

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

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

**Monday, July 15, 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, Kevin Stokes and Kineta Sanford. Also present was Village Manager Josue Salmeron, Public Works Director Johnnie Burns, Planning Administrator Denise Swinger and Finance Director Colleen Harris.

**EXECUTIVE SESSION**

There was no Executive Session.

**SWEARINGS IN**

Scott Fife was sworn in as an Alternate to the ESC.

**ANNOUNCEMENTS**

Kreeger shared a recognition given to the Village for its support of Agraria via the Green Space Fund.

Housh thanked the Odd Fellows, Village Team and Miami Township Fire Rescue for a great Fourth of July.

Housh noted a new Greene County Parks and Trails website.

Housh reminded all that there is no first meeting in August so that Council members and the Clerk are able to take vacation time.

Housh reported on a “Town/Gown” session at Antioch’s recent reunion in which he participated and was surprised and pleased to learn that the COS, Florence Randolph, is working to connect Antioch students and community members.

Housh gave a shout out to Meter Reader Rose Pelzl for her tips to the community on Facebook and the Village page, noting that this is exactly the kind of activity the CORCLE (Collaborative, Open, Results-Oriented, Constructive, Locally-Minded, Empathetic) Village Team Values support.

Housh noted the prevalence of cyber-attacks on governmental entities, and that Ohio is a frequently targeted state. He noted that Salmeron will be following up, and that information regarding how the Village’s data is being protected is upcoming.

Salmeron noted the systems currently in place.

**CONSENT AGENDA**

1. Minutes of July 12, 2019 Special Session: Retreat

Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE. The MOTION PASSED ON A 5-0 VOICE VOTE.

**MINUTES**

Housh moved to APPROVE the Minutes of July 1, 2019 Regular Session as amended. MacQueen SECONDED, and the MOTION PASSED 5-0 on a voice vote.

**REVIEW OF AGENDA**

Housh asked for a re-ordering of the ordinances so that the ordinances affecting transient guest lodging are read last.

**PETITIONS/COMMUNICATIONS**

MacQueen reviewed communications received as follows:

Brian Housh re: MVRPC Article  
Hap Cawood re: Solar Cap  
Donna Haller re: Solar Cap

Ruth Hoff re: Solar Cap  
Jessica Holihan re: Solar Cap  
Alice and David Kennedy re: Solar Cap  
Shaun Craig re: Solar Cap  
Volker Bahn re: Solar Cap  
Al Schlueter re: Deer Overpopulation

## **PUBLIC HEARINGS/LEGISLATION**

**Second Reading and Public Hearing of 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”. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Swinger introduced ordinances 2019-17, 23, 24 and 25. She noted that alternate members now have access not only to written minutes, but also to video of the meetings, and that if an alternate can testify that they have read all relevant materials and have viewed the proceedings, they need not have been physically present during the meeting relevant to a final hearing.

Swinger went on to note that the other ordinances bring the Zoning Code in line with the Charter, in which a quorum is described as a majority of those present, rather than as a majority of the entire body.

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

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

**Second Reading and Public Hearing of 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”. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

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

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

**Second Reading and Public Hearing of 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”. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

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

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

**Second Reading and Public Hearing of 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”. Stokes MOVED and Sanford SECONDED a MOTION TO APPROVE.

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

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

Swinger introduced ordinances 2019-18, 19, 20, 21 and 22, all of which relate to Transient Guest Lodging (TGL) in some manner. She noted that when the term “Transient Guest Lodging” was added to the Zoning Code in 2018, the use was made “Permitted” rather than “Conditional”, which it had previously been.

Swinger noted that at present there is no effective way to assure that parking issues and safety features are addressed.

Swinger referenced an informational session held to gather feedback and provide information to the community. She noted that Sanford and Planning Commission (PC) member AJ Williams had facilitated the session, which proposed that TGLs be regulated more stringently, specifically that only owner occupied dwellings be eligible for TGL status.

