

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

In Council Chambers @ 7:00 P.M.

Tuesday, September 3, 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, Chief Carlson, Sgt. Naomi Watson, Corporal Mark Charles and Public Works Director Johnnie Burns.

ANNOUNCEMENTS

Laura Curliss announced the September 14th Porchfest as well as a fundraiser at Calypso for that event.

Kreeger noted that the Arts and Culture Commission will hold its VIDA award ceremony honoring Dave and Sharen Neuhardt for the sunflower field. That will occur on September 11 at 6pm.

Housh announced the annual 9-11 Stair Climb for Saturday the seventh at Antioch Hall.

CONSENT AGENDA

1. Minutes of August 19, 2019 Regular Session

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

REVIEW OF AGENDA

MacQueen added the Vernay Clean Up Report to New Business.

Kreeger added Board and Commission Review to New Business.

Stokes added a nomination to New Business.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

Eve Fleck re: Support of Solar Ordinance
Matan Mazursky re: Support of Solar Ordinance
Mayor's Clerk re: Report to Council and Explanation of Changes
Brian Housh re: ATP Mock Up of Walnut/Limestone Improvement Proposal
Steven Deal re: North Walnut Street Traffic
Johnnie Burns re: Sign Proposed for Bryan Center
Nick Boutis re: Draft Resolution Supporting Accessibility Improvements
Melissa Dodd re: Draft Resolution Supporting Kindness Symbol
Kate Hamilton re: Instructions for Letter to Assist Miguel Espinosa

PUBLIC HEARINGS/LEGISLATION

Second 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. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Council discussed the rates again, with Staff concern related to the varied daily rate for residents vs non-residents acknowledged, but with the opinion was expressed by several that they would like to see a way to charge a higher daily rate to non-Villagers.

Salmeron pointed out that day pass sales to non-residents are four times higher than those for residents, in support of the charge being the same across the board. He noted that the vast majority of residents hold season passes.

The ordinance will return for a third reading and official public hearing on September 16th.

Megan Bachman, Yellow Springs News, received clarification that there is no longer a Miami Township rate.

Housh stressed his desire that information be offered to residents purchasing day passes regarding the Swim for All program.

There being no further comment, Housh CALLED THE VOTE, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Second Reading and Public Hearing of Ordinance 2019-32 Repealing and Replacing Chapter 1042.01, Electric Service Charges: Regarding Solar Generation. Kreeger MOVED and Sanford SECONDED a MOTION TO APPROVE.

The proposed ordinance before Council, Repealing and Replacing Chapter 1042.01, Electric Service Charges: Regarding Solar Generation, eliminates the existing cap on residential solar, changes the interconnection agreement from “Net Metering” to “Net Billing” establishing a different BUY/SELL rate for Residential Solar Customers, and reduces the System Size for applicable power demand charges.

Over the last two weeks, staff has worked on plans to operationalizing the ordinance, which includes determining the new meter pricing, installation of meters required to capture data from new residential solar customers, and estimating Demand Charges. Through this process, it was discovered that certain customers would be adversely affected by installing systems slightly larger than 10KW, where customers will pay a higher electricity bill to VYS by switching to solar. We believe it is necessary to adjust the system size requirement for power demand charges from 10KW to 12KW.

Item	Current Ordinance	Proposed Ordinance
Interconnection Agreement	Net Metering	Net Billing
Electricity Rate for Solar Customers	Buy and Sale at same Rate of \$.11 (Net Metering)	Residents will Buy at \$.11 kWh Residents will Sale at \$.09 kWh
Power Demand Charge for On-site Generation System Size	25 KW	12 KW (change from 10KW)
Meter Type	Bi-directional meter	Bi-directional with load profile

Salmeron explained that there are a number of customers who are just over the 10KW mark, who would receive less in savings than they would pay in readiness for service charges. He noted that as in the original ordinance, the buy-rate is \$.11 and the sell rate is \$.09.

Housh clarified that even though the average load is 7KW, there are enough users in the 10-12KW range that the change is worthwhile.

Housh OPENED THE PUBLIC HEARING.

Dan Rudolf commented that the demand charge would exceed savings for those customers between 10 and 12 KW, and supported the change.

Johnnie Burns noted that two meters become necessary once a customer exceeds 10KW, also supporting the idea of a 12KW cap rather than a 10KW. He stated that there are four households that fall into this category.

Eric Johnson stated that his system falls into this category, and that he supports the change.

Housh lauded the collaborative nature of the process.

Housh noted that Council does retain the right, by ordinance, to revisit the pay back rate on an annual basis to assure that costs are not passed on to the customer base in general.

