

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

Council Chambers @ 6:30 P.M.

Monday, March 6, 2023

CALL TO ORDER

President of Council Brian Housh called the meeting to order at 6:30pm.

ROLL CALL

Present were Housh, Vice-President Kevin Stokes and Council members Marianne MacQueen, Gavin DeVore Leonard and Carmen Brown. Village Manager Josue Salmeron and Solicitor Amy Blankenship were also present.

EXECUTIVE SESSION

At 6:33, MacQueen MOVED and Stokes SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of Discussion of Potential Litigation. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

REJOINING REGULAR MEETING

At 7:03, Stokes MOVED and Brown SECONDED a MOTION TO RESUME THE REGULAR MEETING. THE MOTION PASSED 5-0 ON A VOICE VOTE.

SWEARINGS-IN

Housh swore in the YSPD Therapy dog-in-training, Shazam, who appears excited at the opportunity to serve. Chief Burge, in attendance as Handler, thanked SICSA for recommending Shazam as well as several private donors.

ANNOUNCEMENTS

Housh announced Celebrate Trails Day, April 22.

Housh noted the passing of longtime Planning Commission member John Struewing and of Villager Uta Schenck.

Housh noted the MVRPC Annual Spring Dinner on April 27th and observed that he has been named to the Executive Board of MVRPC, as well as to the Institute Steering Committee.

Housh reported that the RAISE Grant has been submitted, and thanked volunteer Cindy Sieck and the Village Manager for their assistance with this application.

Housh made a general announcement seeking Street Fair volunteers, stressing the need for volunteers for the bike-parking program.

Housh lauded Finance Director Amy Kemper for excellent performance thus far, commenting on her ability to explain Village finances clearly.

Finally, Housh wished Village Manager Salmeron a happy birthday.

CONSENT AGENDA

1. Minutes of February 21, 2023 Regular Session
2. Minutes of February 17, 2023 Special Session: Housing Workshop

Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE THE MINUTES of February 21, 2023.

Stokes MOVED and Brown SECONDED a MOTION TO AMEND THE MINUTES AS SUBMITTED BY THE CLERK. THE MOTION PASSED 5-0 ON A VOICE VOTE.

Housh CALLED THE VOTE ON APPROVAL OF THE AMENDED MINUTES, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE THE MINUTES OF FEBRUARY 17, 2023 SPECIAL MEETING. The MOTION PASSED 5-0 ON A VOICE VOTE.

REVIEW OF AGENDA

MacQueen added an Executive Session to the end of the meeting for the purpose of “consideration of the annual evaluation of the village manager as it relates to his employment and compensation.”

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Stokes reviewed the materials received.

Moiria Laughlin re: Historical Designation

Denise Swinger re: Response to Historical Designation (2)

Joan Northway re: Paid Parking

Stuart Young re: Plastics

PUBLIC HEARINGS/LEGISLATION

First Reading of Ordinance 2023-10 Repealing and Replacing Section 881.06 “Credit For Tax Paid To Other Municipalities” of the Codified Ordinances of the Village of Yellow Springs, Ohio to Change the Amount of Credit Granted by the Village of Yellow Springs for Income Tax Paid to Other Municipalities. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron thanked Villager Henry Myers for having championed this action for a number of years. He explained the positive impact of decreasing the reciprocal tax credit to the Village budget.

Salmeron provided some history of the local income tax, and provided examples as to the amount of tax that a resident who works outside of the Village might expect to pay if the ordinance is passed.

Blankenship explained that those persons who would have to start paying Village income tax will still receive a 50% credit, so they would pay half of the income tax owed to the Village if the ordinance is approved.

Blankenship noted that the ordinance can be in effect as of January 1, 2023, per RITA.

DeVore Leonard asked how long Council can wait to pass the ordinance for it is to remain retroactive.

Blankenship responded that she would have to find that specific information.

Kemper responded to a question from Stokes, stating that a municipality can provide a courtesy withholding, or those calculations can occur when citizens file their taxes.

Salmeron noted that RITA would provide information to all taxpayers regarding the reduction of the reciprocal tax, if enacted.

DeVore Leonard cited concern for the upcoming school levy and affordability in general if the measure passes. He asked for more communication among taxing entities.

