

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

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

**Monday, August 21, 2023**

**CALL TO ORDER**

President of Council Brian Housh called the meeting to order at 7:01pm.

**ROLL CALL**

Present were President Housh, Vice President Kevin Stokes and Council members Marianne MacQueen, Carmen Brown and Gavin DeVore Leonard. Village Manager Josue Salmeron, Finance Director Amy Kemper, Public Works Director Johnnie Burns and Solicitor Amy Blankenship were also present.

**ANNOUNCEMENTS**

Salmeron relayed information regarding the Hawthorne Apartments fire, praising YSPD, Miami Township Fire Rescue and the multiple departments who assisted in fighting the fire. He stated that the COS is assisting displaced residents, and the property owners are relocating some families into other units at Hawthorne.

Housh drew attention to an improperly parked recumbent bike that had blocked most of a downtown sidewalk, urging thoughtfulness for pedestrians.

YS Home, Inc. Director Emily Seibel announced that YSHI has received a grant for \$1,469,017 to assist in funding phase one of the Cascades Project. She noted that this is the third attempt to secure funds, and thanked Village government for their support in the effort. She noted the Village tap fee waiver for phase one and funding helped to secure the grant, stating that phase one funding of 2.3 million dollars is now complete. YSHI is taking an "interest list" but does have 275 households now on the wait list.

MacQueen announced a farewell party for departing Village Manager Salmeron at Gaunt Park Pool on August 31.

**CONSENT AGENDA**

1. Minutes of July 17, 2023 Regular Session
2. Minutes of July 28, 2023 Special Meeting
3. Minutes of August 7, 2023 Special Session

Stokes MOVED and Brown SECONDED a MOTION TO APPROVE THE MINUTES of July 17, 2023. The MOTION PASSED 5-0 ON A VOICE VOTE.

DeVore Leonard MOVED and MacQueen SECONDED a MOTION TO APPROVE THE MINUTES of July 28, 2023. The MOTION PASSED 5-0 ON A VOICE VOTE.

MacQueen MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE THE MINUTES of August 7, 2023. The MOTION PASSED 5-0 ON A VOICE VOTE.

**REVIEW OF AGENDA**

Housh requested that legislation concerning the Green Space fund be moved to New Business.

DeVore Leonard requested that a discussion item regarding a check-in process for the Interim Village Manager be added to New Business.

## **PETITIONS/COMMUNICATIONS**

The Clerk will receive and file:

Neighborhood Action Group re: Traffic Concerns  
Jerry Papania re: Traffic Concerns  
Kent Bristol re: Burns as Interim VM  
GCPH re: Drive Sober  
GCPH re: Workshop Invitation  
GCPH re: National Immunization Month  
Matt Raska re: Bloomberg Article  
Mayor's Court Clerk re: Mayor's Monthly Report (2)  
Marianne MacQueen re: Housing Coalition Information  
Carmen Brown re: Safety Meeting with Perales

Stokes reviewed the materials received, and acknowledged late receipt of three letters regarding traffic safety which will be in the next Council packet.

## **PUBLIC HEARINGS/LEGISLATION**

Housh called for a motion to waive the full reading of Ordinance 2023-34. Stokes MOVED and DeVore Leonard SECONDED a MOTION TO WAIVE FULL READING. The MOTION PASSED 5-0 on a VOICE VOTE.

**Emergency Reading of Ordinance 2023-34** Approving a Third Quarter 2023 Supplemental Appropriation and Declaring an Emergency. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Kemper stated that this is the fourth supplemental for 2024. Kemper went through all of the transfers, explaining each, summarizing that the supplemental is "primarily grants and cleanup".

Kemper explained Resolution 2023-63, noting that the practice has been recommend by the Auditor as a way of assuring that Council is clearly aware of all transfers being made in any supplemental.

Housh OPENED THE PUBLIC HEARING. There being no comment, Housh CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**Reading of Resolution 2023- 59** Approving an Employment Agreement with Johnnie Burns to Serve as Public Works Director. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Blankenship noted that Burns' Public Works Director contract had expired, necessitating a new contract. He continues at the same salary and under the same terms, she explained, and the Public Works contract will be held in abeyance once the contract for Interim Village Manager goes into effect. Conversely, once the Interim Village Manager contract is no longer in effect, Burns will be under the terms and conditions stated in the PW Director contract.

Housh CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**Reading of Resolution 2023-60** Approving an Employment Agreement with Johnnie Burns to Serve as Interim Village Manager. Stokes MOVED and Brown SECONDED a MOTION TO APPROVE.

Housh noted that this contract states that Burns will continue to act in the role of PW Director while undertaking the duties of Village Manager. He will receive an increase in pay during this time, and will receive regular check-ins with Council to assure that the conditions are workable and fair.

