

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

In Council Chambers @ 7:00 P.M.

Monday, January 6, 2020

CALL TO ORDER

President of Council Brian Housh called the meeting to order at 7:00pm.

SWEARING IN OF NEW AND RETURNING COUNCIL MEMBERS

Mayor Conine swore in Lisa Kreeger, Marianne MacQueen and Laura Curliss.

ROLL CALL

Present were President Housh, Vice President Marianne MacQueen and Council members Lisa Kreeger, Kevin Stokes and Laura Curliss.

NOMINATION OF COUNCIL PRESIDENT AND VICE PRESIDENT

MacQueen NOMINATED Housh. Stokes SECONDED. Housh CALLED THE VOTE, and the MOTION PASSED 4-0 with Housh abstaining.

VOTE FOR COUNCIL PRESIDENT AND VICE PRESIDENT

Kreeger NOMINATED MacQueen. Housh SECONDED. Housh CALLED THE VOTE, and the MOTION PASSED 5-0.

ANNOUNCEMENTS

MacQueen acknowledged the recent passing of Tony Bent, long time Council member (between 18 and 20 years), who also served as Council President for a number of those years. She noted the contribution of these elders to the fabric of the community.

Stokes announced that the Kwanzaa Committee had awarded its annual Nguzo Saba award for achievement of the seven Kwanzaan principles to “past and present members of the HRC”. Stokes noted that he accepted the award on behalf of the HRC.

Kreeger announced the schedule for the Village’s MLK Junior Day celebration.

Housh acknowledged the efforts of MTRF, the YSPD and Village Crew for a successful New Year’s Eve event.

Housh noted Dave Chappelle’s winning of the Mark Twain Prize.

Housh encouraged those listening to address concerns to state legislators over their passage of legislation preventing Ohio communities’ ability to pass plastics bans and their recent letter in support of opposition to Roe v. Wade. He commented that Ohio’s legislature seems out of step with their constituents.

Salmeron announced Christmas Tree pickup for Thursday and Friday.

Salmeron read a bulletin from Homeland Security urging terrorism awareness.

MINUTES

1. Minutes of December 16, 2019 Regular Session

MacQueen MOVED and Kreeger SECONDED a MOTION TO ADOPT the MINUTES AS AMENDED. The MOTION PASSED ON A 4-0 VOICE VOTE, with Curliss abstaining.

REVIEW OF AGENDA

Curliss asked that Resolution 2020-05 be moved to discussion.

Curliss MOVED to move Resolution 2020-05 to Future Agenda Items. The MOTION FAILED for lack of a second.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

Lisa Crosswhite re: Complaint re: Temporary Traffic Project Study Discussion
Gilah Pomerantz re: Complaint re: Temporary Traffic Project Study Discussion
Kathy Adams re: Temporary Traffic Project Study Discussion

Economic Sustainability Commission re: Proposed MOU

Council discussed the ESC proposal for an MOU. Kreeger explained that this is a high-level pre-proposal, which is signaling interest in this kind of work. Kreeger acknowledged that this is not a complete proposal, but that the ESC is working to put a complete proposal together.

Curliss noted that this kind of study is “perfect for the Development Corporation”. She asked that Council consider conflating the YSDC and the ESC.

Council gave general approval for the ESC to continue on this path, with the matter coming before Council once the proposal is further fleshed out.

PUBLIC HEARINGS/LEGISLATION

Reading of Resolution 2020-01 Authorizing the Sale During Calendar Year 2020 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). MacQueen MOVED and Curliss SECONDED a MOTION TO APPROVE.

Salmeron explained the matter as a housekeeping issue, which will allow the Village to continue to sell such items online as needed.

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

Reading of Resolution 2019-02 Approving a Salary Adjustment for Josue Salmeron for Continued Service as Village Manager. Kreeger MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh explained that upon hiring Salmeron, Council had set 10 goals for him to accomplish in a six-month period. Several of these have been completed, Housh stated, noting in particular the Village’s expansion of community solar, which was accomplished through collaboration with community and staff, and of Salmeron’s leadership around the Vernay situation.

