

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

Virtual Meeting @ 7:00 P.M.

Monday, December 7, 2020

CALL TO ORDER

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

ROLL CALL

Present via Zoom were President Housh and Council members Marianne MacQueen, Lisa Kreeger, Laura Curliss and Kevin Stokes. Also present via Zoom were Village Manager Josue Salmeron, Sergeant Watson and Chief Carlson, Public Works Director Johnnie Burns and Solicitor Breanne Parcels.

ANNOUNCEMENTS

Housh thanked the Village Team for creating holiday cheer downtown.

Chief Carlson noted that since November 13th, PD has encountered 168 situations in which the masking issue was addressed, with many masks given out. Seven written warnings and 45 verbal warnings and 34 interventions to encourage compliance.

Carlson noted two businesses put on notice regarding compliance: one chose to close, and the other came into compliance.

Carlson then noted the efforts of Florence Randolph and Sergeant Watson regarding outreach and family/domestic calls and services.

MacQueen noted that the annual Little Miami Watershed Network “Trailblazer Adventure” event will be located in Yellow Springs this year.

Housh referenced an incident that occurred during a Town Hall, which is making the rounds on Facebook. He stated that the incident occurred as a result of some medical issues that he was encountering, and he appreciated the caring outreach extended to him. He commented that those who are seeking to use the incident to further a negative narrative should reflect on the need for compassion and kindness in these times. He thanked Salmeron and the Village team for their support.

CONSENT AGENDA

1. Minutes of November 16, 2020 Regular Session

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

REVIEW OF AGENDA

Housh removed the topic regarding the ATP and added an Executive Session for the end of the meeting “for the purpose of the investigation of a complaint against a Village official.”

PETITIONS/COMMUNICATIONS

The Clerk will receive and file the following:

Kineta Sanford re: Inclusive and Resilient Yellow Springs (2)
Dan Carrigan re: Street Markings
Banner Project Proposal Update
Council Clerk re: 2021 Calendar of Village Meetings
Chief Carlson re: Mask-Related Calls

MacQueen reviewed the communications.

PUBLIC HEARINGS/LEGISLATION

First Reading of Ordinance 2020-37 Approving the 2021 Budget for the Village of Yellow Springs. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron provided an overview of the budget.

MacQueen inquired as to whether any changes had been made since the last in-depth budget discussion.

Salmeron responded that the Transfers have changed. He explained that the Streets budget was increased from \$550,000.00 to \$803,000.00 to cover a required match to the Safe Routes to Schools project, which was moved forward from 2020, and will have to be paid for in 2021.

Housh noted that this project is not to be confused with the Active Transportation Plan activities.

Salmeron noted that loss of revenue in 2020 due to COVID was over \$300,000.00. RITA is projecting a \$182,000.00 loss for 2021; when losses projected for the kilowatt tax and property tax are factored in, the losses for 2021 are estimated at about \$257,000.00.

Curliss asked why, given the increased property valuations assigned by the County Auditor, the Village's budget was expected to take such a hit.

Salmeron referenced the presentation given by David Graham, noting that outside millage remains fixed.

Curliss asked whether 2020 will be the last year that the village will be able to spend down to the 90-day reserve, and stated that she is not comfortable with only a 90-day reserve.

Salmeron explained that much of the reserve is retained to pay salaries. He noted that staff have stepped up and are working to secure grants, eliminating the need to hire a grants writer, thus saving funds and increasing income.

In response to a question from Housh, Salmeron confirmed that the 90-day reserve is a recommendation made by the State as a best practice.

Salmeron noted that the Village has kept critical inventory such as replacement poles on hand, which reduces the need to purchase those items in the event of an emergency. Part of cash-flow management, he commented, is knowing what materials are on hand, keeping critical reserves of supplies, and eliminating that amount from the equation of needed cash.

Dillon explained that if the 90-day reserve begins to be affected, at that point the Village Team would separate out essential services from "value-based" services.

Housh commented that the narrative of "spending down the reserves" is better characterized as investing in infrastructure and economic opportunity so that the Village maintains a robust income level from its assets. He noted the example of Cresco, which is doubling its employee base, which will increase income tax income for the Village.

Salmeron noted that creating these opportunities was a prominent concern when he was hired.

Salmeron noted that improvements to infrastructure are reducing infiltration, which in turn reduces the number of gallons of water that need to be treated at the WWTP, thus saving money.

Kreeger appreciated that the Village cannot afford to "just hunker down" because so much maintenance and improvement was not done over so many years. She stated that the team has "found a middle ground" with this budget.

Salmeron suggested reviewing revenue projections in about March of 2021 as a COVID vaccine becomes more available.

Salmeron noted a sizeable dividend being paid to the Village by the Bureau of Workers Compensation, which will help to make up for some of the revenue lost due to COVID.