Swinger stated that 15 or so TGL owners had been in attendance at the session, and she enumerated the comments made by those persons, noting that those present had not been in favor of the

owner-occupied limitation proposal, citing the benefits of TGL ownership in an increasingly expensive village.

Swinger stated that PC had discussed regulation of TGLs over a three-month period and had explored many aspects of the issue, including conditional use and specific requirements, owner occupied, restriction of use by district or by number of days allowable, and allowing only permanent residents to operate TGLs.

Swinger observed that the Village Solicitor had advised against restriction on the basis of residency as potentially unconstitutional. She reported that restricting the number of days of operation presented significant difficulty with regard to enforcement, and the suggestion to restrict by district presented PC with a conundrum as to “how many are too many”.

Swinger commented that PC had discussed the issue of owner occupation as a requirement and had concluded that first there would need to be a clear description of that term.

Following thorough exploration of options for some level of restriction, PC opted to return TGL to a conditional use and to tighten up the restrictions.

Swinger noted that the conditional use process informs the community of the request and lets PC look at issues such as density, proximity to other uses, etc.

Swinger reviewed the current ownership of TGLs, stating that at present there did not seem to PC to be a critical need to regulate further than the conditional use, and that PC intends to keep an eye on TGL use moving forward.

MacQueen RECUSED herself for potential conflict of interest.

Housh commented that there have been more requests made since the report was written, and noted his desire that the issue be firmly addressed.

Housh asked for a discussion as to “what is the problem we are trying to solve”, which he identified as the negative effect of TGLs on the affordable housing market.

He asked for a discussion as to whether a conditional use makes sense. He noted his feeling that caps on the number of TGLs is not an effective policy in line with the affordability goal.

Stokes commented that a conditional use is a good starting point to begin regulation.

Sanford agreed with Stokes.

Kreeger argued that a conditional use is subjective, and noted that the majority of current TGLs are permitted as conditional uses, and supported an idea from Sanford that the fee schedule be staggered depending upon the nature of the request (owner-occupied, ADU, etc.).

Megan Bachman, Yellow Springs News, asked for an estimate regarding the time frame for a conditional use hearing, and asked what conditions had been recommended and what conditions could be imposed.

Swinger noted specific standards proposed by PC and mentioned several of those contained in the current code.

Chris Conard explained the legal understanding of “conditional use”, pointing up that the conditions imposed cannot be capricious.

Conard commented that it is worthwhile that the discussion as to “owner occupied” continue.

Karen Wintrow commented that conditional use is the minimal requirement.

Wintrow commented that she does not see an issue with investors buying up properties for TGLs, but suggested that PC continue to look at the matter as due diligence. Wintrow spoke in support of “local accountability.”

David Turner stated that he is not sympathetic to owners having to attend hearings, stating that having a TGL is an investment and should be expected to require work. Turner commented that he lives near a TGL and that this affects the tenor of the neighborhood and parking, and that the matter should receive scrutiny. Turner commented that when rent is as high as a mortgage, that is not an affordable house. Turner commented that he is in favor of requiring owner occupation.

Housh asked the Clerk to read in the legislation as follows:

**Second Reading and Public Hearing of 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”.** Sanford MOVED and Stokes SECONDED a MOTION TO APPROVE.

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

Housh CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

**Second Reading and Public Hearing of 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”. Kreeger MOVED and Sanford SECONDED a MOTION TO APPROVE.

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

Housh CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

**Second Reading and Public Hearing of 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. Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

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

Housh CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

**Second Reading and Public Hearing of 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. Sanford MOVED and Kreeger SECONDED a MOTION TO APPROVE.

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

Housh CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

**Second Reading and Public Hearing of 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. Sanford MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Swinger noted that these are the specific requirements recommended by PC, and iterated those requirements as follows:

Transient Guest Lodging.

A. Permit. Upon approval of the conditional use, the owner shall submit to the Zoning Administrator a transient guest lodging application with the applicable fee. This application includes the contact information for the owner and, if applicable, the property manager who can be contacted and will respond within a reasonable time period to any complaints, violations, emergencies or other concerns related to the transient guest lodging property or tenants.

