

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

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

**Monday, March 5, 2018**

**CALL TO ORDER**

Vice President of Council Marianne MacQueen called the meeting to order at 7:01pm.

**ROLL CALL**

Present were MacQueen and Council members Kevin Stokes and Lisa Kreeger. Also present were Village Manager Patti Bates, Assistant Village Manager Melissa Dodd, Village Solicitor Chris Conard, and Sergeant Naomi Watson. President of Council Brian Housh and Council member Hempfling were out of town.

**ANNOUNCEMENTS**

Florence Randolph was recognized by Chief Carlson as the newly hired Outreach Specialist. Chief Carlson gave thanks to those who assisted in the creation of the new position, particularly noting the work of Kate Hamilton.

MacQueen announced a Saturday morning, 9-12, bird language club held at Trailside.

Bates announced that the Village will experience brown water on March 20<sup>th</sup>, due to valve exercising. She also noted giveaway of high efficiency light bulbs in the Bryan Center lobby until they are gone.

**CONSENT AGENDA**

Minutes of February 20, 2018 Regular Meeting were reviewed.

Kreeger MOVED and Stokes SECONDED a MOTION TO APPROVE the Minutes as amended. The MOTION PASSED 3-0 on a voice vote.

**REVIEW OF AGENDA**

Stokes and Kreeger added nominations to New Business.

**PETITIONS/COMMUNICATIONS**

MacQueen reviewed communications received as follows:

Pam Nicodemus re: Utility Rates  
365 Group re: Event Poster  
Brian Housh re: Council Goal Comment Cards  
Clerk re: Referendum Information from 2002  
Clerk re: Cities and Villages--Jon Hudson Sculpture

**PUBLIC HEARINGS/LEGISLATION**

Second Reading and Public Hearing of Ordinance 2018-03 Repealing Chapter 881 "Earned Income Tax Regulations Effective Beginning January 1, 2016" Of The Codified Ordinances Of The Village Of Yellow Springs, Ohio And Enacting New Chapter 881 "Earned Income Tax Regulations Effective Beginning January 1, 2016" and Declaring an Emergency.

This ordinance was moved to the Special Meeting of Council scheduled for March 13, due to the need for a super-majority for passage.

Conard explained that litigation is still pending. In response to a question from Kreeger, Conard stated that the legislation will not affect other than business owners, who would need to select whether the municipality or the central state government will collect their taxes.

Stokes noted that the State plans to charge a 5% fee for collection.

**CITIZEN CONCERNS**

Kelly Grey asked that Council support his effort to have more advanced protection against mass shooting placed in the schools, including a plan of action and metal detectors. He offered to purchase a metal detector.

Bates noted that the Village shares the concerns and has a meeting planned with Mario Basora next week to discuss a higher level police involvement.

Sergeant Watson noted that these conversations are taking place. She urged parents and citizens regarding ösee something say somethingö.

Kreeger noted that the new renovation designs do take this concern into account.

## **SPECIAL REPORTS**

There were no Special Reports.

## **OLD BUSINESS**

**Continuation of Board and Commission Discussion.** The Clerk presented updated documents and received feedback from Council. She will continue to amend the documents and bring these back for further scrutiny on March 19<sup>th</sup>.

Kreeger asked that the documents be more clearly differentiated, and suggested a öFAQö document that might be placed on the website.

MacQueen commented that she did not think that Board and Commission members should need to follow all aspects of Sunshine Law, as those seem prohibitive to some aspects of group function.

The Clerk was asked to provide an outline of training materials for review.

These will be available for the March 19<sup>th</sup> meeting.

**Report re: Utility Roundup.** Kreeger introduced the topic, noting that any program should be based upon recommendations made by a Finance Committee tasked with reviewing all Village needs with regard to utility infrastructure. She noted that there are EPA requirements to consider as well as infrastructure related to growth.

Kreeger acknowledged the importance of collaboration with Village staff in the process.

She recommended a two-pronged approach that both understands and addresses affordability of utilities while moving forward on a utility relief program.

Kreeger noted other options which can achieve the same goals as a round up program through different methods.

Kreeger broke the strategy down as follows:

1. Analyze financial models to evaluate utility rates and financial implications for the Village
2. Identify rate structure revisions that may impact affordability in Yellow Springs
3. Implement a Utility Round-Up Program
4. Identify education and outreach programs, in collaboration with other Village organizations, for more efficient utility consumption in Yellow Springs

Kreeger asked that the HRC be requested to vet portions of a round up program while the Finance Committee is working on the financial piece. She noted that utility affordability would start as a Finance Committee action, but would then need to move to an analysis as to how to engage 501C(3) organizations, which could be an HRC function.

Kreeger's idea called for a completed analysis by July of 2018.

In response to a question from MacQueen, Kreeger stated that while the roundup program is included in Council Goals, there are further issues, such as overall approaches to utility affordability, which need to be discussed separately.

