

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

Council Chambers @ 6:00 P.M.

Tuesday, January 2, 2024

CALL TO ORDER

President of Council Kevin Stokes called the meeting to order at 6:03pm.

ROLL CALL

Present were President Stokes, Vice President Gavin DeVore Leonard and Council members Brian Housh and Carmen Brown. Interim Village Manager Johnnie Burns and Solicitor Amy Blankenship were also present. Trish Gustafson arrived at 6:27.

EXECUTIVE SESSION

At 6:04, Housh MOVED TO ENTER EXECUTIVE SESSION for the Purpose of Discussion of Pending or Imminent Litigation and for Discussion of the Evaluation of a Public Employee. DeVore Leonard SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE. Burns and Blankenship were present in the Executive Session. The Clerk joined the session at 6:50.

At 7:13, Brown MOVED and Housh SECONDED a MOTION TO ENTER REGULAR SESSION. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

SWEARING IN OF NEW COUNCIL (7:00)

Mayor Conine ceremonially swore in returning Council members Brown and DeVore Leonard, and new Council member Gustafson.

ROLL CALL

The Clerk called the roll: all Council members present.

NOMINATION/VOTE FOR PRESIDENT OF COUNCIL

Housh NOMINATED Stokes for Council President. Stokes accepted the nomination and called the vote. The NOMINATION PASSED 5-0 ON A ROLL CALL VOTE.

NOMINATION/VOTE FOR VICE PRESIDENT OF COUNCIL

Stokes NOMINATED DeVore Leonard for COUNCIL Vice-President. DeVore Leonard accepted the nomination. Stokes called the vote, and the NOMINATION PASSED 5-0 ON A ROLL CALL VOTE.

ANNOUNCEMENTS

Housh thanked the Village for supporting Kwanzaa.

Housh thanked Village crews and MTFR for a successful New Year's Eve Ball Drop.

Housh made note of former Council member Gerry Simms' birthday and noted that Council's next meeting will follow the MLK Jr. Day holiday.

CONSENT AGENDA

1. Minutes of December 18, 2023 Regular Session

Brown MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE THE MINUTES of December 4, 2023. The MOTION PASSED 5-0 ON A VOICE VOTE.

REVIEW OF AGENDA

Resolutions 2024-05 and 2024-06 were added to the agenda.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Council Clerk re: Certification

Dino Pallotta re: Praise for Stokes and Burns

DeVore Leonard reviewed the letters received.

PUBLIC HEARINGS/LEGISLATION

Reading of Resolution 2024-01 Authorizing the Sale During Calendar Year 2022 of Municipally Owned Personal Property which is Not Needed for Public Use, or Which is Obsolete or Unfit for the Use for Which it was Acquired, by Internet Auction, Pursuant to Ohio Revised Code Section 721.15(D). Brown MOVED and Housh SECONDED a MOTION TO APPROVE.

Burns explained the resolution as a housekeeping item needed to sell off Village items no longer needed.

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

Reading of Resolution 2024-03 Authorizing the Interim Village Manager to Enter into a Lease Agreement for 201 South Walnut Street. Brown MOVED and Housh SECONDED a MOTION TO APPROVE.

Burns noted the need for extensive repair and renovation of the building, stating that the YSCF has agreed to be responsible for any repairs or maintenance required during their occupancy, and has additionally offered to renovate the electric service; remediate any mold; put in new entry doors; renovate the bathrooms to create an ADA compliant bathroom, and renovate the main floor.

The Village will provide a \$60,000 tenant allowance to facilitate the above renovation and repair Activities, as the tenant has agreed to work with the Village to complete recommended renovations and improvements.

The agreed-upon rent of \$1,500 represents a 100% increase in that the prior tenant arrangement did not include payment of rent.

Housh received information that the basement will not be used, since it needs improvements.

Jennamarie Cox, Community Foundation, noted that the Foundation's occupancy will provide office space to non-profits as-needed.

Mitzie Miller received confirmation that rent includes utilities and is \$1,500/month.

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

Reading of Resolution 2024-04 Authorizing the Interim Village Manager to Enter into a Contract for Marketing of the Village CBE Property. Brown MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE.

