow Springs, Ohio, and Declaring an Emergency. Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates noted that the increase suggested by Council which raises rates 30% for residents and 70% for non-residents is reflected in the ordinance.

Bates responded to a question from MacQueen, confirming that the day rate is the same for both residents and non-residents.

Housh commented that the ordinance would not go into effect until the end of the season.

Burns responded to a comment from MacQueen, stating that pool staff have tracked the season passes for residency location, and are now tracking day passes for residency location.

Megan Bachman, Yellow Springs News, commented that there is an assumption that cost is being passed on primarily to out of town users when her analysis of the situation is that in keeping the day rate the same for resident and non-resident users, more cost is passed on to village residents. She commented that lower income people are more likely to use the day pass if they don't have the funds up front to purchase a season pass, which burdens that segment of users unduly.

Bachman reiterated her objection to the seemingly high increase in the daily rate.

MacQueen commented that the pool always operates at a loss, and it has been 10 years since the rates have been raised. She opined that this will ideally encourage people to purchase a season pass.

Kreeger commented that this Council has to take action since this has not been done for ten years.

Housh stated that he is still trying to determine what is the right balance, and suggested determining an equity impact, given that the pool director knows many of the village pool users. He noted that the day rate increase was based on an average cost of similar pools in the area, and suggested moving forward with the ordinance and continuing to look at programs to increase access.

Housh noted that the pool "is a \$30,000.00+ loss annually, and we need to find a way to preserve this asset."

Kreeger asked Housh to clarify whether he wanted more information gathered regarding impact of the proposed rate increases before passing the ordinance, or whether he wanted to move ahead.

Bates recommended moving ahead so that some income increase could be realized for 2019, and changes could be made for 2020 if needed.

Housh OPENED THE PUBLIC HEARING. There being no comment from those present, Housh CLOSED THE PUBLIC HEARING.

Housh CALLED THE VOTE, and the MOTION FAILED 2-2, with Housh and Kreeger voting against.

**First Reading of Ordinance 2019-16** Establishing a Mutual Aid Agreement with Other APPA Members and Declaring an Emergency. Sanford MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates explained that the ordinance will enable Village employees to assist other communities in the event of an emergency and vice versa.

Responding to a question from MacQueen, Burns explained that in the past, the Village was able to receive assistance but was unable to be paid for offering aid to other communities because of a lack of a formal agreement.

Burns stated that AMP and APPA both use the agreement, and that the rate of pay is double time from starting point to return.

Housh received information that the community is able to charge less than double time if it so chooses.

The agreement covers public power only.

Housh OPENED THE PUBLIC HEARING. There being no comment from those present, Housh CLOSED THE PUBLIC HEARING.

Housh CALLED THE VOTE, and the MOTION PASSED 4-0.

**Reading of Resolution 2019-28** Renewing Contract with MVECA for Provision of Internet Services. MacQueen MOVED and Sanford SECONDED a MOTION TO APPROVE.

Bates noted that the renewal represents a decrease in cost of \$65.00/month.

MacQueen and Housh asked that the contract be changed to reflect that the Village is a governmental agency and not a school.

Bates stated that she will have the contract corrected.

Housh CALLED THE VOTE, and the MOTION PASSED 4-0 on a VOICE VOTE.

### **SPECIAL REPORTS**

**Request for Reallocation of Loan Funds.** Burns explained that the water plant came in under cost by over \$500,000.00, and he asked that this additional money be used to purchase new water meters. Burns noted that the new meters have controls that enable office staff to monitor leaks. He stated that this is one of several ideas for use of the remaining loan amount.

Bates commented that the purchase is likely to be approved by OWDA as related to the water distribution system.

Kreeger commented that she approves of the proposed use, but that she does not fully understand to implication of the expenditure on the books.

Bates asked Burns to bring back the amortization of the loan both with the proposed expenditure and if the unspent funds are returned.

### **CITIZEN CONCERNS**

Megan Bachman asked whether Council would be revisiting their resolution regarding Council Rules regarding the issue of clapping.

MacQueen commented that this may return at some point.

### **OLD BUSINESS**

**Community Health Update.** Kreeger explained that data is generally available at the county level, and this is much less applicable and relevant at the level of the specific community. She noted that Greene County is committed to the collection of community-specific data, and stated that the data gathered in the process of the assessment will then be given back to the county so that they can update their records.