Housh CLOSED THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Reading of Resolution 2019-39 Creating an Energy Special Improvement District (eSID) for the Village of Yellow Springs. Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron stated that the resolution lets potential partners know that Council and the Village team are committed to moving forward. He indicated that one potential partner has already stepped forward.

Housh noted that establishment of an eSID paves the way for PACE financing for energy efficiency projects, which allows any entity within the eSID to finance an energy improvement for up to 10 years, with payment being added to the entity's taxes.

Housh MOVED to ADD THE WORDS "and residential and business energy efficiencies" to the first "whereas". SECONDED, and the MOTION PASSED 5-0 on a voice vote.

MacQueen MOVED to approve the resolution AS AMENDED. Kreeger SECONDED.

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

Reading of Resolution 2019-40 Approving a Contract with Majors Enterprises for Replacement of Collapsed Storm Line. MacQueen MOVED and Sanford SECONDED a MOTION TO APPROVE.

Burns explained that a storm line has collapsed, and while it is located on private property, it is in the Village's easement and needs to be repaired by the Village.

The hole is currently covered with a steel plate. The failed limestone storm drain will be replaced with a 24-inch storm drain and brick manhole. The need for repair is imminent, Burns said, and his hope is to enact the repair prior to streetfair.

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

SPECIAL REPORTS

Policing Assessment. Kreeger introduced the draft Policing Assessment, offering a timeline for the initiative, noting that the purpose of the assessment was to examine policing in the village "head to toe."

Kreeger noted the presentation as an opportunity to gain comments and feedback from citizens, staff and Council. She reminded all that much has evolved and changed since the inception of the assessment.

Kreeger asked Salmeron to provide an update regarding progress towards the suggested initiatives which may currently be underway.

Salmeron noted Emergency Management as having been an identified area of concern, and reported on the work underway to review those procedures. Salmeron noted ongoing scrutiny of police policies.

Salmeron commented upon the "strategic plan" and a number of other suggestions listed in the assessment. All of the suggestions are being addressed, Salmeron said, but he and the PD have been awaiting the report to use as a roadmap. He noted that some items are relevant, and some need to be addressed further.

Chief Carlson expressed that he is on board with the efforts underway.

MacQueen commented on the significant changes that have occurred over the last 50 years in policing, noting that there are changes that need to be made to bring the village into the 21st century.

MacQueen stated that the document may have an attachment added to it with comments from citizens, staff and Council.

MacQueen suggested that commenters focus on three issues, those being: what in the document is inaccurate; what is relevant/useful, and what information needs to be added. She noted the possibility of a public forum to gather comments at a later point.

Eric Clark suggested that the Chief report return to the Council agenda. He asked about several aspects of the report, wanting details. He commented upon the need for transparency and asked for a social media presence.

Laura Curliss commented that the Justice System Task Force (JSTF) is only mentioned in the assessment once, which is problematic. She identified as problematic the “more is better” approach of the document, stating that a small town PD does not need specialists. She noted that the question of “is the PD right-sized” should be asked. She commented on the increased militarization of the PD as shown by the command structure.

Housh noted use of the term “Yellow Springs Vision for Policing”, asking whether this inaccurately referred to the “Guidelines for Village Policing”. He observed that the report seems to be proposing a different vision when “that work has already been done”. He commented that the report should reflect that the work has been done.

Kreeger acknowledged “the miss” in the report of the work of the JSTF and of the 365 Project.

Housh agreed with the suggestion in the report that PD policies and trainings “should be codified.”

Housh stated that need to ask Wasserman and Hass for details regarding some of their suggestions around evaluations and “reduction of internal tensions”.

Stokes asked that more tactical details be provided as well as budgetary impacts of those details.

Sanford commented upon the models of a social justice-oriented PD, stating that models are needed to provide concrete steps to achieving the kind of PD the village desires.

MacQueen stated the need to partner with the community to enact change which is addressed in the report, and asked how that would be achieved.

Kreeger asked that the report return to the agenda and asked for a mechanism for comment to be returned to Council. These comments should be gathered so that they can be incorporated into strategizing the plan. She asked that the suggested initiatives be mapped to the Guidelines for Village Policing.

Kreeger commented on the word “transparency”, stating that she sees the identified issue as not one of obfuscation but of a need for more consistent sharing of activities and occurrences—proactive communication.

Curliss commented upon the difficulty of managing social media for a police department.

Housh commented on the balance between discretion and policy and how impacts of fixed policies can be detrimental, asking how common sense and scenario testing come into play. Housh referenced the Villages “Welcoming Community” resolution, noting that the resolution captures how the Village wants the PD to treat its citizens and visitors.

