

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

In Council Chambers @ 7:00 P.M.

Tuesday, February 18, 2020

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 Laura Curliss. Also present was Village Manager Josue Salmeron, Finance Director Colleen Harris, Police Chief Brian Carlson and Public Works Director Johnnie Burns.

ANNOUNCEMENTS

MacQueen announced a successful Repair Café event held on February 15th. She announced that the Environmental Commission meeting set for Thursday, is cancelled.

On behalf of Village government, MacQueen congratulated Julia Reichart and Steve Bogner for receiving an Oscar for Best Feature Documentary.

Curliss noted that sign-up is now open for PorchFest 2020.

Kreeger announced that the first Wheeling Gaunt Community Service Award will be given to The 365 Project's "Blacks in Yellow Springs" project.

Kreeger announced the Wheeling Gaunt "Onyx Overview" event set for February 25th at Antioch College.

Kreeger asked for citizens to join in the Poor People's Campaign sing-along, in collaboration with World House Choir, which will be holding rehearsals at Sinclair Community College this month.

Stokes noted that early voting begins on February 19th.

Housh announced a Climate Change Seminar held through MVRPC, which a number of Council members and staff are attending.

Housh noted upcoming viewing services to be held for Darryl Dewer, beloved school bus driver.

Housh asked that citizens engage with the Comprehensive Land Use Plan Update participation options so that the Village is well represented. The survey at sustainableyellowsprings.com is open at least until the end of February. Salmeron noted engagement activities upcoming.

Housh announced the upcoming Friends Care Center Feast set for March 14th.

Housh noted that the Annual Chamber Meeting will be held on February 20th.

Salmeron provided the details for the upcoming services for Darryl Dewer.

CONSENT AGENDA

1. Minutes of February 3, 2020 Regular Session

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

REVIEW OF AGENDA

There were no additions or changes made.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

Mitzie Miller re: Objection to Home, Inc. Tap Fee Waiver (2)
Theresa Mayer re: Opposition to Metered Parking
Elise Burns re: Mayor's Court Data and Monthly Report
Lisa Kreeger re: World House Choir Invitation
Coretta Scott King Center Flier

Pat DeWees re: Opposition to Jail Tax
St. Mary Development re: Notification of OFHSA Submittal
On Table Only:
Colin Altman re: Planning Commission Fire Lane Clarification
Cindy Pauwels re: Greene County Jail Information
Lisa Kreeger re: Wheeling Gaunt Event

PUBLIC HEARINGS/LEGISLATION

Reading of Resolution 2020-08 Approving Village Goals for 2020. No motion was taken.

Housh noted that he had not incorporated any changes since the last meeting.

Curliss reiterated her objection to Council's housing goals.

MacQueen reiterated her support for the housing goals, arguing that the goals as written do not make the Village the developer. She stressed the need for storm water mitigation goals.

Kreeger noted that every goal requires money, capacity and staff time, and that many goals intersect. She noted her concern that spending is outpacing revenues, and stated that management of cost while promoting economic development and affordability are critical.

Kreeger stressed her support for affordable housing, including community land trust housing, but emphasized that "affordable housing is not the only lever" for economic development. She noted that attraction of economic development requires incentivizing, and this will require investment.

She highlighted that if the Village is going to formalize a partnership with YS Home, Inc., we need joint planning sessions and multi-year strategies so that the Village and the community is properly informed and updated and so that the Village can budget for this activity.

Kreeger asked for an intentional long-term plan for investment in economic development.

Council agreed that the document still needs work, and Housh and Kreeger will meet to revise the 2020 Village Goals. Council generally agreed that another work session would be useful to refine the Goals.

Curliss asked that cost be associated with each goal.

MacQueen asked about starting a fund line for donations. This was discussed and was added to a future agenda.

Housh clarified that the final document will come to the March 2nd meeting, and a workshop will be held later to discuss "actioning" those goals.

Reading of Resolution 2020-09 Approving Tap Fee Waivers for Home, Inc. 54 Unit Senior Housing Project. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Salmeron stated that the Village Solicitor has issued a statement that funds can be transferred from the General Fund and placed in the Enterprise Fund for the purpose of economic development.