Brown cited concerns regarding affordability in indicating a potential “no” vote.

Impacts and the calculations provided were discussed, with a general acknowledgement that the calculations are unavoidably generalized, but do provide a framework for the discussion.

Stokes commented that this legislation would put the Village in “about the middle” regionally regarding the tax credit. He noted that this discussion has been ongoing, and that Council has met with the other taxing entities to discuss the measure.

Henry Myers commented that some persons working outside of town do pay income tax, since if the other municipality does not tax (such as the Township), then Village taxes are paid in full. Headvocate for passage of the measure.

Reilly Dixon asked whether there are other options for adding to the Village revenues without the measure.

Housh noted ongoing discussion with the other taxing entities, stating that closing the budget gap is necessary, and that this is not an additional tax, but is a way to ask those Villagers who are benefitting from Village amenities and services to contribute. He added that Council is also looking at ways to assist Villagers who may need support to remain in town, such as Guaranteed Income and Utility Roundup.

Brown asked to see those mitigation efforts first.

Housh declined to call a vote.

The Clerk received approval to add a third Section to the ordinance adding an effective date.

DeVore Leonard asked whether the revenues added through the measure could be directed to Affordable Housing.

Blankenship responded that she would have to research the matter.

Stokes stressed that this is not a tax increase, but is only a change to the reciprocal amount provided by the Village.

First Reading of Ordinance 2023-11 Adding Chapter 454 to the Codified Ordinances of Yellow Springs for the Regulation of EV Charging Stations. DeVore Leonard MOVED and Brown SECONDED a MOTION TO APPROVE.

Salmeron noted that there will be additional legislation setting rates, with the ordinance at hand establishes the ability to regulate the stations as a parking matter.

Housh declined to call the vote.

Reading of Resolution 2023-12 Final Resolution Authorizing PID No: 113724
County/Route/Section: GRE Yellow Springs Multi-Modal FY23 Agreement No: 35530. Stokes MOVED
and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron noted that the project is 100% grant-funded and covers much of the multi-modal path
along Dayton Street, creating a single, wide, asphalt path.

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

Reading of Resolution 2023-13 Affirming the Village of Yellow Springs as a Safe and
Welcoming Community for Transgender Persons. Housh MOVED and Stokes SECONDED a MOTION
TO APPROVE.

Housh thanked Emily Seibel for requesting the resolution.

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

Reading of Resolution 2023-14 Strongly Urging the Ohio Governor and Members of the Ohio
General Assembly to Restore the Local Government Fund to Pre-Recession Levels. MacQueen MOVED
and Stokes SECONDED a MOTION TO APPROVE.

Housh spoke strongly regarding the loss of these funds to municipalities in Ohio. He noted that
the Rainy Day Fund is now at maximum, yet the State continues to hold those funds.

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

CITIZEN CONCERNS

Alyssa Paolletta thanked Council for passing the resolution in support of Transgender persons,
noting legislation and activities taking place nationally to undermine transgender rights.

Emily Seibel thanked Council for the Transgender affirming legislation and announced the second
annual Day of Transgender Visibility activities set for March 18th starting at 6pm at the Coretta Scott King
Center. She asked for a Council member to read the legislation at this event.

Wayne Gulden expressed his concern regarding an overflowing dumpster in Kieth's Alley,
alleging that "there is not enough room" and that there will not be enough room to allow "Dave
Chappelle's glass shoebox" to open onto the alley.

Dino Pallotta stated that Rumpke has recently bought out Vince's Refuse, and this created a short-
term problem, which Pallotta assured those present would be addressed immediately, noting that he is in
communication with Rumpke.

SPECIAL REPORTS

Gas Aggregation Presentation. SOPEC Executive Director Luke Sulfridge, Executive Director,
gave a presentation on all aspects of SOPEC and their mission. Also present was Philip Leppla, Legal
Counsel.

In response to a question from Council, Salmeron commented that the partnership will allow
SOPEC to negotiate for lower rates with gas suppliers, using the benefit of multiple municipalities to
negotiate lower rates.

Housh commented that SOPEC “checks the boxes” in terms of aligning with Village goals, and does have solar capacity, should that be desired in the future.