CITIZEN CONCERNS

Update Regarding Arrest of Local Business Owner. Salmeron read the statement released over the weekend regarding the arrest of Miguel Espinosa, which reads in part as follows:

Current police protocol instructs our officers take repeat offenders of these particular offenses to the Greene County Jail as an effort to change the behavior. We are saddened by the unintended consequences of our protocol on Mr. Espinosa. We, as a municipal government and police department, must face the reality of the catastrophic damage that our actions can have, particularly on our vulnerable populations.

Salmeron noted that Espinosa is an employer, parent, and vibrant member of the community, and stated that the issue at this point is “how do we help him return to the community at this point. How can we help?”

Salmeron acknowledged that he and the PD would be reviewing policies and protocols with an eye to whether unintended consequences could occur from following those policies as seems to be the case in the current instance.

MacQueen commented that officers have been instructed not to ask about citizenship status, which might have made a difference in this case.

Salmeron noted that the village is politically quite different from the rest of Greene County, and awareness of the heightened difference is needed in the current political climate. We rely on partnerships with entities who do not share our cultural values, he stated, and this must be acknowledged and carefully navigated.

MacQueen noted that personal accountability is a factor, in that the police department is tasked with keeping villagers safe, including preventing those who do not have proper licensure from driving.

Laura Curliss stated that all cases which can, should go through Mayor's Court, which would have prevented the current situation from occurring. She suggested that the Village refuse to pay for any housing of "the prisoner". She asked for scenario training for officers.

Salmeron noted that cases which are not sent to Mayor's Court are those with enhancements, and this case could not have gone through Mayor's Court.

Housh read Resolution 2018-42 in full, noting that it may conflict with policy in some cases and that it should be held in mind when policies are reviewed.

OLD BUSINESS

Ballot Initiative Update. The Clerk noted that the Board of Elections (BOE) had approved the ballot language as to form, so the language is set.

Salmeron commented that the BOE had some members who had wanted to address "social policy issues" while two members had steered the conversation back to the issue of whether the issue met the legal standards.

Housh commented that regardless of how the vote turns out, this is a victory for the guarantee of Home Rule, which guarantees local control over local matters.

Megan Bachman received confirmation that a resident of the village aged 16 or older will be eligible to vote in municipal elections if the measure passes.

The Clerk noted that the BOE had raised concern regarding potential cost, and that the Director of the BOE, Llyn McCoy had handled these concerns well, stating several times that the particulars would be figured out if the ballot measure passes.

Kreeger asked that a communication strategy be put in place to visit the schools and enact outreach.

Housh noted that a citizen committee is being formed currently.

Vernay Clean Up Proposal Update. Mark Ewalt of the Environmental Commission (EC) gave an update, noting that the EPA has scheduled two meetings in October, one with Village staff and one with the public.

Ewalt noted that in preparation for the private meeting, EC is working with two Wright State University professors, one, Denise Taylor will create an executive summary, while Professor Abuwal will offer technical comments. The goal is for EC to be able to ask informed questions of the EPA.

Salmeron noted that the EPA has asked to hold a third meeting in October to include village residents.

Ewalt opined that the public meeting will be more informational.

In response to a question from Housh, Ewalt noted that the WSU professors are volunteering their time.

Housh asked whether the professors might be able to meet with the Village team at some point prior to the EPA meeting to review the executive summary.

Ewalt noted two and possibly three upcoming meetings of the EC to prepare for the EPA session.

MacQueen asked whether the volunteer consultants would assist with writing comments for the EPA.

Ewalt responded that he was certain they would be helpful in this regard.

Proposal for Active Transportation Committee. This was moved to the following meeting.

NEW BUSINESS

Utility Round Up "Opt-Out" Discussion. Stokes related his agreement with the staff position on the "Opt-Out" proposal, stating that the program appears to be working well at this point and there is significant staff objection to the proposal.

Mark Ewalt referenced Oberlin's Round Up program.

Stokes responded that the Village's program is different.

Kreeger commented that the program was a lot of work to get started and that she is unwilling to permit it to fail, and asked that the matter come back to Council if it begins to falter.

MacQueen stated that the decision should be Council's as a body.

Sanford suggested making the program an Opt Out with a time period to opt out before any money is rounded up from a person's account.

House Bill 229 Discussion. Stokes asked Council to consider a resolution or statement supporting the bill, which would make it more difficult for a landlord to turn down Section 8 vouchers.

Housh asked Stokes to put the proposed bill in the next packet and to draft a resolution for Council to consider at the same meeting.

Board and Commission Review. Kreeger asked that members of boards and commissions be included in a reassessment of those bodies. She noted shifting priorities and limited availability of younger citizens to engage.

Kreeger suggested creating a simple template for each board/commission and to facilitate a discussion with those members to elicit feedback regarding ways to maximize the work of the board/commission.

Kreeger noted that Council needs to focus in, and that boards and commissions need to commit to that same level of focus.