Housh commented that affordable housing should be supported through lodging tax. He commented that this is a method to use outside money to invest in the community.

Kreeger read from the Solicitor's legal brief, noting that the argument is circular, and that many uses for the lodging tax have been proposed.

Housh expressed disappointment in the opinion, stating that it shows a misunderstanding of the use of lodging tax.

MacQueen MOVED to strike the words "from the Village of Yellow Springs Planning Commission" from the resolution on the grounds that an appeal could go to Council.

Housh SECONDED, and the MOTION TO AMEND PASSED 4-1 on a voice vote, with Curliss voting against.

Curliss asked for clarification as to who is responsible if the project costs exceed 15% of the projected current cost. She asked specifically for potential cost to upsize the electrical panel, given that Burns had previously expressed doubt that the proposed panel would be adequate.

Housh noted that he had demanded clarification of "readiness for service" at the last meeting.

Burns clarified that the term in question is the "aid to construction" stating that the terms listed by YS Home, Inc. and St. Mary states that they will not be responsible for any amount in excess of 15% of the projected cost of the project. Given his professional judgment that the electrical panel shown in the site plan will not be adequate, Burns said, his recommendation is that it should be made clear that the Village will not assume responsibility for any additional costs.

Curliss stated that, in her opinion, the dollar limit stated in the resolution should make this clear. There was no further comment from Council.

Mitzie Miller agreed with a need for clear limits, stating that Home, Inc. had initially stated that they would take care of the tap fees, and then came back to get these waived. She questioned why the

Village is giving the entire amount requested. She questioned Council’s willingness to override the recommendations provided by Village staff. Miller expressed concern that there would be need due to this growth to expand village utilities, and that that cost would be passed on to residents.

Housh emphasized the eventual benefit to the Village from property taxes in making investment in affordable housing.

Housh CALLED THE VOTE ON THE MOTION TO APPROVE. The MOTION PASSED 3-2, with Curliss and Kreeger voting against.

Reading of Resolution 2020-10 Approving the Sale of Village Owned Renewable Energy Credits. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Salmeron presented a PowerPoint explaining the source of the RECs and the options available with regard to their sale and the potential to purchase RECs off the market.

Salmeron noted that RECs are valid for up to five years, and the older the REC, the less its value. He detailed the value of the portfolio, noting that the older RECs should be sold off first, before their value rolls off entirely.

Salmeron proposed four areas for reinvestment of the income if the RECs are sold – the electric infrastructure, new solar production, energy-savings initiatives and funding of the Utility Round Up “2.0”.

Salmeron noted that he is recommending the sale of 30,000 RECS.

Council engaged in discussion of the matter, with Kreeger suggesting a hybrid combining two of the four options proposed by Salmeron, in which 30,000 RECs are sold immediately, and then another 30,000 are sold and 30,000 are purchased back off the market at a cheaper rate (similar to what Oberlin does) in order to “stay green.” Basically, Kreeger explained, we would be “selling 30 and flipping 30.”

Salmeron explained the logic of retaining 30,000 in RECs with regard to staying “green.”

MacQueen commented that she did not see the value in retaining any of the RECs, and that the proceeds could be used to offset other costs.

Curliss noted that sale of RECs enables other non-green entities to be compliant, so that the Village in effect “loses its bragging rights.”

Salmeron explained that using the proceeds to offset utility costs is only feasible as long as you have the cash, after which costs have to increase.

Robert Lidecap received clarification as to how the Village would accumulate credits again.

Franklin Halley commented that even if all RECs are sold, the Village is still receiving over 80% of its energy from renewable sources, “which is the bottom line goal.”

Kreeger MOVED TO RECOMMEND that the Village Manager be authorized to sell 30K of RECs, and then to sell another 30K in RECs and purchase another 30K in RECs off the market. Curliss SECONDED. Housh CALLED THE VOTE, and the MOTION PASSED 3-2, with MacQueen and Housh voting against.