MacQueen appreciated Salmeron’s energy and “out of the box thinking”.

Mitzie Miller thanked Salmeron for his “professionalism and fairness.”

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

Reading of Resolution 2019-03 Approving an Employment Agreement with Judith O. Kintner for Continued Service as Clerk of Council. Kreeger MOVED and Curliss SECONDED a MOTION TO APPROVE.

Members of Council spoke in generous terms of the Clerk’s performance, as did the Chief and Village Manager.

Housh CALLED THE VOTE, and the MOTION PASSED 5-0 on a voice vote.

Reading of Resolution 2020-04 Supporting Cresco’s Request for Increased Lighting Allowance to Compensate for Decreased Hours of Daylight. Curliss MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Salmeron expressed the support of his office for the request. He stated that staff have monitored the times that the blackout curtains have been closed since Cresco was permitted a temporary increase in the hours that it could leave the curtains open, and that no complaints have been received in that period.

Curliss appreciated Cresco’s sensitivity to the issue of light pollution.

Housh noted that Cresco had been very responsive to all Village concerns during its negotiations.

Housh CALLED THE VOTE, and the MOTION PASSED 5-0 on a voice vote.

Reading of Resolution 2020-05 Renewing Council’s Commitment to Increasing and Diversifying Village Housing Stock. Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

MacQueen acknowledged that the resolution is confusingly presented. She noted that it references a 2018 resolution, and also references goals that MacQueen had suggested be given to the Manager’s Housing Advisory Board (MHAB), with the addition of one new goal, added following the last Council Meeting, at which she had presented the draft goals.

MacQueen stated that some of the information provided in the resolution did not need to be presented.

The Clerk suggested removing the “Exhibit A” and all reference thereto as a solution to the problem.

Council discussed this change and determined that this would present the goals to MHAB clearly.

Curliss expressed concern about the nature of the MHAB. She also expressed concern about the word “subsidy” appearing in the resolution, stating that if Village government is going to subsidize housing, she has an issue with that.

MacQueen responded that the word “subsidy” referred to monies derived from other sources to fill “gaps” in making a home affordable. She then noted that the Village might be one of the sources of subsidy.

Curliss questioned the targeting of the Glass Farm as a site for development, stating that the soils there are hydric, and not appropriate for development. Curliss referred to climate change as an urgent matter, suggesting that reforestation might be a better use of the Glass Farm.

MacQueen disagreed that the area is “a wetland”.

Stokes commented that there is a larger area than “just the Glass Farm”.

Conversation shifted to the makeup and function of the MHAB and commission function in general.

Megan Bachman, Yellow Springs News, commented that meetings of the Manager’s Advisory Board are not regularly noticed, and that persons are selected for those boards but citizens do not have the opportunity to apply since selection is done at the Manager or Council level.

The Clerk responded to the comment that meetings are not noticed, stating that they are noticed, but not in an annual calendar, and the meetings are not at a fixed time.

MacQueen stated that there has to be a way to effectively get work done, and the Manager’s Board system works well for this.

The Clerk commented that she will be more diligent in getting the MHAB notices online, since the newspaper noticing has been consistent, but the online noticing has been less so. She noted, however, that MHAB is not subject to Sunshine Law, but has chosen to comply with Sunshine Law.

Lauren Miller received information clarifying the resolution. She further commented her approval of Curliss as a Council member and asked that Council continue to discuss the resolution.

Karen McKee asked that the reference to “Glass Farm area” be clarified.

MacQueen named other undeveloped areas that are considered to be in the “Glass Farm area”, but noted that these are privately held and so cannot be called out in a document.

MacQueen MOVED TO APPROVE Resolution 2020-05 AS AMENDED. Kreeger SECONDED.