DeVore Leonard received confirmation that the contract contemplates that Burns will serve in the Interim capacity for as long as a year.

Housh CALLED THE VOTE. The MOTION PASSED 5-0 ON A VOICE VOTE.

**Reading of Resolution 2023-61** Authorizing the Village Manager to Purchase 400 Anixer Electric Meters for Ongoing Meter Upgrade and Replacement. MacQueen MOVED and Brown SECONDED a MOTION TO APPROVE.

Burns stated that this is phase two of four, and that some of the funds will be returned to the Village since the developers of Spring Meadows will purchase the meters for that development.

Responding to a question from MacQueen, Burns stated that the meters interact to provide data to the Village, creating greater efficiency.

Housh CALLED THE VOTE. The MOTION PASSED 5-0 ON A VOICE VOTE.

**Reading of Resolution 2023-62** Authorizing Payment of Invoices with a Then and Now Certificate for the Third Quarter of 2023. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Kemper explained that the resolution is needed to pay a bill for street sweeping that had “fallen through the cracks” previously. She responded to a question from Housh, stating that the Village has now purchased a street sweeper and will be accomplishing this task in-house in the future.

Housh CALLED THE VOTE. The MOTION PASSED 5-0 ON A VOICE VOTE.

**Reading of Resolution 2023-63** Acknowledging Transfer of Funds Third Quarter 2023. DeVore Leonard MOVED and Brown SECONDED a MOTION TO APPROVE.

Salmeron referenced Kemper’s earlier explanation, noting the resolution as a best practice suggested by the auditors whenever there is a transfer of funds.

Housh CALLED THE VOTE. The MOTION PASSED 5-0 ON A VOICE VOTE.

## **CITIZEN CONCERNS**

Dorothee Bouquet spoke as a member of the Active Transportation Advisory Committee, thanking the Village crews for making sidewalks and streets safer for the reopening of schools. She added that the School Travel Plan needs an interim update and that this is being addressed by the ATAC.

Bouquet announced that there will be weekly “bike to school” events to assure regular safe riding practice.

Chris Bongorno, Co-Chair of the ATAC shared thanks for the back-to-school improvements. He added thanks for the Village securing funds to complete the multi-modal path along Dayton Street. He echoed Bouquet's intention to update the School Travel Plan.

Mitzie Miller thanked Village staff and property owners for sidewalk safety efforts, exhorting more and ongoing efforts.

Marian Stewart complained again regarding the striping of Dayton Street areas as no-parking zones, stating that there was no marking "for years," and that residents have been inconvenienced. She promised to return with a petition.

Housh asked for a report in writing for the next packet regarding the rationale for the no-parking areas on Dayton Street.

### **SPECIAL REPORTS**

**Second Quarter Financials.** Kemper presented the second quarter financials. She noted that overall, as of June 30, the Village is ahead of expected revenue prediction, at 68% revenue received at mid-year, while expenditures are slightly behind, at 44%.

Kemper noted interest and Mayor's Court revenues.

Housh asked for a prediction for the rest of the year.

Kemper stated that there is likely to be about a 2 million dollar decrease in cash balances at the end of the year, which is an improvement from the expected 3.4 million. This depends in some part on whether or not the contract previously held with JNT can be reassigned to another provider in 2023.

DeVore Leonard MOVED TO APPROVE THE SECOND QUARTER FINANCIALS.  
MacQueen SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

**Treasurer Report.** Kintner went over the Treasurer's report, noting revenues as of June 30 exceeding those of 2022 by \$98,297 at the same point last year. She thanked Kemper and WesBanco officials for raising the Village's locked interest rate from 4.95% to 5.46% as of August 10<sup>th</sup>.

Stokes urged Villagers to donate to the Utility Round Up fund.

### **MANAGER'S REPORT**

Salmeron noted a request from the YS Children's Center for the donation of a family pass to the 2024 pool season. He stated that he and Housh are willing to fund this donation, and welcomed any other Council members to contribute if they are so inclined.

Jessica Thomas, representing the YS Children's Center Board, thanked Council and the Village for the donation, and outlined the benefit it will have for their annual fundraiser.

Salmeron again thanked firefighters and the Village crew for their outstanding work to contain the Hawthorne Apartment fire. He noted that the Village is working with affected residents to adjust utility bills as needed. He thanked the YS School district for their assistance in transporting families to the Bryan Center during the event.

DeVore Leonard asked that future Manager's Reports associate activities with Village goals.

Housh noted good progress in the area of affordable housing efforts, lauding Home, Inc. for receiving the grant for the Cascades project. He asked for an update regarding current housing efforts.

