

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

**Virtual Meeting @ 6:30 P.M.**

**Monday, November 1, 2021**

**CALL TO ORDER**

President of Council Brian Housh called the meeting to order at 6:30pm.

**ROLL CALL**

Present were President Housh, Vice President Marianne MacQueen and Council members Lisa Kreeger and Laura Curliss. Also present were Village Manager Josue Salmeron, Public Works Director Johnnie Burns and Solicitor Breanne Parcels. Kevin Stokes joined the Executive Session at 6:50.

**EXECUTIVE SESSION**

At 6:31pm, Curliss MOVED and MacQueen SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of the Discussion Real Estate Matters and Potential Litigation. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

At 6:59pm, Stokes MOVED and Curliss SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 on a voice vote.

**ANNOUNCEMENTS**

Housh urged listeners to cast votes during polling hours on Tuesday.

Kreeger spoke glowingly of the Sunday ceremony awarding the Village Innovation and Design Award (VIDA) to Rose and Sal's Emporium, lauding creation of a space for artists and performers to create and perform.

Housh noted that this was the 11<sup>th</sup> VIDA award, and follows the tradition of awarding creative and diverse spaces and undertakings.

Housh noted an upcoming mobile mammography event set for November 4<sup>th</sup> at the Bryan Center, stating that while all slots are filled, the organizers are still encouraging walk-ins.

Housh noted that the Village has two grant applications not yet decisioned, those being the Clean Ohio Recreational Trails and RAISE grants. Housh expressed hope that the Village will hear good news on November 15<sup>th</sup>. Housh advocated for the "PDAC" process regarding capital budget appropriations.

Salmeron noted two other outstanding grant applications, those being the Municipal Broadband and Water Utility projects grants.

**CONSENT AGENDA (7:10)**

1. Minutes of October 18, 2021 Regular Session
2. Minutes of October 22, 2021 Budget: General Fund and Special Revenues
3. Minutes of October 25, 2021 Special Meeting: Draft 2022 Goals

Curliss MOVED and Stokes SECONDED a MOTION TO APPROVE THE CONSENT AGENDA. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

## **REVIEW OF AGENDA**

MacQueen requested that the topic of single use plastic water bottles at Village events and the letter regarding House Bill 175 be added to New Business.

The Clerk requested addition of Resolution 2021-53.

## **PETITIONS/COMMUNICATIONS**

The Clerk will receive and file:

Marianne MacQueen re: House Bill 175  
Susan Abendroth re: Censure  
GCCHD re: Deer and Driving Safety  
Carol Cottom re: Use of Plastic Bottles

MacQueen reviewed the materials received.

## **PUBLIC HEARINGS/LEGISLATION**

**Reading of Resolution 2021-52** Recognizing the Retirement of Chief Brian Carlson from the Yellow Springs Police Department. Curliss MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron introduced the resolution, noting that it is traditional to provide retiring Chiefs of Police the option to purchase their service weapon, but that this needs to be approved by Council.

All Council members made comments regarding their high regard for Chief Carlson and their regret at the loss of his leadership.

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

**Reading of Resolution 2021-52** Approving the Purchase of a Dump Truck. Curliss MOVED and Stokes SECONDED a MOTION TO APPROVE.

Salmeron provided information related to the need for this purchase prior to the snow season, the Public Works Department having had to decommission a truck from their three-vehicle fleet of dump trucks recently.

Salmeron noted that since 2017, Village equipment and vehicles have been able to be stored inside a storage barn, which has greatly increased the life-expectancy of these investments.

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

## **CITIZEN CONCERNS**

Alex Melamed spoke in favor of zoning reform, specifically decreasing setbacks and permitting more infill, and permitting “cluster zoning on the periphery” of the Village.

Mr. Cox, who did not provide a first name, stated concern regarding the potential for runoff from the proposed Oberer development, and asked how this would be addressed.

Swinger stated that this will be addressed at the Planning Commission hearing for the PUD request on November 9<sup>th</sup>.

## **SPECIAL REPORTS**

**Solar Project Update.** Salmeron presented information regarding possible energy contracts or projects to replace up to 5MW, which will be needed when two current contracts run out in 2022. He listed three options: a hydro project offered through American Municipal Power, a hybrid solar/wind

project through Blue Creek, which is expected to be online by 2024, and a solar/hydro project offered through Butler County.