Dillon noted that he and the Team will be doing budget and revenue monitoring throughout 2021, commenting that this is a unique period historically.

Curliss asked why electric revenues cannot be used to lower water or electric rates.

Salmeron responded that electric revenue can only legally be used to affect electric rates. He commented that lowering these rates would be only a "one-time fix". He suggested instead investing in local solar generation to eliminate transmission charges and thereby lower rates sustainably.

Salmeron noted that the Village Team is investigating water loss throughout the Village and actively addressing these, which will serve to lower water costs over time.

Finally, Salmeron commented that the national average charge per KWh is 14 cents, while the Village utility rate is 11 cents.

Curliss asked why the variation in transfers out of the Electric Fund over the last five years.

Salmeron responded that this is an effort to put these revenues into the Capital Fund so that they can be actioned into project completion.

Housh commented that the transfers are consistent with a Council effort to invest that capital in infrastructure improvements.

Salmeron noted the projects scheduled for 2021, which will be paid out of the Electric Fund.

Burns noted that the funds available do not include inventory on hand.

MacQueen suggested that Council and anyone else interested write out their questions regarding any budget items and submit these for the next meeting, noting that over an hour had been spent in discussion.

Stokes and Kreeger expressed agreement with this suggestion, acknowledging the many hours spent over the past two months in discussion.

Curliss objected, opining that the discussion of the ordinance was the first opportunity for Council to discuss the budget among themselves.

Housh strenuously objected to the characterization of the budget discussion as one-sided in previous discussions, opining that all sessions, including an added Town Hall, have been open and accessible to any Villagers with questions.

Curliss asserted again that this was a time for Council to discuss the budget with one another and not with the Village Manager.

Housh commented that all budget discussions had been robust and inclusive, and that to assert that they have not been is a mischaracterization.

Housh declined to call a vote on the first reading.

First Reading of Ordinance 2020-38 Prohibiting Engine Brake Use Within Village Limits in Chapters 634 and 440 of the Yellow Springs Code of Ordinances. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron explained the ordinance, noting that this is a fairly common restriction for municipalities that accommodate truck traffic as a means to reduce noise.

He noted that the Township will need to follow up with a resolution permitting the Village to post the signs in the Township jurisdiction.

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

First Reading of Ordinance 2020-39 Approving a Fourth Quarter Supplemental Appropriation and Declaring an Emergency. Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Dillon noted the line items, some of which represent grant funds coming in, and others transfers out. He noted transfers out to accommodate previously approved tap fees and Aid to Construction for Home, Inc., and noted the transfers out for the one-time bonus to Village Employees from funds received from the Ohio Bureau of Workers Compensation.

Housh commented that Ohio is one of the few states to release the CARES Act funds for local governments to municipalities.

Salmeron followed up, noting that Governor DeWine has been intentional about pushing funds out to communities.

Housh OPENED A PUBLIC HEARING. There being no comment, Housh CLOSED THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Reading of Resolution 2020-50-Granting a One-Time Bonus to All Village Employees Commensurate with Employment Status. Stokes MOVED and Curliss SECONDED a MOTION TO APPROVE.

Salmeron noted that the Village will receive over \$300,000.00 from the Bureau of Workers

Compensation in a dividend. The proposed one-time lump sum payout of \$1,000 to full time and \$500 to part time employees will use roughly \$43,000 of the total dividend. (Dillon later corrected the total received/pending to almost \$400,000).

Housh noted that Council is honoring the intent of the distribution as suggested by Governor DeWine in reinvesting a portion of the funds in the Village workforce.

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

Reading of Resolution 2020-51 Adopting the 2020 Greene County Hazard Mitigation Plan. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Salmeron noted that this is a housekeeping item, which keeps the Village eligible for emergency funds in the event of a catastrophe.

MacQueen noted that she had read the entirety of the plan, and not just the Executive Summary, and commented that it would be useful for Council and the community to receive a presentation at some point.

Salmeron stated that he sits on the Hazard Mitigation Committee along with Chief Carlson, Johnnie Burns and Chief Altman, and that he would be happy to collaborate with these other leaders on a presentation.

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

CITIZEN CONCERNS

There were no Citizen Concerns.

SPECIAL REPORTS

Dog Park Update. Johnnie Burns, Richard Lapedes and Beth Miller presented.

Lapedes characterized the venture as a real positive, and asked that Council and any others ask questions.

MacQueen asked what the role of the Village would be in the project.

Miller stressed that there would be a single point of contact with the Village, and that the lion's share of managing the park will be taken on by the "Friends Group". She noted that there is no financial ask to the Village, and that the project costs include payment for mowing of the site by the Village.