Salmeron stated that the DDC project will bring 90 homes, a significant contribution to housing stock.

Salmeron stated that with regard to the current discussion regarding housing, the Housing Committee has prioritized four areas in the Village which are Village-owned as a starting point for considering development. He noted that ease of tap-in, capacity, and zoning restrictions are all factors.

Housh commented on the Corry Street property as a high priority for potential development, based upon proximity to utilities and size. He noted that the conversation is ongoing and active. Housh stated that Village staff have requested a pause in the work as the transition in Village Managers takes place, and the Housing Committee has responded by setting their next meeting in November. He stated that the committee has heard the request for wider representation. Housh stressed that the group is making progress in addressing the Bowen Study and recognizes the need to improve communication.

DeVore Leonard added that staff have advised that housing on the Glass Farm is a major undertaking, which is why that location is not prioritized on the housing location list. He reiterated the need for good communication.

DeVore Leonard commented that a number of strategies have been discussed, including inclusionary zoning, prioritization of types of housing, types of affordable housing, etc. DeVore Leonard stated that the Housing Committee wants to be aware of staff time, and acknowledges the effort required to readjust to the Interim Village Manager and changes that entails.

DeVore Leonard noted that Habitat for Humanity has contacted the Village, and this is something the committee will consider.

MacQueen stated that she is not in favor of partnering with Habitat for Humanity, stressing the relationship with Home, Inc.

## **OLD BUSINESS**

**Economic Development Slide Deck.** Stokes introduced the concept, stating the need for consistent materials to present to potential developers and businesses.

Lisa Abel, Yellow Springs Development Corporation Chair, spoke to the need for strong messaging in light of economic development in the region which is poised to bring “living wage jobs” to this area of the state. She commented that the goal is to attract smaller suppliers, from “five to twenty” such businesses, to this area.

Abel commented on the increasing lack of affordability in the village, stating that influx of jobs can significantly improve affordability. She asked Council for comment on the selected text and slides.

Council members made several suggestions, and Housh raised the idea of a “leave behind” brochure.

Housh asked for a sub-committee to address the deck.

Abel responded that there is such a committee, and that more work will be done on the deck.

Housh commented that more work needs to be done, and that he is happy to be involved.

Abel asked for more stories of “under the radar” businesses in the village. She stated that funding is an issue, and asked whether there is some availability for incentives. She also commented that the lack of a Township expansion plan is a limiting factor.

Housh responded that incentives can be considered on a case by case basis.

Salmeron noted that zoning permit fees can potentially be waived, and that there are other options available through the county.

Brown asked that the term “walkable” be replaced with a more accurate adjective.

Abel requested next steps, and was informed that Council will comment within two weeks.

DeVore Leonard stated that the document does not need to return to Council.

YSDC will continue to review the deck.

Housh asked to be kept in the loop.

**2024 Budget Process.** Kemper referenced the budget development calendar, commenting that the process is already underway internally. The Clerk will contact Council for final budget workshop dates.

Kemper fielded a number of questions and suggested that Finance Committee be used to vet some parts of the process.

**Process for Requesting Council Funds for 2024.** Blankenship reviewed the application process. She commented that the idea is to add predictability to the budgeting process.

Stokes asked where the “cans and cannots” could be included, and Kemper responded that these can be added.

DeVore Leonard commented that viability should be waived for some smaller requesters. He commented that the process may have to be phased in for the first year.

Kemper stressed the utility of knowing costs to the greatest extent possible.

Brown asked that there be an outreach to stakeholders.

Housh agreed to coordinate an outreach effort with Brown.

**Event Fees Semi-Final Actual Cost.** Kemper presented the costs calculated to date for events. She explained the process used to calculate costs, noting the amount of Council contribution for each event.

Housh noted that vendor fees have served to offset some costs.

A discussion regarding Council budget as differentiated from other areas of the budget and as responsive to events ensued, with some comparison to other communities’ methodologies. Blankenship pointed out that most Village budget items are predictable, and that is less often the case for Council-specific budget items.

## NEW BUSINESS

**Transfer of Funds from “Green Space Fund”: Discussion.** Kemper stated that she had received comment from the auditors during the annual audit regarding the number of funds the Village has open but which have seen little to no activity in the past 2 years.

Kemper explained that permission from the Board of Taxation is required to move money from a restricted fund back to the General Fund, a process that takes several months, such that it is easier to hold funds in the General Fund and bring forth a supplemental if access to funding is required.

Kemper pointed out that the \$211,000 in the fund has remained untouched for over two years and cannot be used for anything other than purchase of land/green space. If there is no direct plan, she advised, let’s move those funds so that they are more readily accessible.

