

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

**In Council Chambers @ 7:00 P.M.**

**Monday, July 1, 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, and Kineta Sanford. Also present was Village Manager Josue Salmeron, Public Works Director Johnnie Burns, Chief Carlson and Finance Director Colleen Harris. Kevin Stokes was away on a family matter.

**EXECUTIVE SESSION**

There was no Executive Session.

**ANNOUNCEMENTS**

Housh announced the Fourth of July Parade at 3pm on the 4<sup>th</sup>, with fireworks after sunset.

Housh announced that the 2020 Census Committee is trying to hire at least one person local to the Village.

Housh noted passage of the Hugh O'Brian Youth Day resolution, and noted projects the group worked on during their time here.

Housh commented upon the success of YS Pride, noting Council's role in supporting the event. Housh stated that business was booming throughout, and the energy was very positive.

Housh commented that he had participated in a Little Miami Scenic River event for local officials. He noted the importance of the Little Miami to the area, relating the importance of natural approaches to storm water management.

Kreeger thanked the Reach Out Clinic team who had a presence at Pride and assisted a number of participants in connecting with health options.

Kreeger noted a new show for the JBC Gallery with an opening July 12 from 6-8.

**CONSENT AGENDA**

Swinger introduced the ordinances listed on the Consent Agenda, , giving a brief explanation of the way they will impact the zoning code.

1. Minutes of June 17, 2019 Regular Session
2. Ordinance 2019-17 Repealing Section 1220.01 "Appointment of Alternate Members" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1220.01 "Appointment of Alternate Members"
3. Ordinance 2019-18 Repealing Section 1246.02 "Schedule of Uses" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1246.02 "Schedule of Uses"
4. Ordinance 2019-19 Repealing Section 1248.02 "Schedule of Uses" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1248.02 "Schedule of Uses"
5. Ordinance 2019-20 Repealing Section 1250.02 "Schedule of Uses" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1250.02 "Schedule of Uses"
6. Ordinance 2019-21 Repealing Section 1258.01 "District Uses" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1258.01 "District Uses"
7. Ordinance 2019-22 Repealing Section 1262.08 "Specific Requirements" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1262.08 "Specific Requirements"
8. Ordinance 2019-23 Repealing Section 1276.02 "Planning Commission Powers and Duties" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1276.02 "Planning Commission Powers and Duties"
9. Ordinance 2019-24 Repealing Section 1278.01 "Appointment, Meetings and Quorum" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1278.01 "Appointment, Meetings and Quorum"
10. Ordinance 2019-25 Repealing Section 1278.06 "Decisions of the Board" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1278.06 "Decisions of the Board"

Sanford MOVED and Kreeger SECONDED a MOTION TO APPROVE. The MOTION

PASSED ON A 3-0 VOICE VOTE, with MacQueen abstaining.

**REVIEW OF AGENDA**

Kreeger added a nomination to New Business.

**PETITIONS/COMMUNICATIONS**

MacQueen reviewed communications received as follows:

Mitzie Miller re: Home, Inc. and Glass Farm  
Laura Curliss re: Response to Solar United Neighbors  
Andy Holyoke re: Village Solar  
John Courtney re: Solar Cap Rationale  
Amy Wamsley re: Pride Schedule

**PUBLIC HEARINGS/LEGISLATION**

**First Reading of Ordinance 2019-26** Granting a Utility Easement to Vectren Energy Delivery of Ohio, Inc. and Declaring an Emergency. MacQueen MOVED and Sanford SECONDED a MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING.

Burns explained that the easement will allow Vectren to run gas to the homes located in that area, and described the easement area as running in the buffer zone between properties, and located just north of the current Village parking area at Railroad Street.

There being no comment, Housh CLOSED THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

**Emergency Reading of Ordinance 2019-28** Approving 2019 Supplemental Appropriations for the Second Quarter and Declaring an Emergency. MacQueen MOVED and Sanford SECONDED a MOTION TO APPROVE.

Harris noted that \$32,000.00 is being transferred into the General Fund and that same amount into the Streets Fund to cover the Safe Routes to Schools sidewalk project completion; \$38,000.00 will be transferred to cover a new HVAC system for the Bryan Center gym.

Housh OPENED THE PUBLIC HEARING.

There being no comment, Housh CLOSED THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

**Emergency Reading of Ordinance 2019-29** Authorizing a Transfer of Funds from the General Fund to the Street Fund and Declaring an Emergency. Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Harris commented that this transfers the funds from the General Fund to the Streets Fund, allowing it to be spent on the SRTS project.