She noted a breakfast for the faith community's leaders upcoming as a way to gather that data.

Kreeger noted that the overall health parameters for Greene County tend to be higher than state or national parameters.

Kreeger noted that Cedarville's nursing program will be gathering pediatric-specific parameters this fall.

**Update on the Justice System Commission.** Sanford stated that she and Kreeger will be interviewing members of the JSTF in the next week to gain insight into their perspectives on that task force.

Following the interviews, Sanford said, she and Kreeger will look at populating the new Justice System Commission, and that process will align with completion of the policing assessment.

Council discussed timing for outreach to potential members, with Kreeger opining that the first week in July might work for the initial outreach.

Housh asked the Clerk to compare the JSC ordinance with the charge stated for the JSTF.

Council discussed the mission of the JSC briefly, with Housh noting that "this will continue to be a very active commission."

The topic was added to the agenda for July 1, to determine the timeline at that point.

**Language for Proposed Charter Changes: Vote 16 and Mayoral Term Extension.** Housh addressed process, stating that the next step would be legislation to approve the language for the ballot.

Housh noted that there will need to be education regarding the Vote 16 change.

Kreeger noted that the change in the mayoral term makes sense to her in that the office is making changes and growing its responsibility level, and two years is a very short period in which to gain knowledge.

Housh noted that the change would go into effect in 2021.

Housh explained the rationale behind Vote 16, most significantly that this population tends to vote at a higher rate and then more consistently thereafter. HE noted that this is restricted to local elections.

Council generally expressed support for the idea.

Housh noted that there is an option to permit non-citizens to vote in local elections. He commented that San Francisco and Chicago permit this. Housh commented that there is misunderstanding around this aspect in other communities.

Salmeron commented that the legislation will permit DACA youth to vote in local elections.

Housh responded to a question from Bates, stating that the matter may raise attention at the State level, which could prompt a challenge.

Housh responded to a question from MacQueen, stating that this is within the parameters of what the Village is able to do as a charter community.

Housh stated that he will bring back charter change language to the July 1<sup>st</sup> meeting. Housh commented that the Clerk keeps a separate list of these eligible voters in those communities who have passed this change. He commented that he will reach out to the School Board on the matter.

**Mid-Year Review of 2019 Village Goals.** Housh introduced the topic, noting the documents included in the packet. He asked that Council reflect on where the goals stand at this point and where Council believes they should be directed.

MacQueen advocated for reducing the goals in general, preferring a five-year plan that focuses on details. She asked that the agenda be organized around goals to the greatest extent possible.

Housh commented his general agreement that tactics for accomplishing the goals should be reviewed, and that the goals be realistic.

Kreeger suggested a retreat, noting that Council should really determine which goals heavily impact the community, with attention to staff capacity, and determine which of the goals must be addressed and maintain those goals.

Housh noted that “commissions are supposed to be providing capacity.”

Sanford suggested assessing what resources are either already in place or potentially available to assist in the goals effort.

Council decided to hold a retreat July 12 from 1-4pm.

Housh asked that each Council person come prepared to address which and why each goal was a priority.

Salmeron suggested that he create a matrix which he could code for priority and for timeline. Housh asked to meet with Salmeron on the matter.

**Creating a Housing Board.** MacQueen commented that she does not feel prepared at this point to proceed with an ordinance. She stated that she would like Salmeron to be involved in the process, and that she “wants to know where we are going with the process” before creating a Housing Board.

MacQueen commented that she has felt ineffectual, and that the process is not clear to her, and that there is “an ambivalent and ambiguous relationship” between Home, Inc and the Village. HSe suggested that “there needs to be a conversation” before a Board is created.

Bates commented that all of the reasons MacQueen stated for not forming a Housing Board are the reasons she cites for forming the Board. Bates stated her belief that a Board would move the process forward.

Housh commented that formalizing partnerships is important, but that direction needs to be determined. Transparency is a key issue, Housh commented, as well as key players in moving the issue forward. Not having minutes and a monthly report out is difficult, he said, and a formal arrangement would create those structures.

Kreeger commented upon the overlap of this potential board with multiple players. There needs to be a balance and a high level of communication. More clarity around who are the stakeholders and greater communication in general.