Stokes commented that while there have been efforts to market the CBE in the past, this action is to respond specifically to current opportunities provided by incoming area industry and support businesses.

Brown noted that the Village community is “vibrant and diverse” and having Moody, who is knowledgeable regarding the benefits of this community, will be a great advantage.

Housh commented on past efforts to market the CBE, noting that prior efforts were with entities that did not have intimate knowledge of the Village. He commented on cost of hiring Moody in terms of the 6% brokerage fee, stating that it would be justified if she is successful.

Gustafson asked whether economic development has been identified as a skill set that will be required of the permanent Village Manager or whether Council has assigned the task of working with Moody to a staff person.

Burns responded that he will be working with Moody for the foreseeable future.

Allison Moody stated that she will take on all upfront costs associated with marketing, and will receive a commission if a parcel is sold.

Housh asked several times what would occur if Cresco desires to expand.

Moody stated that in the event this were to occur, the process would be the same as for any other interested buyer.

Housh asked what would occur if the Village were to want to pursue housing on the CBE.

Moody stated that the property belongs to the Village, and that while the current use identified for the CBE is business, if the Village “finds a path to make a shift,” she is “here to sell your property as you see fit.”

Moody clarified that she will represent only the Village for sale of the CBE property.

Gustafson asked again about the Village Manager search.

Brown requested that the conversation stay on topic.

DeVore Leonard stated that conversation regarding economic development and the VM search has not occurred.

Gustafson asked whether Burns “will receive compensation for any sale of CBE land.”

Brown responded with an emphatic, “no”.

Mitzie Miller asked various questions related to terms of the contract.

Housh stated that Council “is well aware of the challenge presented by the covenants and restrictions,” refuting previous statements characterizing Council members as uninformed on this topic.

Blankenship interjected that any potential sale requires a 30-day notice in the local paper and Council approval in the form of legislation, so there is no danger of Council not being informed of any potential sale.

Lisa Abel, YSDC, commented that the opportunity available currently for supply chain production and work force development is huge. She noted that Moody had already brought in a group wanting to consolidate

“between Montgomery and Clark counties” for a production item necessary to the new Intel plant. “Allison is the right person at the right time,” she stated.

Gustafson again raised the issue of economic development as related to the VM search.

Brown again requested that Council stay focused on the legislation at hand.

Housh again questioned why Cresco would need to fall under “this contract” if they wished to expand.

Stokes responded that Cresco has an additional five acres on which to expand currently.

Housh pushed the point, requesting that this be put on the record.

Moody commented that as a direct response to her marketing, Cresco might respond to a called action, meaning that they would be pressured to purchase land they may not have felt any urgency to acquire prior to the called action.

Stokes CALLED THE VOTE, and the MOTION PASSED 4-0 with Gustafson abstaining.

Reading of Resolution 2024-05 Approving Participation in the AMP Renewable Energy Credits Sale/Purchase Program. Brown MOVED and Housh SECONDED a MOTION TO APPROVE.

Burns explained that AMP needs the resolution to proceed with the sale as requested by the Village.

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

Stokes noted that changes to the Clerk’s contract regarding compensation are required, necessitating a new resolution. He CALLED FOR A MOTION TO REPEAL RESOLUTION 2023-83. Brown MOVED TO REPEAL RESOLUTION 2023-83. DeVore Leonard SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Reading of Resolution 2024-06 Approving a Contract with the Clerk of Council. DeVore Leonard MOVED and Brown SECONDED a MOTION TO APPROVE.

Blankenship explained that because the Clerk’s contract includes longevity pay, there had been some confusion among Council members as to the amount that Council should allocate for wage increase and/or merit. Blankenship noted that Council and staff have been discussing the need to streamline Village contracts and to review the Village Personnel Policy Manual, which makes it prudent to have the contract a one-year option so that any changes codified during 2024 can then be reflected in the next contract.

Housh commented that the 3.5% referenced in the legislation will be added to the Clerk’s longevity pay for a total increase of 7.7% after March 2nd.