SPECIAL REPORTS

End of Year Report: Planning Commission. Frank Doden presented the annual report to Council.

CITIZEN CONCERNS

Mitzie Miller expressed appreciation to Planning Commission for being fair. She noted that the McKee Foundation is working with Mills Lawn to raise money for the Wheeling Gaunt sculpture.

OLD BUSINESS

NEW BUSINESS

Discussion of Proposed New Jail Construction Tax. Salmeron introduced the topic, addressing some of the concerns that had been expressed at the prior Council meeting as responded-to by Major Kirk Keller as follows:

1. Statement: Fifty percent of the incarcerated inmates are in jail because they are poor and can’t pay their bond.

Response: I am not sure of the source for this statement, but it is not a Greene County Jail statistic. Forty-five percent (45%) of the inmates in Greene County are sentenced felons, and twenty-seven percent (27%) are sentenced on misdemeanor charges. Of the remaining twenty-eight percent (28%) incarcerated, a majority of those are on probation or parole violations and have no bond. In addition, forty-six percent (46%) of the jail population is released in less than three days. Those statistics alone do not support the idea that half the population is in jail

because they are poor and can't pay their bond. In fact, it is just the opposite. In addition, for those that are on a bond, there are many who choose not to pay it for reasons other than financial. We don't assess why those individuals choose not to post their bond, allegorically, from experience, there are those who just choose to remain until their case is settled.

2. Question: What are the plans for drug treatment and rehabilitation?

Response: The Sheriff and Commissioners have agreed that the best option to expand the current drug/mental health treatment is to use the Adult Detention Center as a rehabilitation center for drug and mental health services. This type of center would give the Judges an alternative sentencing option that is not currently available. Many of those sentenced to jail whose crimes were related to drug dependency or mental health issues could be sentenced to treatment in a much more conducive environment than jail. The Mental Health Recovery Board, the Alcohol-Drug Addiction and Mental Health Services Board, and TCN have all been involved in discussions to plan for this concept and are ready to move forward as the Sheriff's Office vacates that facility. In addition, we have met with the Greene County Judges and they too are encouraged with the option of having this this alternative sentencing path to help provide the necessary treatment.

3. Statement: We don't need more bed space. If they build 500 beds, they will just fill them.

Response: Again, this is a concept that not only is not supported by the current facts and trends, but is also not understanding the current classification issues and how additional beds alleviate those problems. First, the total combined bed space for the two facilities is 382. The Average Daily Population for the past three years was 311. This fact alone does not support the concept of more beds for more people. The goal with the new facility is not more beds for more people, but rather more beds for housing inmates appropriately based on their classification, needs, vulnerabilities and programming.

Salmeron made note of several other documents provided to address concerns.

Housh framed the discussion as one of helping to inform the content of the letter that Council has been asked to write regarding the proposed jail tax/jail construction.

Judith Hempfling stated that Major Keller's "numbers need to be rebutted." She questioned why the numbers are being provided "at the last minute" when they were unavailable previously. She spoke generally about the need for bail reform and for rejection of the proposed tax. Hempfling stated that the proposal for a mental health facility "is only in someone's head and does not exist on paper."

Pat DeWees noted that record keeping at the current jail seems poor. She spoke generally about the problem of incarceration and questioned why reform cannot occur in Ohio when it is occurring in other areas of the country. She suggested a county-wide group to find a best practice way forward.

Salmeron noted that he had spoken with Judge Lewis, who is aware of the problem in data collection, and he is actively working to address this, specifically in the area of tracking bonds.

Robert Lidcap commented that if the jail is made larger, the beds will then be filled. He noted that cost of maintenance would also cost more. He noted need for bail reform and progressive policies.

Bomani Moyenda identified himself as the convener of Greene County Citizens Against the Giant Jail Tax. He read from the HDR assessment regarding jail population management, commenting that the incentive for managing populations will be lost if a bigger jail is built.