Salmeron addressed another question, stating that Villagers can opt out, but would be automatically included otherwise, and billing would remain as it currently is arranged, through Center Point.

Housh asked all members of Council if they were in agreement with partnering with SOPEC, at least at this point, and all members responded in the affirmative.

Salmeron noted that there will be two public hearings held on March 17th at 11am and on March 20th at 5pm, prior to legislation being brought to Council on the 20th.

Environmental Commission End of Year Report. Rebecca Potter provided the annual report.

MacQueen asked for assurance that EC’s budget requests had been approved, and was asked to bring those requests back to the next Council meeting.

Housh stated that he would like a case to be made for some of the budget items, such as Community Gardens.

End of Year (2022) Financials. Kemper presented the End of Year financials. She summarized that the Village had a decrease in cash, but did end the year having spent less than originally budgeted.

Kemper noted this resulted in a gain of just over \$900,000.00.

Salmeron explained that much of this was due to unfilled positions as well as some project expenses that were pushed forward to 2023.

Kemper noted that the Enterprise funds all lost revenue, and commented that this is where the additional revenue gained through adjustment of the reciprocal income tax credit will need to go. “We can’t support enterprises out of the General Fund long term,” she said.

Kemper stressed that project expenses were passed into 2023, as were unexpended funds.

Kemper noted a reduction in WesBanco funds, as a significant portion was moved into Star Ohio as those rates began to climb.

Kemper reviewed the Utility Roundup and Council Commission budgets.

Salmeron commented that about \$16,000.00 in expenses was incurred by Council for events but was charged to the General Fund. He stated that he is working to rectify this situation.

Kemper responded to a question from DeVore Leonard, stating that the quarterly financials will be presented in May, and will then be on a regular schedule.

Housh characterized the increased revenue as not necessarily a good thing, given that several departments have been operating with below minimum staffing levels for some time.

Housh MOVED TO APPROVE THE ANNUAL 2022 FINANCIALS. Stokes SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Treasurer's Report. The Treasurer presented the investment report for September through December 2022. Of note was the increase in interest rates which has driven Star Ohio rates up above 4%. Funds are now distributed with about 3 million in WesBanco, about 1.7 million in Raymond James, and about 6 million in Star Ohio.

Interest earnings from investments for all of 2022 were: Raymond James: \$20,309.42, WesBanco: \$102,517.17, and Star Ohio \$22,687.12, for a total interest income in 2022 of \$146,384.54.

The Finance Committee and Financial Consultant Brad Drager will continue to monitor market shifts, as the forecast is for recession in the next 2-3 years.

MANAGER'S REPORT

Salmeron noted progress on the Dayton Street sewer reroute project.

Salmeron made note of several upcoming grant opportunities, and noted submission to FEMA for un-covered COVID expenses.

Housh noted a need for more information regarding municipal broadband as this project rolls out.

Salmeron stated that the project currently has 48 customers fully connected. He noted work with Ellis Jacobs in an effort to join the Lifeline Project.

OLD BUSINESS

Housing Retreat Report Out. MacQueen summarized information garnered from the retreat. She noted that the Glass Farm was selected for focus for housing development in the near future, and noted a timeline which would result in an RFP in about August of 2023.

Housh commented that the Corry Street property would need about \$155,000.00 to reroute the sewer line, but that this is manageable given grant funds available.

DeVore Leonard, MacQueen and Brown all expressed desire to serve on a Housing Committee.

Brown expressed appreciation for the information provided by Swinger and Burns for the Housing Retreat.

Housh asked that a second Housing Retreat be set up, and suggested that DeVore Leonard and Brown serve on the committee.

Salmeron stated that he will set up a first meeting asap.

Single Use Plastics Ban Discussion. Housh asked which Council members were planning to participate, given the limit of two Council members who can participate.

Salmeron commented that this meeting is focused on the downtown business owners.

Housh note that "some balls were dropped" at the last Street Fair with regard to recycling and overall management of waste. This signature event, he said, should reflect our values with regard to achieving a lower carbon and waste footprint.

Housh asked that all Street Fair vendors be required to use other than plastic bags. He acknowledged that plastic cups might be difficult to address, but opined that if an alternative is not on

offer, that any beer sold is canned. Housh stressed that while the Village may not be a sponsor, perception that the event aligns with Village Values is pervasive.