MacQueen suggested changes in the ways persons are engaged in various topics to enable them to remain engaged.

Housh asked that the suggested template go into the next packet.

Kreeger asked the Clerk to pull the mission statements for each board/commission for the next meeting.

Housh commented that a decision needs to be made regarding the Justice System Commission, asking for other suggestions to be brought to a discussion at the next meeting.

Stokes suggested realigning commissions as a possibility.

HRC Nomination. Stokes NOMINATED Lindsay Burke as a full member of HRC. Housh SECONDED and the MOTION PASSED 5-0 on a voice vote.

MANAGER'S REPORT

Salmeron reported on the following:

Railroad Street Parking Lot: Lot was resurfaced and expanded with capacity of 45 more parking spaces. New parking layout with parking blocks is complete.

Bryan Center Parking Lot: Lot expanded with capacity of 26 more parking spaces, improvements planned for the recreational space. Project will be completed during the week of Sept 9th.

Housh received information that the donation boxes are up, and he asked that this be revisited if the donations do not come in, with perhaps signage and the possibility of a paid lot if that does not work.

Now that the spaces have been more than doubled for the Village lot at Railroad Street, Housh said, the rental for Peaches for that lot during Street Fair should also double.

1. New Driveway is complete
2. Repairs and fence painting is complete.
3. Additional lighting, with manual timer, was added to courts.
4. Power-washing and seal coating planned for basketball courts and parking lot.
5. Repairs and cleanup to hillside, stairs, and storm drain are in progress

Various Projects:

1. Power washing at Bryan Center.

2. Corry Sewer line replacement project.

Over the last two weeks, Emergency Management departments met to review Emergency Management and Operations Roles to identify any gaps in our policies and address them in the coming months.

The following are additional efforts underway.

- 1. Police Command Staff participated in Active Threat EMP on August 20-21 at the Montgomery County SO. TC.
- 2. Updated Roles and Responsibilities of the Emergency Support Functions (ESFs) for Local Incidents.

Salmeron then listed the 15 areas being addressed in the Emergency Operations Plan.

MacQueen asked for a presentation at Council once the plan is completed.

With regard to the Utility Round Up Program, Salmeron noted that Stokes has asked that the amount being requested through the Verizon grant be increased to \$10,000.0 to ensure sustainability of the program.

Salmeron outlined the budget discussion process set for September through November.

Salmeron outlined the Active Transportation Plan (ATP) project being discussed. He noted that the communication aspect of the program will begin on September 9th, with the temporary barriers and cones placed on the affected streets on September 21st. The initiative would then run through October 12th, with feedback gathered throughout the process.

Salmeron then described the pilot, noting that Walnut will be one-way south to a right-turn only onto Limestone starting at Elm Street. Pull-in parking and a space for drop off/pick up available in front of Mills Lawn.

Housh noted that during the six-month vetting process for the ATP, the project that was consistently identified as most critical was a solution to the pick-up/drop-off situation at Mills Lawn. He noted that this is being done with the support of the school system and is temporary.

Megan Bachman questioned starting the one-way at Elm Street, suggesting that it start at Short Street.

Salmeron concurred, suggesting that the Village would like to start the one-way at Short Street, and would like to experiment with making Short Street one-way west.

Salmeron noted that the Village would like to put in a left turn lane and street markings at the light on Xenia Avenue so that cars turning onto Limestone do not hold up traffic.

Housh stressed that this is temporary, and in response to community identified problem areas.

Salmeron asked for permission to proceed with making Short Street temporarily one-way as a part of the same project.

Burns stressed that once a left-turn light is installed on Xenia Avenue at Limestone it will be permanent. He noted that the drop-off on Limestone will be eliminated.

Council reviewed the proposed new sign for the Village building and offered suggestions. A final decision will be made at the next meeting.

CLERK’S REPORT

There was no Clerk Report.

FUTURE AGENDA ITEMS

- Sept. 16: **Third Reading and Public Hearing 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.
Greta Mayer: Mental Health & Recovery Board of Clark, Greene & Madison Counties re: Annual Report
YS Health Assessment Results Presentation

- Policing Assessment Discussion
- Board and Commission Review
- Resolution in Support of HB 229
- Resolution in Support of Glen Initiatives
- First Reading of Ordinance re: Revolving Loan Fund
- Oct. 7:
- Oct. 21: Draft 2020 Village Budget
- Nov. 4: First Reading of Ordinance Approving the 2020 Budget for the Village of Yellow Springs
- Nov. 18: Second Reading and Public Hearing of Ordinance Approving the 2020 Budget for the Village of Yellow Springs
- Dec. 2:
- Dec. 16:

EXECUTIVE SESSION

There was no Executive Session

ADJOURNMENT

At 9:44pm, Kreeger 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:

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council