Cyndi Pauwels identified herself as a member of Greene County Voices, a group devoted to oversight of the new jail process, noting that she has been active in the group for over two years. She commented that many of the concerns raised by speakers have been addressed, noting establishment of a Criminal Justice Coordinating Committee. She stated that she is "not a fan of 500 beds," but noted that this is a 30-year projection. Pauwels noted that TCN had been at the table to vet issues related to addiction, assessment and mental health. She commented that Sheriff Fischer and Major Keller have publically committed to transformational policies. If the levy is voted down, she stated, the two years of work that has gone into these proposals will be lost, and the persons currently incarcerated will be forced to remain in deplorable conditions. She asked that citizens put pressure on the county to assure that treatment options are made available and that reform is pursued. She noted finally that creation of a mental health center has not been put on paper as yet because the levy has not passed, but that it has certainly been discussed.

Kelley Ann Tracey commented on the need for mental health and addiction treatment as these are common causes of incarceration, and that "incarceration is not treatment." She stated that proper health care for mental health and addiction services should be "first and foremost."

Franklin Halley identified himself as a psychiatrist and the former Medical Director of TCN, serving in that capacity for 20 years. Halley noted that TCN has had a minimum of two full-time staff members working in the Greene County Jail during his tenure at TCN. He agreed that a designated treatment center is needed for the jailed population, but stated that this would require significant commitment in terms of funding and staffing. He challenged Council to support robust mental health and addictions treatment. He noted that every person who has to serve time or work in the current jail is doing so in substandard conditions.

Eric Miller stated that the Greene County group opposing the “Giant Jail” is not opposed to a new jail, stating that they are aware of the need for a better facility. Miller stated that other recommendations, which were for a smaller facility, were rejected. He noted that all of the funds are designated for the building itself, not for programming. Miller argued that this jail is being built for a capacity set 25 years from now, arguing that this is a hidden plan to increase the jail population.

Sandy King commented that this is an opportunity to make a difference at a local level.

Housh expressed agreement with those who spoke regarding a message that Council can put out strongly. Council agreed to the letter being written, and Housh will bring a draft to the next meeting.

MANAGER’S REPORT

Salmeron reported on the following items:

- Ellis Pond Project:
 - Both Equipment and Pedestrian bridge have been installed.
 - Working on grading the access to equipment bridge, this task is weather dependent.
 - Working to dedicate the bridge to an individual who has made significant contributions to the Village.
- Sanitary Sewers Cleanout and Visual Inspection of select lines is complete. We look forward to scheduling a special report to Council to provide a presentation of findings and proposed work for 2020.
- Tree Trimming:
 - Street trees—Grays Tree Service has on-going work to clear the ROW.
 - Arbor Care is finishing the Punch list on Electric Line clearing of section 2.
 - The Village recognizes this work has caused concerns for many residents, and apologizes for the inconvenience. However, the tree trimming around power lines is critical to ensuring the reliability of electricity services to residents, reducing power outages and reducing costs. Additionally, tree trimming of branches hanging over roads is necessary to ensure free passage on the roads (up to 25 feet) for school buses, waste pickup trucks, fire trucks and other service vehicles.
- Pole replacement: Dayton St- 6 poles waiting on AT&T and cable to transfer (Village has completed its portion of the work).
- John Bryan Center project:
 - Youth Center floor waxing on February 25th, Center will close at 5pm and re-open the following business day with regular hours.
 - Maintenance and repairs schedule for March:
 - Painting inside and outside, concrete repair, gym repairs, back hallway repairs, carpet repairs, ceiling tile replaced.
- Upcoming Tree Removal:
 - The Administration will remove the large callery pear tree near the entrance to the Bryan Center parking lot. This invasive species has the potential to spread into public and private spaces in Yellow Springs and particularly to invade the Glen Helen. Staff have consulted with the YS Tree Committee and several arborists on tree removal.
 - The Administration will remove the very large hackberry on the edge of Kieth’s Alley parking lot. The tree has internal damage, is a hazard tree, and should be removed to avoid endangering persons and property in the parking lot and the adjacent park. Staff have consulted with the YS Tree Committee and several arborists on tree removal. Letter from the YS Tree Committee is included in this report.