Housh commented his hope that the Chamber will work with the Village on this matter.

Blankenship clarified that the approach described would not require legislation, and appears to be an excellent solution. She suggested that compliance with the non-use of plastics could be made part of the permitting process.

Salmeron responded that the Chamber issues permits to vendors for Street Fair.

DeVore Leonard asked for clarification as to why this matter is being brought forth.

Housh responded that waste-reduction is a Village goal, and that the issue of single use plastics had come up several meetings ago.

DeVore Leonard commented that the issue seems to be taking a fair amount of energy.

Mark Heise accepted responsibility for “dropping the ball” on recycling for Street Fair, stating that nearly everyone running the event last year was new to the task.

Heise commented that the road to zero waste is a long one and will require a great deal of work.

Dino Pallotta commented that switching over products takes time and has to work into a business plan. He stated that he has started doing research on recycling and on product options, but stressed that this creates new work for business owners.

NEW BUSINESS

There was no new business.

FUTURE AGENDA ITEMS

March 20: **Second Reading and Public Hearing of Ordinance 2023-10** Repealing and Replacing Section 881.06 “Credit For Tax Paid To Other Municipalities” of the Codified Ordinances of the Village of Yellow Springs, Ohio to Change the Amount of Credit Granted by the Village of Yellow Springs for Income Tax Paid to Other Municipalities
 Second Reading and Public Hearing of Ordinance 2023-11 Adding Chapter 454 to the Codified Ordinances of Yellow Springs for the Regulation of EV Charging Stations
 Emergency Reading of Ordinance 2023- 12 Approving the Plan of Operation and Governance for the Sustainable Ohio Public Energy Council (“SOPEC”) Natural Gas Aggregation Program, for the Purpose of Jointly Establishing and Implementing a Natural Gas Aggregation Program, and Declaring an Emergency
 Ordinance 2023-XX Repealing and Replacing Chapter: 860 Solicitors and Itinerant Vendors
 Ordinance 2023-XX Adjusting Pool Fees for 2023
 Resolution 2023-15 Approving Electric Vehicle Charging Fee Schedule in Accordance with Chapter 454 of the Codified Ordinances of the Village of Yellow Springs
 Resolution Authorizing a Contract with XX for Annual Tree Trimming
 Resolution Formally Establishing a Volunteer Policy and Waiver Form
 Discussion of Recommended **Fees for Village Events**
 Recommendation for Establishing a **REC Policy**
 Review of CASP Goals

2022 Village Annual Report

Lawson Place Update

Home, Inc. Request for Funding

- April 3:** **Emergency Reading of Ordinance 2023-16** Authorizing the Village to Enter into the Sustainable Ohio Public Energy Council (“SOPEC”), the Execution and Delivery of the Agreement Establishing SOPEC, Approving the Bylaws of SOPEC, and Declaring an Emergency
 Second Reading and Public Hearing of Ordinance 2023-XX Repealing and Replacing Chapter: 860 Solicitors and Itinerant Vendors
 Second Reading and Public Hearing of Ordinance 2023-XX Adjusting Pool Fees for 2023
 First Reading of Ordinance 2023-XX Approving Home, Inc. Preliminary PUD Plan
 Text Amendment Ordinances: 2023-15 through 2023-22
 Discussion of Event Fees
- April 17:** **First Reading of Ordinance 2023-XX** Approving Home, Inc. Preliminary PUD Plan
 Text Amendment Ordinances: 2023-15 through 2023-22
 Ordinance 2023-0X Amending the Personnel Policy Manual to Incorporate Anti-Discrimination Language per OCRC Settlement

EXECUTIVE SESSION

At 9:41, Stokes MOVED and MacQueen SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of Consideration of the Annual Evaluation of the Village Manager as it Relates to Employment and Compensation. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

At 10:07pm Housh MOVED and Stokes SECONDED a MOTION TO EXIT EXECUTIVE SESSION and RECONVENE THE REGULAR MEETING. The MOTION PASSED 5-0 ON A VOICE VOTE.

ADJOURNMENT

At 10:08pm, DeVore Leonard MOVED TO ADJOURN. Stokes SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council