Sanford commented that it is harder to argue against people than against housing or building types.

Tyler Warner, the Dayton Realtor’s Government Affairs Director, commented that the impact of planning and zoning upon development is significant, and he offered encouragement in Council moving forward in their efforts.

MacQueen stated that the MHAB spoke primarily about development of the Glass Farm.

Salmeron commented that some have a specific idea as to how the Glass Farm should be developed, but that there are others who do not agree, and that there are many questions to be addressed, such as whom to involve, who will lead the project, what types of housing to prioritize, etc.

Salmeron suggested that coalesce information on all of the parameters so that the group could agree upon a strategy. Community engagement is key in the process, he stated, from gaining opinions to achieving buy-in. This process, he said, can run parallel to development of a concept.

**Update on Revolving Loan Fund.** Kreeger traced the frustrating history of attempting to implement the RLF. Currently, she said, under the law, the Village can give the funds to the Community Foundation, which can then deposit the money in the Credit Union. This, she explained, is because the money on deposit in the Credit Union is not loaned out, but serves as a guarantee, and would only be drawn down in the event that a borrower defaulted.

Bates noted that governmental monies can only be placed in a bank or a savings and loan institution. Placement of the funds with a private non-profit entity can subvert this caveat.

Bates has sent the initial paperwork to the solicitor for his review.

#### **NEW BUSINESS**

There was no New Business.

#### **MANAGER'S REPORT**

Bates noted the following:

July 9th, 10th and 11th, staff will begin the unidirectional flushing program. This is a new procedure of flushing the pipes and will result in very discolored water. Any questions should be directed to Public Works Director Johnnie Burns.

Bates noted receipt of several complaints about people cycling or skateboarding on the sidewalks downtown. PW Director Johnnie Burns is in the process of having "No Bike or Skateboards" stenciled on the sidewalks downtown. Parr Striping is currently in town working on this, as well as several other projects.

In the ongoing effort to better serve the community, several personal have passed licensing tests, to add to the depth of our staff. New licensees are:

Water Distribution 1  
Tanner Bussey  
Dustin Harris

Sewer Collection 1  
Mike Neal

Water Treatment 1  
Sean Roose  
Kevin Martin

Second Year Lineman Class  
Dustin Harris

Burns stated that in the month of May there were nine solar applications turned in, and these are reducing the amount available as they come in, explaining the difference in the kW availability.

Burns noted that it is "first come first serve" regarding the applications.

Housh asked what contributes how much energy in terms of kW hours, so that if it makes sense to do, when availability comes up that solar is considered as a replacement option. Housh asked that Salmeron begin working on this issue.

Housh asked that the policy around the "true up" be more clearly explained.

Responding to a citizen's concern from the previous meeting, Bates noted that previously, the "true-up" for residential solar (the balancing of what excess was produced vs what was used by a particular resident) was done in December, with credits coming in January. This was done once a year because it was a manual function of staff. Each individual house that has an interconnection agreement would have to be balanced for a full twelve months, by hand. When the new software went on line, it was able to calculate the balance monthly, relieving the burden from staff. At that point, staff recommended to Council a monthly reconciliation, and Council agreed to the new process. The only change is that the true-up is now done monthly instead of annually.

Bates stressed that nothing has changed except that the true up is done monthly instead of annually, and that credits can be stockpiled and can be applied only to electric, rather than being averaged across utilities.

Regarding the rate paid for energy vs the rate reimbursed to those who produce excess from their solar, those rates are the same. Residents pay \$.11/kWh and those who produce excess with their solar are reimbursed \$.11/kWh for that excess. They are also reimbursed the power cost adjustment on that amount of energy. They are charged the readiness-for-service (RFS) fee. (The RFS is a monthly charge that goes to the capital upkeep of the system and allows the Village to be ready to serve any residences, including those producing solar.)

Bates noted a conference call scheduled for June 27<sup>th</sup> with AMP to discuss this matter.

Housh asked about plans for the “Story Walk” project.

Burns stated that he is working with Matt Housh, Mills Lawn Principal, on setting up the walk.

Housh noted that this is a collaboration among several entities, and will be implemented by the YS Library.