Housh CALLED THE VOTE, and the MOTION PASSED 4-1, on a voice vote, with Curliss voting against.

Reading of Resolution 2020-06 Designating the Yellow Springs Development Corporation as an Economic Agent for the Village of Yellow Springs. Curliss MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Kreeger noted that this is a meaningful opportunity for collaboration and a way to “maximize scarce resources”.

Kreeger expressed thanks to Lisa Abel and the YS Community Foundation for acting as the convener for the group.

Housh noted makeup of the stakeholder group, highlighting that others will be added as the meetings are formalized. He noted opportunity for coordinating levy information as well as development in the Village. Housh commented that the YSDC “falls under Sunshine Laws”, stating that no property will be brought forward without a community process.

Curliss commented that the YSDC will help tremendously with development as well as housing.

Housh CALLED THE VOTE, and the MOTION PASSED 5-0 on a voice vote.

SPECIAL REPORTS

There were no Special Reports.

CITIZEN CONCERNS

Lauren Miller asked for donations to the “Cold Water Rescue Fund.”

OLD BUSINESS

Council Retreat Agenda. The agenda was briefly discussed and approved. An Executive Session to discuss Real Estate matters was added to the end of the agenda.

Board and Commission Assessment/Feedback. Kreeger presented information gathered in the feedback process, stating that she will bring more detailed information to the Council Retreat.

Kreeger noted several items as highly important, namely that Council members clearly communicate their goals for the commissions and do so early in the year, and then that Council receive information back from commissions.

Kreeger spoke to the difficulty of getting work done in a timely fashion, noting that most respondents favored use of sub-committees to create this flexibility rather than use of a one-time “task force” model.

Kreeger voiced her support for the possibility of streamlining commissions, and asked that Council consider how best to include staff in commissions.

Finally, Kreeger asked that Council consider how to create synergy and collaboration among commissions.

MacQueen spoke to her sense that commissions are disconnected from one another and asked how all commissions can communicate their goals and projects. She spoke to the “damper” of Sunshine Law to moving forward readily.

Salmeron commented upon the efficacy of having a staff person assigned to a commission.

Curliss stated that she will be circulating a memo with a restructuring idea.

Kreeger commented that putting the commission report outs at the end of the agenda at the second meeting affects the quality of the discussion.

Housh noted that if commissions are accomplishing tasks, these should be reported in Old or New Business.

2019 Year in Review. Housh presented a more comprehensive, updated version of the draft PowerPoint he first presented on December 16th, noting 2019 Village Council accomplishments.

MacQueen suggested that the Village Manager compile his team’s project report for 2019 and merge the two in a short presentation.

Mitzie Miller suggested a Village gathering to celebrate the community and accomplishments.

NEW BUSINESS

Nominations to Boards/Commissions. MacQueen NOMINATED Catherine Zimmerman to Environmental Commission as an Alternate. Stokes SECONDED, and the MOTION PASSED 5-0 on a voice vote.

Stokes NOMINATED Robert Partida as a full member of HRC. MacQueen SECONDED, and the MOTION PASSED 5-0 on a voice vote.

MANAGER’S REPORT

Salmeron reported on the following:

A new sinkhole has been discovered behind the laundromat, and an estimate for correction of the situation is in the works. A temporary fix is currently in place.

Flour and Sugar distribution, honoring the bequest of Wheeling Gaunt, was completed with a total of 75 individuals served.

Root control work is being done on 16,000 feet of sewer lines by Dukes Root Control, this work involves injecting foam into the sewer lines to dissolve roots that have penetrated the sewer line.

Sewer line inspection via cameras is now being conducted, and work will be on-going through January.

Midwest will be changing out poles, and work is on-going through January.

Curliss commented that she would like to better understand who has ownership of poles and the economics of who is permitted access to poles, stating her opinion that taller poles are replacing the old poles, mostly for the benefit of non-Village entities, and are creating visual pollution in the process.