B. Location. The Planning Commission shall consider the proposed location relative to its proximity to other such uses in the vicinity in order to avoid an undue concentration that could have a negative effect on the surrounding neighborhood. A transient guest lodging unit may be located in a dwelling unit, a room or rooms in a dwelling unit, or an accessory dwelling unit.

C. Maximum occupancy. The maximum number of tenants permitted shall be determined by applicable Health Department requirements. If the transient guest lodging is located in an accessory dwelling unit (ADU), no more than two adults shall occupy the accessory dwelling unit.

D. Utilities. The transient guest lodging unit shall share all public utilities (water/sewer/electric) with the principal dwelling unit. Transient guest lodging units will not be separately metered.

E. Parking. A minimum of one off-street parking space shall be provided on the lot for the transient guest lodging unit in addition to the off-street parking spaces required for the principal dwelling unit.

F. Ingress/Egress. No new access points or driveways shall be created or installed for access to the transient guest lodging unit.

G. Transient Guest Lodging applications are non-transferable. A change in the ownership of the property or if the application was submitted under a tenant’s name and the tenant no longer resides at this address, will void the application.

H. If the applicant is not the property owner, a letter from the property owner agreeing to the use of their dwelling for transient guest lodging is required.

I. An inspection by the Miami Township Fire and Rescue for the installation of smoke and carbon monoxide detectors must accompany the application for Transient Guest Lodging. The detectors will be inspected by MTFR annually.

Housh OPENED THE PUBLIC HEARING.

Stokes asked for clarification on letter H, and received information from Swinger that a permit for TGL had been issued to a renter in the past, which had flagged the issue.

Stokes spoke in favor of the conditional use.

Kreeger stressed “putting a high value in neighbor concerns” and the need to properly weigh these concerns with individual rights.

Swinger commented that PC had discussed this carefully.

Housh asked for a monthly update regarding TGLs.

Housh CLOSED THE PUBLIC HEARING.

Housh CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Housh asked Swinger to elaborate regarding the process for requesting property owner cooperation for mowing in the Rights of Way.

MacQueen rejoined the meeting.

Salmeron explained that a crew cannot be brought in to mow when there are too many obstacles in the yard. He noted that “all of the soft touches possible” had been explored, and that now he was exploring other options with staff.

Housh asked for information going forward.

**Second Reading and Public Hearing of Ordinance 2019-26** Granting a Utility Easement to Vectren Energy Delivery of Ohio, Inc. and Declaring an Emergency. MacQueen MOVED and Sanford SECONDED a MOTION TO APPROVE.

Salmeron explained that the ordinance permits Vectren to proceed with needed gas line work, and assures gas delivery to the affected residences. He noted that this will not create any negative impact.

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

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

**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. Kreeger MOVED and Sanford SECONDED a MOTION TO APPROVE.

The Clerk explained the ballot issues as Council has requested them framed, the first being “Vote 16” permitting residents age 16 and 17 to vote upon local matters and defining a voter as a resident of the Village, thus enabling resident non-US citizens to vote on local matters. The second ballot issue would extend the Mayoral term from two to four years.

MacQueen asked that an educational campaign be enacted if the ordinance passes.

Housh emphasized that the issues will only affect local Village elections, not school district, township, county state or federal issues, and stressed his desire to increase inclusivity in voting.

Housh noted that the Vote 16 matter is legal under the Village Charter, given that the Ohio Revised Code states that if one is 18 and a US citizen, one can vote, but it does not state that if one is younger than 18 or not a US citizen, one cannot vote. This enables the Village’s Home Rule power to give voting rights within its own jurisdiction to those under 18 and those residents who are not US citizens.

Housh OPENED THE PUBLIC HEARING.

David Turner expressed concern that 16 and 17 year olds would be highly impressionable and should be educated.