#### **CLERK’S REPORT**

The Clerk joined Council in thanking Bates for her service.

#### **BOARD AND COMMISSION REPORTS**

MacQueen reported that Planning Commission considered Comprehensive Land Use Plan Update RFP responses. MacQueen commented that the first choice provider is scheduled to come to the Planning Commission meeting or to meet with staff.

Kreeger reported that ESC is looking at a variety of WiFi projects as potential options for the Village. She noted that the group is also looking at the tax basis in the village as compared to other communities.

Housh added that Henry Myers has asked to meet with two Council members to gain clarification as he prepares to research the topic.

Kreeger opined that the conversation is not best led by a citizen at this point, and that the topic needs more research. She asked to meet with Salmeron on the topic, and stated that she will follow up with Myers.

Kreeger commented that ACC is still lacking a quorum, and is actively seeking members interested in social activism and arts as an expression of values.

Housh announced that Greene County Parks and Trails has agreed to fund a Greene County Trails Plan, with the idea of connecting the entire county. The first meeting will take place June 24 at the Bryan Center.

#### **FUTURE AGENDA ITEMS**

July 1:            Proposal for Participatory Budgeting  
Energy Special Improvement District  
AMP Portfolio Update  
JSC Update  
Board and Commission Expectations Review  
**Ordinance 2019-17** Repealing Section 1220.01 “Appointment of Alternate Members” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1220.01 “Appointment of Alternate Members”  
**Ordinance 2019-18** Repealing Section 1246.02 “Schedule of Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1246.02 “Schedule of Uses”  
**Ordinance 2019-19** Repealing Section 1248.02 “Schedule of Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1248.02 “Schedule of Uses”  
**Ordinance 2019-20** Repealing Section 1250.02 “Schedule of Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1250.02 “Schedule of Uses”  
**Ordinance 2019-21** Repealing Section 1258.01 “District Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1258.01 “District Uses”  
**Ordinance 2019-22** Repealing Section 1262.08 “Specific Requirements” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1262.08 “Specific Requirements”  
**Ordinance 2019-23** Repealing Section 1276.02 “Planning Commission Powers and Duties” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1276.02 “Planning Commission Powers and Duties”  
**Ordinance 2019-24** Repealing Section 1278.01 “Appointment, Meetings and Quorum” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1278.01 “Appointment, Meetings and Quorum”  
**Ordinance 2019-25** Repealing Section 1278.06 “Decisions of the Board” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1278.06 “Decisions of the Board”  
**First Reading of Ordinance 2019-26** Granting a Utility Easement to Vectren Energy Delivery of Ohio, Inc.

**Emergency Reading of Ordinance 2019-27** Authorizing and Directing the Submission to a Vote of the Electors of the Village of Yellow Springs, Ohio a Proposal to Amend Certain Provisions of the Charter of the Village of Yellow Springs, Ohio to be Voted Upon at the Next Regular Municipal Election on November 5, 2019 and Declaring an Emergency

**Reading of Resolution 2019-31** Approving the Finance Director's 2019 Budget for the Village of Yellow Springs

**Reading of Resolution 2019-32** Approving a Lease with John Bryan Community Pottery

July 15: **First Reading of Ordinance 2019-XX** Approving Supplemental Appropriations for the Third Quarter and Declaring an Emergency

**Second Reading and Public Hearing of Ordinance 2019-26** Granting a Utility Easement to Vectren Energy Delivery of Ohio, Inc. and Declaring an Emergency

**Second Readings and Public Hearings of Ordinances 2019-17 through 2019-25**

Policing Assessment Update

Revolving Loan Fund Proposal

Housing Board Discussion

Home, Inc. Update

Aug. 19: Health Assessment Results Presentation

Pool Rate Ordinance

Emergency Preparedness Update

#### **SWEARING IN**

Josue Salmeron: Village Manager. Salmeron was sworn in by President Housh.

#### **ADJOURNMENT**

At 9:38pm, MacQueen MOVED and Sanford SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 ON A VOICE VOTE.

*Please note: These notes are not verbatim. A DVD copy of the meeting is available for viewing in the Clerk of Council's office between 9am and 3pm Monday through Friday or any time via youtube link from the Village website:*

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Brian Housh, Council President

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Attest: Judy Kintner, Clerk of Council