Stokes CALLED THE VOTE, and the MOTION PASSED 5-0 on a VOICE VOTE.

CITIZEN CONCERNS

Mitzie Miller thanked staff and citizens for clearing sidewalks. She commented an AARP grant focused on sidewalk improvement is being applied for to forward these measures. She made four requests on behalf of the group.

SPECIAL REPORTS

Meter Reader Rose Pelzl: Tantalus Meter Update and Helpful Tips for Utility Customers. Pelzl enthusiastically provided information and tips for water and electric utility customers.

MANAGER'S REPORT

Burns announced that six of the available lots in the Spring Meadows development have already sold.

Burns reported that the team has submitted a grant application to ODOT for sidewalk replacement to cover a large portion of the Safe Routes to School plan (the YS Fairfield Road to Ridgecrest Drive to Dayton Street portion). Final application will be submitted in February for this 1.4 million dollar grant.

Burns stated that the team is working to develop grant requests for HB 168 for water line replacement.

Burns noted that repainting of the second water tower will occur in July, which will mean that tower will be down for two to three months. He added that there will be a campaign to develop a logo at a later time.

The Library Commission is requesting permission from Council to expand the mosaic on the front of the building.

Housh MOVED TO APPROVE EXPANSION OF THE LIBRARY MOSAIC AS REQUESTED. Brown SECONDED, and the MOTION PASSED 5-0 on a VOICE VOTE.

Burns reported that the speed bump on Fairfield has been successful and will likely be replaced with three more gradual speed humps on that stretch.

Brown asked that Council discuss YSPD engaging in a ticketing campaign to address the drivers now speeding down King Street, as Chief Burge had suggested as a possibility some time ago.

Burns reported that the team will be brining the streets prior to any snow event, which has been effective and cuts the amount of salt required.

The Multi Modal path is nearly complete, with only a few bump outs and beacons left to install.

Kieth's Alley will be closed for utility work: the team is pushing information out aggressively to businesses and Villagers.

Burns noted a power outage and sewer mail break on Christmas Eve.

Burns pointed out reports provided in the packet of positive inspections by Tecumseh Land Trust of all Village-owned conserved land.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

Monthly Check-in with Interim Village Manager. The Clerk noted that she had provided a schedule for the monthly check-ins Council had requested with the Interim Village Manager. All Council members will rotate with the Council President at every check-in.

Burns commented that the check-ins have helped him be more responsive.

Housh noted that a check in with the Clerk for all Council had been suggested, and the Clerk agreed to create a rotating schedule for every-other month.

DeVore Leonard brought up the idea of a “quarterly management check,” suggesting a 30-minute Executive Session.

Brown disagreed with this idea, stating that if things are going well, there is no need for an Executive Session.

Stokes responded that “more time together” is a good thing.

Blankenship read the Ohio Revised Code standards for Executive Session, noting that if the session relates to evaluation of the manager, it is permissible.

The discussion then turned to work sessions and then morphed into discussing the Village Manager search process.

Brown asked that the discussion stay on topic.

Stokes stated that Council can discuss work sessions at their scheduled retreat.

FUTURE AGENDA ITEMS

Council discussed the Village Goals process briefly. The process will begin with an initial conversation on the 16th. Stokes asked all Council members to review the goals and consider any potential changes or additions. Housh suggested beginning with the “stop/start/continue” list. Stokes and Housh agreed to meet to refine the Village goal sheet prior to the 16th.

- Jan. 16:** **Reading of Resolution 2024-07** Authorizing the Interim Village Manger to Undertake All Necessary Action to Enact an Eviction
 Reading of Resolution 2024-08 Accepting Phase One Improvements for Spring Meadows
 Council Membership on Boards and Commissions
 Village Goals Discussion
 Broadband Update
- Jan. 26:** Council Retreat: 12-4pm
- Feb. 5:** Planning Commission End of Year Report
 PACC End of Year Report
- Feb. 20:** Environmental Commission End of Year Report

ADJOURNMENT

At 9:17pm, Brown MOVED TO ADJOURN. Housh SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Kevin Stokes, Council President

Attest: Judy Kintner, Clerk of Council