MacQueen stated that the money was set aside for the purchase of easements and that she would like it to remain there.

Kemper stated that the Village has to show use and need to retain a fund.

Stokes opined that there is no harm in complying with the Auditor’s request.

Michelle Burns, Tecumseh Land Trust Executive Director, stated that Council had passed a resolution setting aside \$200,000 as a match for a five-year grant that TLT did receive from for the purchase of easements in the Jacoby Watershed. The match was to be applied to properties that were identified by the Village as priority properties.

Burns stated that TLT applied for a one-year extension and had received an extension of the grant through August 31, 2024. She stated that TLT would like to make “one last push” for identified priority properties, but does not want to engage in these efforts if the funding is not available.

Burns commented that “one of the priority properties is likely to go up for sale within the month.” She stated that Nick Boutis is also attempting to acquire an easement on another priority property, and she will reach out to him for further information.

Burns stressed that having the funds at the ready is key for property acquisition.

Stokes received confirmation from Kemper that the funds could be moved into the General Fund but still earmarked for TLT.

Responding to Council questions, Burns clarified that due to a delay in funds being issued, the grant did not begin in 2022 as stated in Council’s Resolution, but in 2023. She stated that TLT received word that they had been permitted a one-year extension in July of 2023, and had not reported that to Council until this meeting.

Kemper stated that there is not a resolution in place to hold the funds past August 31, 2023, so that one is needed if she is to properly maintain the \$205,000 in the Greenspace fund.

Brown received confirmation that a resolution would likely satisfy auditors.

DeVore Leonard asked to see more documentation regarding the grant, and asked to see a map of the priority properties.

Burns commented that last year, \$125,000 was removed from the Electric fund to cover a match for grant funding for a Clean Ohio grant for Glen Helen to remove a coal firing chimney. He indicated that he believes this could have been funded from the Greenspace fund.

MacQueen noted that that allocation had been tied to the sale of Renewable Energy Credits, hence the use of the Electric fund resource.

**Bicycle and Pedestrian Safety.** Brown reported on a meeting with Greene County Commissioner Rick Perales on August 10<sup>th</sup>, in which she, Scott Osterholm and Perales visited the Ellis Bike Spur to discuss safety issues, specifically what Greene County could contribute to safety efforts. She noted that Perales suggested that Village officials connect with Greene County Engineer Stephanie Goff.

Brown commented that a day after the meeting, Greene County had replaced the stop signs at each end of the bikepath.

Housh reflected that Commissioner Perales tends change meetings at will, and he was disappointed that he, Burns and Salmeron had not had the opportunity to engage, since they had been told the meeting was at the Bryan Center.

Housh stated that he had spoken to Jon Dobney from Greene County Parks and Trails, who recommended against rumble strips on the trail. He noted information from Engineer Goff recommending against cautionary signage and speed humps.

Housh commented that there seem to be “four buckets” related to the traffic safety issue, as follows:

1. Traffic Calming: long term strategy.
2. Polecat/Ellis Spur: Place rumble strips on Polecat on the lead-up to the bike spur.
3. Sight Lines: determine where sight lines need to be improved from driver and walker perspective.
4. Speed Cameras: These can serve to slow speeders and suggest piloting on YS/Fairfield Road. He commented that there “should be no loss to the Local Government Fund.

Brown expressed agreement with the above, acknowledging the need for increased enforcement of traffic violations.

DeVore Leonard asked for more information on traffic calming, expressing skepticism regarding the push back on speed bumps.

Housh asked for more information on speed cameras at the next meeting.

**Village Manager/Council Check-Ins.** Housh stated that he and MacQueen had checked in with Salmeron in August, and will check in with Burns in September.

## **BOARD AND COMMISSION REPORTS**

These were provided in writing only.

## **FUTURE AGENDA ITEMS**

**Sept. 5:** Event Fee Budgeting Discussion

**Resolution 2023-65** Authorizing Retention of up to \$205,000 in the Green Space Fund through August 31, 2024 for the Tecumseh Land Trust's Natural Resources Conservation Partnership Program Grant

**Resolution 2023-63** Authorizing the Village Manager to Enter into a Contract with the City of Xenia for Emergency Dispatch Services

**Resolution 2023-xx** Establishing an Internal Control and Forfeiture Policy  
MOU for Shared Dispatch

Stop Start Continue List Discussion

**Sept. 18:** Update from Housing Committee  
Electric Rate Study Report

#### **ADJOURNMENT**

At 9:36pm, Stokes MOVED TO ADJOURN. Brown SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

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Brian Housh, Council President

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Attest: Judy Kintner, Clerk of Council