Karen Wintrow asked whether school matters would be able to be voted upon.

Housh responded that the Village cannot permit this cohort voting rights that extend into Miami Township, which precludes voting on school or township matters.

There being no further comment, Housh CLOSED THE PUBLIC HEARING.

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

**Emergency Reading of Ordinance 2019-30** Approving the Editing and Inclusion of Certain Ordinances and Resolutions as Parts of the Various Component Codes of the Codified Ordinances; Approving, Adopting and Enacting New Matter in the Updated and Revised Codified Ordinances; Repealing Ordinances and Resolutions in Conflict Therewith; Publishing the Enactment of New Matter; and Declaring an Emergency. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

The Clerk explained that this is an annual housekeeping matter that updates the Village ordinances with all ordinances Council has passed as well as with any changes to the ORC.

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

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

**Resolution 2019-34** Authorizing the Village Manager to Enter into a Contract for a Comprehensive Land Use Plan Update with Community Planning Insights. Sanford MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Swinger reported that PC had received six RFPs. Staff narrowed the list to a top three, working with the former Village Manager, and then worked with the (then) incoming Village Manager to rank the top three firms.

PC agreed with the ranking, but asked to meet with the primary contact for the recommended firm. To this end, PC met with Aaron Sorrell of CPI at their July meeting, and based on that meeting and the contents of the RFP are recommending the contract with CPI.

Housh asked how, post consultant, the website that Sorrell had mentioned implementing would be maintained.

Swinger responded that this would be done by staff. In response to a concern expressed by Housh, Swinger stated that she would explore further to assure that the website will be interactive, searchable and user friendly.

Salmeron stated that he would explore what platform would be used and how adaptable and accessible it will be.

MacQueen stated that she had been present at the Planning Commission meeting in which the CPI team presented and that she had been impressed. She urged Council to become involved, noting that a Steering Committee will soon be formed.

Housh commented that he sees as lacking a “phase zero” that lays out what ground will be covered by the CLUP. Housh noted inclusion of the parking piece as important.

Kreeger noted the scope of the work required, and urged Council to be aware of the burnout factor, given that Council is asking for a high level of engagement on a number of issues. She asked that the various efforts involving public engagement be coordinated.

Salmeron offered to assist in coordinating activities.

Housh asked that a better website name be considered.

MacQueen received confirmation that she and Kreeger will act as the liaisons with respect to the CLUP update process.

Housh asked that the following language be added to the resolution: “**WHEREAS**, it is critical that the Village of Yellow Springs regularly update its Comprehensive Land Use Plan to effectively accomplish economic and community development goals”.

Housh MOVED FOR APPROVAL OF THE AMENDED RESOLUTION. Kreeger SECONDED and the MOTION PASSED 5-0 ON A VOICE VOTE.

**Reading of Resolution 2019-35** Supporting the Greene County Master Trail Planning Effort. Kreeger MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh noted that there was a meeting on June 24<sup>th</sup> in which most municipalities in Greene County participated and agreed to move the effort forward. Housh noted that this will help support implementation of the YS Active Transportation Plan.

**Reading of Resolution 2019-36** Authorizing the Village Manager to Enter into an Agreement with the Yellow Springs Community Foundation for Fiscal Sponsorship of the Village's Utility Round Up Program (URUP). MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Salmeron explained that the Village is unable to apply directly for funding available from the Vectren Foundation but the YSCF has offered to act as the Village's fiscal agent and to apply for the grant. The grant would provide a direct donation to assist customers with utility bills.

Emily Seibel offered to make an introduction to persons at the Vectren Foundation.

Salmeron accepted the offer and noted the need to continue to push forward with the URUP program.

MacQueen commented that she would like a later discussion to move the program from "Opt In" to "Opt Out".

Housh suggested adding the following language to the resolution: **WHEREAS**, the Village of Yellow Springs seeks funding to meet the demand for Utility Round Up Program (URUP) assistance, which supports affordability and promotes an inclusive and diverse community,

Housh MOVED FOR APPROVAL OF THE AMENDED RESOLUTION. Stokes SECONDED and the MOTION PASSED 5-0 ON A VOICE VOTE.