Stokes asked that the financial analysis be thorough prior to moving forward. He asked that the öbig pictureö not be called öroundupö if in fact multiple strategies are being considered. Stokes stated that he was comfortable taking the charge to the HRC, but asked that the charge be clear, and the strategies open for consideration be clear.

Kreeger asked that HRC be charged with identification of individuals and 501c(3) organizations to share a focus on utility affordability education and action.

David Turner addressed Council, asking that Council address the issue of nepotism with regard to Boards and Commissions.

Turner stated that öaffordabilityö has to be clearly defined prior to implementing any round up program.

**Housing Initiative Update (Inclusionary Zoning and Community Conversations).** MacQueen announcer four upcoming Community Conversations slated for April. Each Conversation session will be the

same information and basic set up. These are: April 4 at Mills Lawn at 7pm; April 5 at the Senior Center at 10:30; 3. April 9 at the First Baptist Church at 6pm and April 21 at 2pm at the John Bryan Center.

Council reviewed the proposed powerpoint presentation and proposed questions.

MacQueen raised the issue of an inclusionary zoning code. She stated that she has been researching the matter but has not yet determined whether the idea is workable locally.

David Turner asked about how the data were derived, and received responses from Bates. He asked again for better definition of terms, and clarity regarding what Village government can and cannot do.

Richard Lapedes asked Council to consider not only the definition of affordable to be clear, but that the goal be defined with regard to how much of the housing stock is to be affordable. He advocated for a balanced community with regard to housing stock.

**Revolving Loan Fund Follow-Up (Designated Community Investment Corporation).** Conard addressed the matter, noting that a DCIC is an economic development tool. He commented if Council is concerned only with the Revolving Loan Fund (RLF), a DCIC does not make good sense. If, however, the Village is interested in a larger set of incentives, a DCIC would make sense.

In response to questions from MacQueen, Conard stated that issuing loans through the RLF would not be any issue if there were a DCIC. He pointed out, however, that if the overall available amounts did not change much he highly doubted that there would be any significant concern with the Yellow Springs Credit Union vetting loans or any significant concern with even the Village itself issuing loans.

Kreeger noted that if the loans are vetted through the Village, then those become public documents, and privacy is sacrificed.

Conard commented that a DCIC should be part of a larger Economic Development plan, likely including an ED director.

Kreeger will take the thoughts to the ESC and report back.

Richard Lapedes spoke in favor of a DCIC. He noted that strategic planning for infrastructure investment, while a shared concern for the Township Trustees, the School Board and the Village government is not discussed holistically. There is no cost-free way to sustain or improve a system, and, he commented, piecemeal infrastructure support often results in divisive and destructive competition among the vested entities.

Lack of planning can lead to sub-optimal results from the taxpayer's perspective, Lapedes commented, and can lead to divisive competition for that taxpayer funding. These can lead to delays in addressing issues.

Lapedes supported the idea of a DCIC as a means to bring these entities together and approach infrastructural support needs. He noted that detailed reports regarding infrastructure needs and projections would have to be provided annually.

Finally, Lapedes asked that if a DCIC is formed, that it be the sole recipient of the potential 2% community funding promised by Cresco to the Village.

Conard noted that the cost of formation of a CIC is in the \$1,500-\$5,000 range.

**Pool Rate Increase Discussion.** Dodd noted the current rate structure as having been implemented in 2009. She noted that she, Burns and Samantha Stewart had walked through the pool facility last week, and that she, Bates and Burns will walk through again soon to finalize repair needs for 2018.

Dodd stated that regardless of Council opinion on the current fees, she would like to add an "Adult-plus-one" fee line to the current structure.

Kreeger noted that she is eager to learn how much the rates would have to increase to meet expenses, and that she does not see those "dots connecting".

Dodd stated that she might have preliminary estimates in the next several weeks, and would try to have hard numbers by the first meeting in April.

Kreeger asked for an ongoing revenue document.

Dodd noted that rates have never kept up with expenses, and is viewed as a community recreational service to some extent.

Dodd stated that the parks and recreation Capital Improvement Fund has some leeway built in, and those funds could be earmarked for the pool to address the immediate repair needs.

MacQueen suggested that ongoing maintenance be a part of an annual capital improvement fund for the pool, and asked for the last three years of revenue for the April 2 meeting.

## **NEW BUSINESS**

**Proposed Finance Committee of Council.** Kreeger noted her proposal for a Village Manager Committee for Finance with a focus on affordability in the Village. She suggested that the group initially be comprised of herself, Housh, Bates and Dodd, with room for participants with specific skill sets to join in when/as needed. She asked to bring the idea back after a time for a decision as to whether the group should remain a Manager's Committee or should become a Board or Commission of Council.

Stoke wondered whether the group should include the Village Treasurer, and was told that that position was itself undergoing scrutiny.

Bates noted that she had met with her staff and did not have objections.

MacQueen asked that the planning meeting address the matter further.