Housh OPENED THE PUBLIC HEARING.

There being no comment, Housh CLOSED THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

**Reading of Resolution 2019-31** Approving the Finance Director's 2020 Budget for the Village of Yellow Springs. Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Harris was asked a number of questions related to specifics in the resolution. She asked to respond to these at a later point when she had data on hand. Harris noted that these are estimates provided for the purpose of the County approving the Village's tax budget, and that this information will be broken out in detail during the budget process in October.

Housh CALLED THE VOTE, and the MOTION PASSED 4-0 ON A VOICE VOTE.

**Reading of Resolution 2019-32** Approving a Lease with John Bryan Community Pottery. Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron noted that he fully supports the lease agreement as written.

Housh expressed favor for the JBPC contributing to capital improvements needed for improvement of the Penguin Hut.

Housh CALLED THE VOTE and the MOTION PASSED 4-0 ON A VOICE VOTE.

**Reading of Resolution 2019-33** Accepting a Bid from Arbor Care for 2019 Annual Tree Trimming for Section Two of the Village. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Burns noted that of the three bids received, Arbor Care had provided the lowest and best bid with a saving of \$10,000.00 over 2019.

Burns noted that in Section 2 trimming will be 3-4 feet below the communication line.

Housh CALLED THE VOTE and the MOTION PASSED 4-0 ON A VOICE VOTE.

### **SPECIAL REPORTS**

AMP Portfolio Update. Mike Migliore from American Municipal Power presented information regarding the Village portfolio. Pam Sullivan from AMP was also present to address concerns.

Migliore stated that the Village gets about 85% of its energy from renewable resources, making it the “greenest” AMP community in Ohio. Investment in hydro projects has contributed to the relatively high cost of energy for villagers.

Migliore noted the Village’s contracts and the cost per kW for each of these. He noted that wind and hydro are complementary in terms of when they produce energy.

In response to a question from Housh, Migliore explained how the resources are allocated to meet demand.

Migliore noted that the Village is still paying off the debt for the hydro plants, adding to energy costs. These costs will drop once the debt is paid off.

Migliore noted that about ¾ of the Village portfolio is under contract, with about 25% purchased off the market.

Migliore explained the concept of peak shaving and the savings this can bring to the Village, noting that the village has a high response rate to peak shaving, which last year saved customers a total of approximately \$40,000.00.

Dan Rudolf contended that YS Solar is “putting out energy to the market” which will save the village money by reducing load when there is sun.

Migliore agreed that the solar is contributing to the energy portfolio, but is not contributing to the overhead costs.

Comment from citizens became fairly technical and interrogative.

MacQueen asked that those interested in increasing the solar cap ask their questions and that those be addressed at a later point. She noted that she would like to see a way to increase the cap without deferring the cost to utility consumers.

Migliore commented that John Courtney would be the better person to address the questions.

A citizen who did not identify herself asked how the Village is lowering the carbon footprint.

Sullivan stated that the Village has “probably the greenest portfolio in PJM.”

Housh noted the Village goal of lowering the carbon footprint. He stated that Council has to balance the solar concern with affordability.

David Turner asked that questions be answered more simply, and asked why it costs the Village money when citizens put solar panels up.

Judith Hempfling asked whether energy use has increased overall which might open up the possibility for more solar.

Dan Rudolf argued that the amount of energy produced by solar power offsets any increase in cost to utility users.

Eric Johnson stated that there is a way to work out the issue fairly.

Laura Skidmore commented that the open market does not maintain renewables

Matan Mazursky commented that the process needs to be creative, and needs to occur given the current climate crisis.

Housh stressed that Council is committed to positively identifying a workable solution.

Salmeron noted that he has been working with the Village team to address the issue, and pointed out that the village is not sending a message that residents should not put up solar devices, only that the Village cannot pay solar customers for energy returned to the grid once the 1% cap is reached. Salmeron reiterated the commitment to reaching a fair and sustainable solution that will not financially penalize utility customers.

Salmeron noted that the Village is committed to a number of long term contracts.

Mark Ewalt suggested re-invigorating the Energy Board, and asked that the cap be raised.

Ann Cooper received confirmation that the Village has reached the 1% limit.

Salmeron stated that the Village has 31 applications currently pending for solar.

Laura Skidmore stated her understanding of the equity issue, but asked why the Village cannot purchase less off the market and use the solar generation to make up the difference.