### **SPECIAL REPORTS**

**Home, Inc. Update.** Emily Seibel, Home, Inc. Director, presented an informational PowerPoint, noting that this is the 20<sup>th</sup> year for YS Home, Inc. She reviewed the need for a community land trust model and what that model accomplishes for the Village, noting that Home, Inc has the smallest service area of any community land trust in the US. She characterized the model as "a one-time investment that remains affordable".

Housh noted the need to address the moderate income piece, highlighting that Council continues to attempt to address this.

Seibel stated Home, Inc.'s readiness to work with the Village on this effort.

**Quarterly Financials.** Harris reviewed the Quarterly Financials briefly, having supplied the documents previously, and addressed questions.

She noted no requests for assistance from the URUP program in the last two months.

In response to a question from MacQueen, Harris commented that all areas are on track, but that the third quarter will be more indicative of where the Village stands with regard to projections.

Harris responded to a question from Housh, stating that most Village investments are still earning over 2% interest. She cautioned that Star Ohio may begin reducing this rate, and it may be time to start looking at other options.

Housh noted the potential need for an Investment Advisor.

Salmeron noted the two guiding principles of the Investment Committee as preservation of capital through minimal risk. This limits the investment options, he noted, to CDs and other secure low-or-no risk options.

Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE THE QUARTERLY FINANCIALS. The MOTION PASSED 5-0 ON A VOICE VOTE.

### **CITIZEN CONCERNS**

Megan Bachman expressed concern at the lateness of the hour, noting that she had opined when Council moved Citizen Concerns to follow Special Reports that this would have a chilling effect on comment.

### **OLD BUSINESS**

**Local Solar Opportunities Update.** Salmeron reported that he and Johnnie Burns have met with Residential Solar to discuss a resolution that would raise or eliminate the cap on Residential Solar. A potential resolution would either include a significant increase to the Readiness for Service charge for Residential Solar customers to cover operating and maintenance expense or make an electric rate adjustment for buying generation from residential solar customers at a rate that allows the Village to cover operating and maintenance expenses.

Elements of a resolution that will lead to a new ordinance will address: 1) future electric rate adjustments; 2) Residential Solar customers currently enrolled under the Residential Solar Cap of 1%; and 3) transferability of current interconnection agreements.

Salmeron proposed the following timeline to address the issue:

- August 7, 10am – Art Room: Follow-up meeting with Residential Solar sponsors to review framework of new ordinance
- August 12, 7pm – Council Chambers: Community Meeting for input on framework
- August 19, 7pm – Council Chambers: Introduction of ordinance to Council - First Read
- September 3, 7pm – Council Chambers: Ordinance - Second Read
- October 3, Ordinance Effective Date

Salmeron responded to a concern from Stokes, explaining that the timeline is constructed to address concerns brought by several groups about the current 1% cap on residential solar. He explained further that the cap is ONLY on the net metering agreement and is not a cap on installation of solar technology. He cited loss of a tax credit, which will occur in 2020, as a motivator for the swift timeline.

Salmeron stressed that it is critical that whatever process is agreed upon must not burden those utility customers who are unable to purchase solar panels to lower their costs, and that finding this balance is the challenge.

Salmeron noted the goodwill on the part of the organizers and commented that he believes that he will be able to offer a fair proposal that addresses the needs of the solar advocates as well as the needs of other utility customers and of the Village as a utility provider.

Salmeron responded to a question from Kreeger, noting that there are residential and commercial solar caps, and that Antioch College utilizes the bulk of the 4% commercial solar cap.

Salmeron commented that the YS Credit Union will be participating in one of the meetings to present its loan options for residents considering installation of solar technology.

David Turner received clarification that the cap on solar generation is only for net metering, and that the payback amount for net metering does not include the Readiness for Service. He expressed that he is fine with his bill being lower if he installs solar, and does not need the Village to pay him for any excess energy generation.