**Food Forest Proposal.** Bates stated that she had told Wendi Van Buren, an Urban Forester with the Ohio Department of Natural Resources, that she would be retiring in 2019, she asked that they do a final project together. Bates stated that she wanted to offer something that would give back to the community on a continuing basis. To that end, Bates proposed the installation of a small food forest on Village property on Xenia Avenue at Allen Street. Some of the proposed species include ramps, pawpaw, persimmons, pecan, serviceberry, hickory, sassafras, wild plum, hazelnut and raspberries.

The property is easily accessible by walking along Xenia Avenue or Allen Street. It is far enough off the road that safety is not an issue and would buffer the neighboring houses from the sound of traffic on Xenia Avenue. Additionally, this area regularly holds water during the wet season, making it difficult to maintain. The plantings would make use of this ground water issue in a positive manner, as many of the proposed species prefer moist soils. The Tree Committee has agreed to help with the installation and the first two years of watering.

Kreeger MOVED TO APPROVE A FOOD FOREST AT THE CORNER OF XENIA AVENUE AND ALLEN STREETS. Stokes SECONDED and the MOTION PASSED 3-0 on a voice vote.

## **NOMINATIONS**

Stokes NOMINATED Cindy Shaw as a full member of the Human Relations Commission. Kreeger SECONDED, and the MOTION PASSED 3-0 on a voice vote.

Stokes noted that he has met with and interviewed Gerald Simms for the Community Access Panel. The board is still on hiatus, and a decision is pending with regard to future direction.

Kreeger NOMINATED Gerald Simms as a full member of the Economic Sustainability Commission. MacQueen SECONDED, and the MOTION PASSED 3-0 on a voice vote.

Kreeger NOMINATED John Booth as a full member of the Justice System Task Force. Stokes SECONDED and the MOTION PASSED 3-0 on a voice vote.

## **MANAGER'S REPORT**

All summer openings at the Gaunt Park Pool have been posted.

Johnnie Burns and crew have been cleaning up Sutton Farm and have posted numerous pieces of old or obsolete equipment on Gov Deals. After all is said and done, the Village will net \$41,800 for the equipment on Gov Deals. One particular note, recalling the bucket truck that the Village had planned to trade in: the dealer had offered \$15,000 as a trade in. The truck was listed with that as a minimum bid on Gov Deals and eventually sold for \$30,500.

Bates noted work on the Youth Center.

Bates noted that she just signed the contract for construction of the Crew Quarters at Sutton Farm.

## **ASSISTANT VILLAGE MANAGER/FINANCE DIRECTOR REPORT**

Dodd noted that in reviewing Village utility ordinances she has realized that the Village does not have a "continuity of service clause". This is a standard clause that outlines that the Village will make reasonable provisions to supply continuous electric, water and sewer service to customers but cannot be responsible in the event of natural occurrences or accidents which could cause outages.

If Council is supportive of this addition to utility ordinances, Dodd stated that she would like to bring an ordinance to add this language to a future meeting.

Dodd reported as follows: the new utility billing software was converted on Monday, February 26. Thought the process was fairly smooth overall, there were a few hiccups.

First, customers that were a ðno billð on garbage received garbage bills. The office is in the process of fixing this now and will send all affected customers a letter and will adjust off the charges.

Also, there is now a lot more information on the utility bill. Individual charges on the bills are now separated out so that customers understand how their charges are broken down. Customers will now see lines that say RFS which is the ðreadiness for serviceð charge, along with the charges for actual usage. Any additional charges are also separated out. Note that these charges have always been a part of each bill, they were just lumped together in the past.

**CHIEF’S REPORT**

There was no Chief Report.

**SOLICITOR’S REPORT**

There was no Solicitor Report.

**CLERK’S REPORT**

There was no verbal Clerk Report.

**AGENDA PLANNING**

- March 13: 7-9pm Special Council Work Session: 2018 Council Goals
- March 19: Resolution 2018-0x Approving a Taser Policy for the Yellow Springs Police Department  
Three Ordinances Adding Mobile Vending Food Trucks to B-2 General Business District  
Fees for Event Services Discussion  
Planning Commission End of Year Report  
Economic Sustainability Commission Annual Report  
Environmental Commission Annual Report  
Arts and Culture Commission Annual Report
- April 2: Tobacco 21  
Resolution 2018-XX Authorizing the Village Manager to Renew Health Insurance for Village Employees 2018-2019 Plan Year  
Resolution 2018-XX Authorizing the Village Manager to Renew Dental Insurance for Village Employees 2018-2019 Plan Year  
Pool Fee Ordinance and Information  
Designated Community Investment Corporation Discussion
- April 16: Utility Affordability

**EXECUTIVE SESSION**

There was no Executive Session

**ADJOURNMENT**

At 8:56pm, Stokes MOVED and Kreeger SECONDED a MOTION TO ADJOURN. The MOTION PASSED 3-0 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: [www.yso.com](http://www.yso.com)*

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Brian Housh, Council President

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Attest: Judy Kintner, Clerk of Council