Salmeron explained that purchasing off the open market is a far lower cost than that of reimbursing solar customers—at eleven cents—this does not allow the Village to capture the cost of infrastructure. He explained that on market purchases lower the cost across the utility structure. He noted that there has to be a way for the Village to capture the operating and distribution expense.

Salmeron commented that it is the reimbursement structure that needs to be adjusted.

Christine Reedy noted a municipal utility in Austin, Texas using an evaluative solar tariff, and suggested looking at that model.

Steve Bognar stated his support for the cap increase, but stated that he is sensitive to the financial implications and the difficulty of making the increase work for all utility users without penalizing those unable to afford solar panels.

Franklin Halley commented on the savings his solar array provides, noting that it has paid for itself. He suggested considering a community solar field, and suggested using the Energy Board to look at the issue given the depth of the technical issues involved.

Megan Bachman, Yellow Springs News, asked if there is an ideal amount to purchase from the market.

Migliore stated that 10% is ideal to assure the ability to address variability in the load.

Housh commented that the Village Manager is ready to work with Burns towards a solution.

Tim Barhorst asked that the Village calculate a figure for the distribution charge and that bills show this. He asked if there are variable rate structures and was informed that there are.

In answer to Barhorst's question regarding line loss, Migliore stated this as about 3%, which the Village pays for.

Scott Fife noted his pride in a village that uses renewables.

Ben Miller asked that opportunity cost be considered.

Housh directed citizens interested in being involved in discussing a solution to e-mail the Clerk.

## **CITIZEN CONCERNS**

Laura Skidmore made a statement on behalf of Mothers Out Front and the Solar Coop, stating that she is in favor of renewables and of affordability. She noted climate change as a threat multiplier, and that energy choices make a significant impact.

## **OLD BUSINESS**

**Proposal for Participatory Budgeting.** Kreeger noted the positive impacts of participatory budgeting, and stressed the highly positive impacts of the process.

Kreeger gave examples of possible projects, and stated that the practice is on the increase.

Kreeger warned however, that the initial step would be to gather a steering committee to drive the process, and that this would be a time-heavy investment. Most projects are estimated to take 8-9 months, she said, and she described the trajectory of a typical project.

We are making a promise that the selected project will be funded, she noted, if we choose to engage in this process.

Housh wondered if there might be a commission willing to take on the work, and suggested that the lodging tax income of \$20,000.00 could be used for this purpose.

Salmeron noted that for the 2020 budget there is only about 5 months left to do this.

Kreeger suggested the possibility of the project choices being generated by Council for the first attempt.

Salmeron noted that reserve funds are currently being used to fund essential Village projects.

MacQueen stated that Council needs to prioritize their goals, and seemed to reject the idea of Participatory Budgeting.

**Recruitment Timeline for Justice System Commission.** Sanford noted that she and Kreeger have started the process of interviewing past members of the JSTF, and will follow up meeting with interested organizations and community leaders in the month of July. The Policing Assessment will be used to guide the commission's goals.

Sanford stated that most of the preparation work will occur in July, and that selection of commission members will take place in early August, with a potential first meeting in late August.

When to notice the openings was discussed. Housh asked that the notice run for three weeks. Kreeger and Sanford asked that the notice run starting the following week.

### **Energy Special Improvement District Proposal.**

Salmeron noted that PACE-ESID programs are economic development tools that allow businesses (and, sometimes, residential property owners) to install updated building infrastructure while financing the cost over time, as an assessment to property tax bills. An ESID, in particular, is an Energy Special Improvement District, established by Village Council and administered by a separate board, that allows businesses to build or rehabilitate buildings that are more energy-efficient and distribute that cost over an established period of time up to 30 years.

Salmeron stated that the ESID is a private-public partnership, and that the role of Council is simply to pass the legislation to permit the entity, including bylaws and board structure. Only one property/project is required to start the process.

Housh commented that property taxes are assessed to pay for the projects. He noted a number of interested entities, calling it a "no-brainer".

Salmeron noted that the Village would need to first apply to the state.

Housh commented that it is a collaboration with the Port Authority.

Conard stated that he sees not issue with the Village moving forward with the ESID process.

MacQueen asked whether the work load would be significant, and was told that this would be primarily staff work, and would be manageable.

Council agreed as a group that the matter should move forward.