Salmeron stated that Council has expressed greatest interest in the Blue Creek option, which will leave a 20% supply gap until 2024. 2024 is also the year that staff predict an increase in power needs in the Village due to economic and housing development.

If the gap is filled on the open market, it will be filled with natural gas and nuclear power. Another option, Salmeron said, is to build solar arrays in the Village. He stated that both rooftop and canopy solar have been contemplated for this option, and that the Village has received quotes from two firms, AEP and Iteira.

Salmeron stated that after careful review of possible Village-owned sites, Sutton Farm has been identified as a good site for a solar array, but that the area contemplated is under an easement. The proposal would be for an “agro-voltaic” array, combining pollinator paths and other agricultural initiatives with the solar array. Negotiation with Tecumseh Land Trust will be required, since it would have to permit the array on what is now agricultural land containing an easement.

Stokes asked whether the Village utility benefits from residential solar, and asked for a map of the proposed areas.

Salmeron responded that an analysis of residences would need to be undertaken, since the Village metering system only tracks the amount purchased. He will provide this information in a future meeting.

Stokes then asked how much appetite there may be for residential solar going forward.

Curliss cautioned that the best practice for solar is to site it on non-greenfield land also called “industrial legacy land,” or on rooftops. She stated her desire for a wetland study for the Glass Farm, reiterating her belief that this area is not suitable for a solar array.

Having read the easement terms, Curliss stated her doubt that the Village would receive permission for the solar use, and stated her preference that the Village not develop its own solar project.

Parcells responded that the Village is required to comply with the terms of the easement, but noted that the terms were written in the 1990’s, when solar arrays were not generally contemplated. Further, she noted, the writer of the terms is considered responsible for making the conditions explicit, so if TLT drafted the easement, its board must weigh this factor.

Parcells stated that if the Village wanted to ask for a new easement, this might be permissible, given that the original easement applied to a large area of which the majority now belongs to Glen Helen.

Salmeron noted that the greater portion of the area encompassed by the easement was sold to Glen Helen as conserved land, and the area under consideration for the array is what is now managed as a hay field.

Housh noted that there is more exploration to be done, and that Council will expect further reports back on the situation.

Curliss referenced a recently passed resolution on the part of the County Commissioners opposing solar use under certain conditions (i.e. where it is sited).

Housh asked that staff provide information on the possibility of a “mini-grid” when time permits.

## **OLD BUSINESS**

**Oberer Update and Next Steps.** Swinger referenced a memo that she had prepared for the packet and reviewed the steps that will occur in the Oberer development process with respect to public hearings, noting the Planning Commission PUD hearing scheduled for November 9<sup>th</sup>.

Swinger stated that if the hearing process proceeds without delays, Oberer is likely to return to Planning Commission in February or March with its final PUD plan for review. These submissions will trigger the Village's independent engineering review of the stormwater mitigation plan.

In response to concerns expressed earlier, Salmeron noted that the land in the area of the development slopes away to the south—away from existing housing.

Salmeron spoke to the success of the Village's negotiations with Oberer to this point, noting inclusion of walking trails, a playground, some innovative storm water mitigation techniques, and a 1.8-acre land donation to the Village for construction of affordable housing.

Housh called the land donation a "huge win," given the points awarded for donated land in grant applications for affordable housing.

**Draft Council 2022 Goals Report Out.** Housh commented that the work session had been productive, and stressed the effort to act collaboratively in setting these goals and incorporating them into the budget process.

Curliss commented that she would like to see a six-month reserve, and spoke generally regarding a need for an increase in housing options. She noted that affordability is a multi-faceted issue and should be addressed as such.

MacQueen mentioned a "zoning code task force" as a goal.

There was a general discussion about the usefulness of the "PDAC process".

Kreeger stated her desire to revisit the restructuring of Commissions, and stated her desire that the Justice System Commission be invigorated.

Stokes spoke at length regarding his desire that Council collaborate with Home, Inc., stating that he and MacQueen had attended Home, Inc.'s planning session, and noting that Home, Inc. will be bringing requests for funding to the Village in 2022.