Vernay Cleanup:

Gas intrusion update: 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, “The 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.” And, “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.”

Vernay and TRC were on site on January 29th and 30th for boring sampling around the existing utilities to test for contaminants. This was done at the request of the Village Administration with added support from the US EPA. The EPA was on-site on February 4th and 5th to monitor work at the Vernay site, work include soil sampling and delineation and testing of the hotspots scheduled for excavation/removal.

Administration and members of the Environmental Commission subcommittee met with the EPA Project Manager on February 5th. The Administration feels reassured that remediation of Vernay property will be conducted at a standard exceeding the minimum standard and will include protective factors that ensures the safety of our residents and environment.

Next meeting with US EPA Project Manager is scheduled for February 27th.

Administration Updates

- The Administration has formally released the approved RFQ for Legal Services for the Village. The announcement has been distributed to law firms, OML and Ohio Municipal Attorney association. Pre-bidders conference occurred on Tuesday, Feb 18th at 10am in Rooms A&B.
- Police Department Updates:
 - Calls for service for January = 172
 - Critical Incidents = Double Homicide (GCSO jurisdiction), Unexpected death of Darryl Dewer (Bus Driver for YS Schools). Juvenile brought a knife to the Greene County Learning Center and was apprehended without further incident or injury.
 - Officer Burge conducted a presentation at the High School regarding Cyber Bullying.
 - Sgt. Watson, Officer Burge and Officer England personally handed out Valentine’s Day cards and treats to every student in Mills Lawn Elementary School. Every card was personally signed by an officer or dispatcher with a personal note.
 - Snow Storm that resulted in 3 accidents.
 - On Jan 25th at approximately 1810hrs, a motorist crashed into a power pole on Corry Street. The Village submitted an invoice for \$28,150 in damages, and expect the insurance company to reimburse the Village for damages.
- Salmeron referenced the attached 2020 Plan for farming Village-owned properties.
- The Safe Routes to School Project is ready to move into the Request for Proposals (RFP) process. The Administration will release several RFPs for Design and Engineering work for the project. There is an updated budget. Ohio Department of Transportation will manage the RFP for construction portion of the project.
- Salmeron referenced the following reports and summarized:
 - Commission Budget
 - URUP Program Report
 - Monthly Financial Report

CLERK’S REPORT

The Clerk noted two upcoming BZA meetings.

BOARD AND COMMISSION REPORTS

Kreeger noted that the ACC is still recruiting new members, and has some interesting and fun projects coming up. She stated that the ACC needs a new name, as it is often confused with or conflated with the YS Arts Council, and asked for ideas.

FUTURE AGENDA ITEMS*

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| March 2: | End of Year Reports: Library Commission and ESC Police Department and Public Works End of Year Report Staff Recommendation Regarding a Storm Water Fee Line Proposed Amendments to Noise Ordinances in General Offenses Code Discussion of a Donation Line for Village Projects Reading of Resolution 2020-08 Approving Village Goals for 2020 Commissions and Committees Proposal |
| March 16: | End of Year Reports: EC; HRC Treasurer’s Report Home, Inc. 2019 Year in Review |

Executive Session 6pm
April 6: Executive Session 5-7pm For the Purpose of Conducting Interviews for the
Position of Village Solicitor
April 20: Finance Department Quarterly Report
Supplemental Ordinance
ACC End of Year Report
Resolution Approving a Contract with XXX for Services as Village Solicitor

The Clerk reported that Planning Commission had voted to recommend that Council consider a rooster ban, noting that there is no need for immediate action on the recommendation.

Swinger commented that there is a need to amend the current noise ordinance, and that this can be considered with or without a rooster ban.

Housh commented that Council has a lot on its plate currently and that this does not seem immediately necessary.

Kreeger opined that Planning Commission’s recommendation deserves a response, and that the issue should appear on the agenda at some point.

EXECUTIVE SESSION
There was no Executive Session.

ADJOURNMENT
At 9:45pm, Stokes MOVED and Curliss 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