Housh asked Burns how the project differs from, for example, the Village partnership with neighborhood gardens.

Burns responded that there is little difference, and that the only potential difficulty he might anticipate is assuring that dog waste is properly disposed of, but he noted that he could likely arrange with Rumpke to pick up waste from that area.

Responding to a comment from Kreeger, Burns stated that cost for mowing, waste removal and maintenance of a port-o-john are all covered in the budget for the Dog Park.

Lapedes noted that the goal for the partnership is clear and concise communication and delineation of responsibilities. He stated that the Dog Park Association has accounted for all costs in its budget.

Miller added that the goal is to add an amenity for the Village without adding cost for the Village. She added further that those able to contribute to costs or efforts will do so, while those not able to do so will not, and there will be no requirement for contribution or participation to use the Park.

Lapedes commented that as the project evolves, he sees great opportunity for education, public art and other opportunities.

In response to a comment from Curliss, Miller noted that the Park will be a public asset, with no need to contribute except voluntarily.

Council verbalized its strong support for the project, and asked that it continue to move forward.

Solar Canopy Project Proposal. Salmeron presented a PowerPoint on the topic.

Salmeron noted two possibilities for the Bryan Center parking area, one enclosed and the other

open. Salmeron stated that there are two options for funding the project, one would be to use money from the Electric Fund and pay up front for construction and collect all Renewable Energy Credits. The other is to partner with a for-profit entity and pay a reduced cost up front—in this scenario, the Village would receive the solar credits while the for-profit entity would receive the RECs.

Salmeron commented that if Council wants the Village to explore the options, he would need to gather further information regarding financing.

Salmeron commented that the Village is working with Solar Power and Light to develop the proposal, and the contemplated scope is production of 1.4-2 megawatts/year. Salmeron noted several potential sites and production capacities, as the project is fluid at this point.

Salmeron noted that exploration of further solar capacity is one of Council’s 2020 goals, and asked for the green light to continue work in this area.

In response to a question from Curliss, Salmeron stated that the cost of the project(s) would be covered by the energy production revenue.

Council voiced approval as a group for continued exploration of the project.

Third Quarter Financials. Dillon presented the financials. Council APPROVED THE FINANCIALS BY ROLL CALL 5-0.

OLD BUSINESS

Update on Meaningful Action re: Anti-Racism and Justice. Housh noted that decriminalization of minor misdemeanors is under discussion, led by Curliss, and that this will likely be ready to come to Council at the last meeting of the year.

Housh noted that discussions regarding diversity hiring and vendor selection is also moving forward.

Kreeger noted the good work of the Committee, but stated that she believes it is time for the group to become a formal commission. She stated that this would enable better project management. She stressed the importance of continuing to welcome and hear all interested persons.

Housh suggested that the idea be revisited in early January.

MacQueen suggested the idea of incorporating the plan into goal setting.

NEW BUSINESS

Inclusive and Resilient Yellow Springs. Stokes referenced a document provided by Kineta Sanford, stating that the purpose of including the document was to build awareness in advance of a full presentation in late January.

MANAGER’S REPORT

Salmeron noted that a commercial scanner will be purchased with some of the CARES Act funds.

Salmeron noted continuation of COVID response support programs.

There will be a Vernay mitigation meeting on December 17th.

FUTURE AGENDA ITEMS*

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| Dec. 21 | Second Reading and Public Hearing of Ordinance 2020-37 Approving the 2021 Budget for the Village of Yellow Springs |
| | Second Reading and Public Hearing of Ordinance 2020-38 Prohibiting Engine Brake Use within Village Limits in Chapters 634 and 440 of the Yellow Springs Code of Ordinances |
| | Preliminary Goal Setting |
| | 2020 Year in Review |
| | Inclusive and Resilient Yellow Springs |
| | Resolution re: Employee Wage Adjustment |
| | Resolution re: Supporting End of Cash Bail |
| | Report on Decriminalization of Minor Misdemeanors |
| | Executive Session re: Real Estate |
| Jan. 4 | Presentation on Hazard Mitigation |
| | Recognizing Juneteenth as an Official Holiday in the Village of Yellow Springs |
| Jan. 19 | Inclusive and Resilient Yellow Springs |

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

EXECUTIVE SESSION

At 9:40pm, Kreeger MOVED and Stokes SECONDED a MOTION TO ENTER EXECUTIVE SESSION For the Purpose of Discussion of a Complaint against a Village Official. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

At 10:15pm, Stokes MOVED and MacQueen SECONDED a MOTION TO EXIT EXECUTIVE SESSION.

ADJOURNMENT

At 10:16pm, Kreeger MOVED and MacQueen SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 on a voice vote.

Brian Housh, Council President

Passed:

Attest: Judy Kintner, Clerk of Council