Salmeron responded, commenting on the expense of replacing poles.

Salmeron noted that AT&T is changing poles out on Spillan Road.

On November 21, the Village of Yellow Springs hosted a follow-up community meeting to discuss October's EPA meeting regarding Vernay remediation plans. About 50 individuals attended the meeting and submitted 47 written questions, many of which were answered during the meeting. Village staff will follow-up on unanswered questions. Residents and the administration have concerns regarding the risk of contaminant entering our water system in the event of break in the water lines located at the Vernay Property. Salmeron reported that the Village has met with TRC, Vernay's Environmental Consultant, and have created a contingency plan that calls on the services of a third party contractor, specialized in hazardous work, to fix any water line breaks on the site.

Village staff have also met to discuss potential risk to utility workers if the team had to dig up and repair lines. According to the memo from TRC/Vernay, the exposure to workers would be significantly less than USEPA acceptable levels. Staff have discussed this memo with the EPA and they have agreed with the methodology and standards of the assessments.

The Village is in receipt of a memo from TRC/Vernay addressing the concerns of vapor intrusion into private homes near the Vernay property. According to the memo, "multiple rounds of sampling over several seasons demonstrate that occupied buildings near the site are not impacted by COCs in soil vapors migrating from the Vernay site." Further, "no additional sampling is warranted as the existing data is comprehensive and biased to locations closest to the Vernay site or most likely to be potentially impacted by VI from the Vernay site."

The Village is in receipt of a memo from TRC/Vernay addressing the concerns of contaminants discharging into the unnamed creek. According to the memo, the "potential human recreator exposures to sediment and surface water in the Creek would not exceed levels deemed acceptable by USEPA."

As for risk to non-human flora and fauna, the memo states that "ecological (non-human flora and fauna) exposures to sediment and surface water in the Creek would not exceed levels deemed acceptable by USEPA."

Salmeron noted that the Village has a meeting scheduled with USEPA during which we will discuss these memos and ask for USEPA's position on these matters.

The Investment Committee has started working with the new Investment Consultant and the Raymond James Investment Platform. As a result, the Village purchased two CDs during this reporting period. A detailed report will be provided during the quarterly reporting period.

Village staff are in the process of closing the financial books for 2019 and loading the 2020 budget in the financial system. Executed new contracts for services in 2020 include auditing services for GAAP accounting in 2020.

The Manager's office will hold a Staff Retreat on January 8th to plan for 2020. The Manager's office will remain open.

Work of the ad hoc personnel committee has now been completed, and action taken on findings. Salmeron thanked the committee members and participants for their involvement in the process. He commented that "the safety and wellbeing of our residents and visitors is our primary responsibility; in this spirit, we want to ensure that we offer the best service possible. As a result of the findings, we will provide additional training to police supervisors and patrol officers."

The CLUP rewrite consultant will an Open House for the Comprehensive Land Use Plan on January 23rd from 6:30-8pm at Mills Lawn Auditorium. Salmeron urged participation.

Salmeron thanked the Village Team and MTRF for a successful New Year's Eve event.

Salmeron noted that Christmas tree pickup will occur on January 9th and 10th.

CLERK'S REPORT

There was no Clerk Report.

FUTURE AGENDA ITEMS*

- Jan. 15: Council Retreat
- Jan. 21: Retreat Debrief
- Swearing In of Police Chaplains (Rick Jones and Bill Randolph)
- Manager's 2019 Report
- Discussion of Potential Sale of Village Renewable Energy Credits

Feb. 3: Board and Commission Assignments
Council Rules and Procedures
Resolution Approving Council Rules and Procedures
Council 2020 Goals Discussion

*Future Agenda items are noted for planning purposes only and are subject to change.

EXECUTIVE SESSION

ADJOURNMENT

At 9:30pm, Stokes 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