## **NEW BUSINESS**

**FY 2022 Budget Update.** Salmeron reiterated information provided at the outset of the October 22<sup>nd</sup> budget meeting, he summarized the progress on the budget to date.

Salmeron stated that there will again be no increase in utility rates for 2022.

Salmeron noted a number of economic development projects in motion in the Village, which should come to fruition in 2022 and will positively affect tax income for the Village.

Salmeron noted that the approach to revenue projection remains conservative, and noted the current projected deficit for 2022 as \$175,451. He then reviewed all income sources and expenses.

Salmeron noted increases and decreases in the 2022 budget, stating that reductions to non-personnel were \$334,698; increases to personnel were \$64,618, resulting in an overall reduction from 2021 of \$270,080.

Regarding the Police Department budget, Salmeron noted that when the COS was hired in 2018, the Department reduced its full-time officers by one, dropping to 8 officers from 9.

Housh commented that 2022 will be a continuation of careful budget review while working to maintain services at their current level.

**House Bill 175.** MacQueen noted that this bill would remove protection for ephemeral streams. She noted that there is a letter of opposition signed by a number of entities, including the Ohio EPA. She asked for a resolution of opposition for the next meeting.

Curliss suggested writing a letter.

The decision was made to do both if it is not too late to send a resolution. Housh stated that he will check on the bill's progress to see if a resolution still makes sense.

**Regarding Use of Plastic Bottles for VYS Events.** MacQueen referenced a letter from Carol Cotton and stated her desire that plastic water bottles be banned for Village Government and for all groups who use the Bryan Center. She asked that this go on the agenda for the November 15<sup>th</sup> meeting.

Kreeger noted that the team's decision was "likely made on some basis" and that they should be spoken with regarding any change.

## **MANAGER'S REPORT**

The Body Worn Camera work group will convene on Thursday, November 18<sup>th</sup> to review best practices and policies regarding body worn cameras. The work group will draft and recommend a Body Worn Cameras Use Policy for approval by Council. The work group will meet as necessary to draft the policy.

The Village is offering a new health plan for Council Members and part-time staff called the Individual Coverage Health Reimbursement Arrangement. Coverage for this insurance would start January 1. Part-time employees and Council Members would pay through payroll deductions with any additional payments to be paid directly to the Village. These are individual plans through the exchange, which is not a full network plan.

Test equipment has been received for the Broadband Pilot Project. The team is conducting lab testing of equipment to document and test deployment protocols. Over the next two weeks, the pilot area and addresses will be finalized.

Salmeron noted an onsite audit and phishing test to the system in the past week.

Salmeron noted that the Dayton Street Sewer rerouting should break ground in 2021, stating that supply chain issues have slowed progress.

Housh asked how citizens can access new police policies. Salmeron stated that he can put these up on the SharePoint site.

Kreeger asked for an update regarding the Utility Round-Up program in an upcoming meeting.

Housh asked for a Community Revitalization Area update in the near future.

Housh asked for updated information regarding the COVID situation in relation to remote meetings, noting that he will reach out to Kreeger on this matter.

#### **FUTURE AGENDA ITEMS**

- Dec. 6:**       **First Reading of Ordinance 2021-30** Approving the Village of Yellow Springs 2022 Budget and Declaring an Emergency  
                  **First Reading of Ordinance 2021-31** Approving Amendments to the Personnel Policy Manual and Declaring an Emergency  
                  **PUD Ordinance** for Oberer Development  
                  Executive Session for Employee Evaluations  
                  Resolution Opposing House Bill 175  
                  Agraria Update  
                  Utility Round Up Update  
                  Parking Recommendation from Planning Commission
- Dec. 20:**       **Reading of Resolution 2021-XX** Authorizing the Village Manager to Execute an Easement Agreement with Massie's Creek Ventures LLC for Use of Village Property and Right-Of-Way Improvements Located Adjacent to 108 Cliff Street
- Jan. 3:**        Ceremonial Swearing in of Newly Elected Council Members

#### **ADJOURNMENT**

At 8:57pm, MacQueen MOVED, and Curliss SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 on a voice vote.

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Brian Housh, Council President

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Attest: Judy Kintner, Clerk of Council