Megan Bachman asked whether in fact Antioch College has “used up” the 4% commercial cap.

Salmeron stated that he will have to provide this information at a later date.

**Board and Commission Expectations Review.** Housh noted that the Clerk had prepared a Roles and Responsibilities form for Planning Commission and BZA members that addresses their unique responsibilities with regard to the Ohio Revised Code and their quasi-judicial role.

Housh expressed dismay that nearly half of board and commission members had not yet signed the form, and asked the Clerk to provide Council with names of those still needing to sign and those needing to take Sunshine Law training.

**Revolving Loan Fund Proposal.** Kreeger introduced the topic noting the hard work of the Community Foundation to support Village initiatives. She noted the process as follows:

Per legal Counsel and auditor feedback, the \$35K revolving loan funds may be deposited in a credit union if we work with the Yellow Springs Community Foundation (YSCF). The Village will transfer funds to the YSCF, which will establish an Agency Fund as collateral for revolving loans in the YSCU. An Agency Fund is preferable to other types of funds (e.g. donor advised) because the Village can request that any funds not serving as collateral for a loan can be returned to the Village.

Requested Actions from Village Staff:

Review and provide input on the process. The greatest impact is on the Finance Director.

Requested Actions from Village Council:

Review and provide input on tiered pricing approach.

Next Steps:



Village Council provide input to Lisa Kreeger. ESC establishes a subcommittee with a Chair. Legal review of YSCF fund agreement. Transfer funds to YSCF for deposit in the YSCU

### LOAN TERMS

Applicants could ask for loans of up to one-third of the available funds in the EDRLF. Initially, typical loan amounts awarded are \$5,000.00 to \$10,000.00.

Kreeger asked for Council input on the concept of tiered pricing options, which have been provided by the YSCU for the Village. She explained that the share and loan rates would work with tiered pricing as follows:

- Rate earned on deposit (which can be set at numbers Council chooses) plus 3.90% equals the loan rate.
- Tiered pricing structures loan rates to increase as credit risk increases.
- Sample is based on 5 tiers, with #1 being credit scores of 730 and higher, and declining in brackets to Tier 5.
- The model assumes that the share owners receive the increased interest income from the increased price from higher risk. The Credit Union's margin is the same regardless if the program offers tiered pricing or not.

The options were discussed, and the vetting process was explained. Kreeger noted that applicant information needs to be protected, and that the YSCU will only provide a credit worthiness rating.

Stokes suggested moving each applicant one tier higher to add value.

Housh stressed that Council does not want to get involved in the financial minutia.

Salmeron asked whether the Village can take on greater risk than a typical financial institution would to promote a potentially greater good.

Kreeger stated that she likes the idea of reducing the number of tiers.

Kreeger noted that Council would not be the first group retaining control over which applicants receive funds, but asked for input as to how that decision is finally made. She stated that if Executive Session cannot be used to determine final candidates, that means candidates will have to be publicly vetted and their information made public.

She noted that there are several options with regard to who makes the final decision, and the privacy issue factors in to that selection.

Kreeger opined that her preference would be to be able to use Executive Session to make the final decision, and that she will await a final legal opinion from Conard.

Megan Bachman asked what aspects of the process will be transparent, and stated that she would like Council to make the final decisions publicly.

Kreeger responded that the goal is to be as transparent as possible.

Housh commented that final decisions would certainly be public.

**Village Goals Update.** Housh noted that Council has identified the need to prioritize the goals, and towards that end have selected the following goals as priority items for the remainder of 2019:

Affordability (including residential development), Infrastructure Needs, Smart Planning, Fiscal Responsibility and Village Justice System as the top five goals.

Each of these will be reviewed to identify 4-5 tasks to be accomplished by the end of 2019.

Housh will compile this into a document for the August 19<sup>th</sup> meeting, and is working on a timeline with the Village Manager, which will also be used as an evaluation tool/measure for Salmeron's six-month evaluation.