**Board and Commission Expectations Review.** This item was moved to the July 15<sup>th</sup> meeting.

**Charter Change Discussion re: Proposed Vote 16 Amendment.** Conard noted that the threshold issue pertaining to the expansion of voting rights is whether the Ohio constitution or state statute explicitly bar the exercise of home rule power to allow the expansion of voting rights.

The power of local self-government granted to municipalities by the Ohio Constitution relates solely to the government and administration of the internal affairs of the municipality, and, in the absence

of as statute conferring broader power, municipal legislation must be confined to that area. The Village Charter has reserved all its home rule powers.

Conard noted that these electors will not be able to vote upon School Board matters or any matter affecting an entity outside of the village.

There are two versions of the proposed Charter amendment for Council to consider. The first version shown below does not contain the express limitations that exist on voting rights i.e. express limitation of voting rights based upon the Village's geographical boundaries.

Conard recommended that Council use the more explicit and limiting language.

Anthony Salmonson received clarification that the vote will affect the 2020 election. He was informed that the cost will be very low, and that the idea is to encourage better voting habits.

Conard responded to Salmonson in stating that the definition of a resident is that the person has been residing in the village for 30 or more days, per the Ohio Revised Code definition.

Conard noted that this would allow 16 and 17 year olds to run for office.

## **NEW BUSINESS**

There was no New Business.

## **MANAGER'S REPORT**

Salmeron stated that he has reviewed Police Department policies and that there are 55 current and updated policies with an additional 50 policies to be reviewed and adopted (if necessary) by June of 2020. Emergency management policies and plans are in place for specific business and industries. Salmeron state that he will convene Emergency Management meetings to identify any gaps in Village policies and address them in the coming months. Salmeron noted that this includes dealing with events and event planning.

A Public Nuisance Notice was issued to one property due to unsafe conditions for occupancy.

During the week of July 1<sup>st</sup>, no Vectren service crews will be working downtown. During the week of July 8<sup>th</sup>, two service crews will work on Dayton St. between Corry and Xenia Ave.

A portion of Dayton St will be closed while the crews are working. Closures are likely to take place over two days. Then the plan is to move to Corry St between Dayton St and Xenia Ave, closing Corry St for one day.

Unidirectional Flow: From July 9<sup>th</sup> thru the 11<sup>th</sup>, unidirectional flushing will take place. This procedure of flushing the pipes will result in discoloration of water.

The Policing Assessment grant application request was denied by YS Community Foundation. Request for 6K intended to cover about 5.6k of expenses beyond the 30k allocated for the assessment. The Village will request a budget supplemental at next Council session to cover the additional expense.

Housh suggested the possibility of accessing funds from HRC.

Housh noted the inclusion of the CORCLE poster and why this is important. Salmeron noted that there will be organizational training around these principles.

NOMINATION: Kreeger NOMINATED Susan Jennings to the FULL POSITION on the ESC. Housh SECONDED and the MOTION PASSED 4-0 on a VOICE VOTE.

## **CLERK'S REPORT**

The Clerk pointed out the Retreat agenda for Council review.

## **FUTURE AGENDA ITEMS**

July 15: **Second Reading and Public Hearing of Ordinance 2019-26** Granting a Utility Easement to Vectren Energy Delivery of Ohio, Inc. and Declaring an Emergency  
Discussion re: PC Recommendation on TGL  
**Second Readings and Public Hearings of Ordinances 2019-17 through 2019-25**  
**Emergency Reading of Ordinance 2019-27** Authorizing and Directing the Submission to a Vote of the Electors of the Village of Yellow Springs, Ohio a Proposal to Amend Certain Provisions of the Charter of the Village of Yellow Springs, Ohio to be Voted Upon at the Next Regular Municipal Election on November 5, 2019 and Declaring an Emergency

**Resolution 2019-34** Authorizing the Village Manager to Enter into a Contract for a Comprehensive Land Use Plan Update with Community Planning Insights

**Reading of Resolution 2019-35** Supporting the Greene County Master Trail Planning Effort

Quarterly Financials

Revolving Loan Fund Proposal

Housing Board Discussion

Home, Inc. Update

Board and Commission Expectations Review

Village Goals Update

Local Solar Opportunities Update

Comprehensive Plan Update Recommendation

Aug. 19: Health Assessment Results Presentation

Pool Rate Ordinance

Emergency Preparedness Update

Policing Assessment Update

#### **ADJOURNMENT**

At 9:48pm, Sanford MOVED and MacQueen SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 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:*

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Brian Housh, Council President

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Attest: Judy Kintner, Clerk of Council