### **NEW BUSINESS**

There was no New Business.

### **MANAGER'S REPORT**

Salmeron noted that the Village Team provided municipal support for two signature YS events: July 4th and SpringsFest. Both events were executed successfully with little to no incidents. Salmeron publicly recognized the leadership and teamwork of the departments, specifically the Police Department and Public Works, including Parks and Recreation.

Salmeron noted that the Village is reviewing the special events permitting process, and allocation of resources to ensure public safety during events. This is being done in collaboration with MTRF, and internal changes and recommendations, where necessary, will be made in the near future.

Salmeron noted that unidirectional flushing was successfully completed.

Vectren is engaging in on-going work along Dayton St., up to the 300 block. Vectren is also conducting video inspection of sewer lines along Xenia Avenue in preparation for horizontal boring.

Phase two of Sidewalk grinding begins July 17<sup>th</sup>: West South College, East Enon Rd, North Winter, North Walnut.

The Village has two new hires this month: 1) Meter Reader, Travis Hotaling; 2) Part-time Dispatcher, Danielle Franklin.

Salmeron requested permission to draft a letter supporting an incentive package from the State of Ohio, Greene County and Yellow Springs with the goal of retaining EnviroFlight in the Village. Salmeron also requested an Executive Session to discuss potential incentives that could be offered.

Any official offer would come before Council for final approval.

Housh commented that the letter of support will be shared with Council once it is drafted.

In response to a question from Stokes, Salmeron stated that so far, a potential \$210,000.00 is available to EnviroFlight if it applies for and receives the grant.

Council agreed that Salmeron should proceed to draft the letter, and agreed as to the importance of the business to the community.

**CLERK’S REPORT**

The Clerk noted that she will be out of the office from July 19 until August 6. She noted that Planning Commission will begin holding its meetings on the second Tuesday of each month beginning in September.

**BOARD AND COMMISSION REPORTS**

MacQueen asked for approval for Sue Pfeiffer of the Environmental Commission to explore alternative possibilities for recycling for the Village.

Council agreed to this effort, with Housh asking that EC determine what the Village pays Rumpke for recycling.

Kreeger stated that the ACC is actively recruiting new members, and recouped its quorum in July.

The latest VIDA (Village Inspiration & Design Award) will be granted to the Neuharts /Whitehall Farm for the contribution of the Sunflower Field. The date for ‘unveiling’ the award in its new location is TBD but will be in August.

A new work of art created by Sumayah Chappelle will be displayed in the John Bryan Community Center first floor lobby. Sumayah is 17 and will be a senior this year at YSHS. A reception to celebrate the new piece will be held in the near future. The ACC views this as the first hanging of art that magnifies its mission to highlight the importance of the arts to achieve social justice. This Bryan Center lobby is being considered as a space for emerging artists.

Sanford reported on the interviews she and Kreeger had conducted with former members of the JSTF regarding that experience. She stated that the assessment from Wasserman and Hass will need to be thoroughly digested before moving forward with the JSC.

**FUTURE AGENDA ITEMS**

- Aug. 19:
- First Reading of Ordinance 2019-31** 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.

**First Reading of Ordinance 2019-32** Repealing and Replacing Chapter 1042.01, Electric Service Charges: Regarding Solar Generation

Policing Assessment Update

Village Goals Update

Energy Special Improvement District Recommendation  
Bylaws Review for YS Community Development Corporation  
Pool Rate Ordinance  
Emergency Preparedness Update  
Opt Out for URUP Program Discussion  
**Resolution 2019-37** Certifying Delinquent Water, Sewer, Trash, and Storm  
Drainage Bills to the Auditor of Greene County, State of Ohio, for Placement on  
the Greene County Tax Duplicate  
Sept. 3: YS Health Assessment Results Presentation

**ADJOURNMENT**

At 9:48pm, Sanford MOVED and MacQueen SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 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