

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

In Council Chambers @ 7:00 P.M.

Monday, October 21, 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 Kevin Stokes and Kineta Sanford. Also present were Public Works Director Johnnie Burns and Finance Director Colleen Harris. Both Councilperson Kreeger and Manager Salmeron were out of town.

ANNOUNCEMENTS

MacQueen announced EPA meetings on Thursday, one of which is open to the public (5-7pm) and will address the Vernay cleanup.

Bonfires will be held as usual on October 31st from 6-8, during Trick-or-Treat.

Housh announced an informational session on being a Census taker at the Greene County Public Library on Tuesday, October 22.

Housh announced the website for the Comprehensive Land Use Plan process as <https://www.sustainableyellowsprings.com/>. He encouraged Villagers to visit the site.

Housh thanked the Village Team for their efforts to set up the temporary transportation project and to be out in full force for the first day. He expressed that things had gone well and that he had heard a lot of positive feedback while visiting Mills Lawn. He stated that he will be interested to see the results of the project.

CONSENT AGENDA

1. Minutes of October 7, 2019 Regular Session

MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE the MINUTES AS AMENDED. The MOTION PASSED ON A 4-0 VOICE VOTE.

REVIEW OF AGENDA

MacQueen asked to add a discussion on the Tree Ordinance/Tree Care under New Business.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

Brian Housh re: MVMBA Support and Proposal (2)
Brian Housh re: Support Letter for Toole Design
Brian Housh re: Support Letter for Home, Inc. Glen Forest Cottage Project
Kate Mooneyham re: Ellis Park Tree Trimming Complaint (2)
Brian Housh re: Letter of Condemnation
Kat Walter re: Repair Café
Macy Reynolds/Chris Hodgson re: Tree Trimming at Ellis Park
Mayor's Clerk re: Eligible Charges and Report
Josue Salmeron re: Vernay Fact Sheet

PUBLIC HEARINGS/LEGISLATION

Emergency Reading of Ordinance 2019-34 Approving Third Quarter Supplemental Appropriations for 2019 and Declaring an Emergency. MacQueen MOVED and Stokes SECONDED A MOTION TO APPROVE.

Harris explained the increases requested, as shown in the ordinance. She noted a higher tax rate required for farm property, which is not being farmed currently.

Harris noted that the final payment for power costs for 2018 was expensed in 2019, putting the Village over budget for power costs for 2019 if the 2019 bills are all paid this fiscal year. Harris stated her preference to make those payments in the year they are expensed to avoid pushing the problem down the road.

Burns explained the additional cost for storm water repair, which was to repair a laid up limestone storm sewer at the Nipper's Corner area.

Housh OPENED THE PUBLIC HEARING.

Megan Bachman, Yellow Springs News, asked whether the soil sample results from the area of the abandoned oil tanks had come back. She was informed that the results are not yet back, but that the results will be made public when they come back.

Housh CLOSED THE PUBLIC HEARING

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

Reading of Resolution 2019-46 Approving a Code of Regulations for a Yellow Springs Community Development Corporation. MacQueen MOVED and Sanford SECONDED A MOTION TO APPROVE.

Housh noted that the CDC members have been meeting, and that the collaboration is made up of 40% elected officials from the Village and Township and of stakeholders from the Yellow Springs Schools, the YS Chamber, Antioch College and the YS Community Foundation. He noted that the group is beginning work to collaborate on such issues as economic development, levy issues, housing and transportation, to name a few.

Housh noted corrections made to the agreement where the document contained sexist language.

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

SPECIAL REPORTS

Temporary Transportation Plan (Short/Walnut Streets) Update. Burns updated Council regarding the project, which rolled out this morning. He noted that three more barricades will be added at the Limestone intersection to prevent the tendency of many drivers to take the left turn onto Limestone despite it being illegal at present. Observers will be out again this week.

Burns relayed that Short Street inadvertently became a one-way street starting on Friday (two days early), when the crew started working on striping and cars started parking, despite the signage. He noted that at that point, "it was easier just to make it a one-way street".

He noted problems with people removing tape and cones, which has served to confuse the process.

Housh noted some unhelpful Facebook posts, which are encouraging citizens to turn left on Limestone despite the signage.

Burns noted an unexpected problem when a semi-truck's GPS routed it onto Elm Street where it became temporarily stuck, right at drop-off time. Crews managed to get the truck re-routed successfully.

Housh recognized the need for the Village to more fully communicate information regarding upcoming projects.

Stokes asked that persons on scene gather data as to how the process is working.

Ruth Jordan asked why the project was being put into effect.

Housh referenced the Active Transportation Plan, noting that drop-off issues had been identified through that process, as had the problematic intersection at Limestone and Walnut at Xenia Avenue.

Jordan asked whether the school had been asked to participate in a solution.

Housh responded that those conversations are happening more actively at this point.

Jordan suggested that the Village consider the drop-off scenario used at Five Points Elementary in Fairborn, one of the largest elementary schools in the state, which is successful there.

Jordan asked that the school be willing to participate in a K-3 drop off program.

Housh noted a meeting next week with the Superintendent, Board President, Housh and Salmeron to discuss the project.

Jordan asked that a school-led drop-off program be run as a trial before a decision is made regarding any transportation project.

Laura Curliss described her trials in attempting to drive into town, stating that the pattern “sent me into neighborhoods”. She commented also as to her difficulty in getting to the ATM at US Bank.

MacQueen commented that she did not see an increase in traffic on West Davis between 10am and 4pm on Monday.

Megan Bachman described several near misses she had seen in her travels on Monday. She referenced the truck, and asked whether the GPS information could be changed. Bachman asked how and what type of data will be gathered.

Bachman commented finally that the high level of involvement of staff should be calculated into the overall cost of the project.

Housh commented that Salmeron is anticipating a debrief at the end of the project, and that staff time will be calculated into that summary.

Housh appreciated Ashley Mangan of US Bank, who created her own survey regarding the project, which she is using to collect data from businesses.

Housh asked that others engage in providing anecdotal data.

Burns commented that truckers seem to regularly receive bad information regarding routes in this area.

Stokes commented that truckers access a different piloting system geared towards fifth-wheel vehicles, and that this is a separate system, perhaps most readily solved by a trucker.

The Clerk commented that the Village Manager is likely waiting to enact counts and data collection until the pattern is set, likely around October 28th.

CITIZEN CONCERNS

There were no Citizen Concerns.

OLD BUSINESS

Proposal for a Yellow Springs Dog Park. Richard Lapedes and Johnnie Burns (who may wish to start a YouTube channel at some point) reported on their meeting with Water Superintendent Brad Ault and Dog Park Consultants Beth and Tom Miller regarding Lapedes’s proposal for a Yellow Springs Dog Park.

Lapedes first noted that while his suggestion had been to locate the proposed park just to the east or west of the Village water towers, an alternative suggestion had been made for Beatty Hughes Park as the location.

Lapedes noted that Beatty Hughes had been ruled out early on as being fairly small, having limited available parking and being surrounded with property owners.

Burns shared that the location to the east of the water towers was ruled out by Ault as the overflow area for the towers.

The area to the west of the towers abuts Tower Court, and Lapedes noted that there are things that can be done to ameliorate any concerns those neighbors would have, and which he is prepared to do. He noted that Burns had provided the Dog Park consultants with our Village Values, and that they had responded with a rubric that they have developed for grade school age children relevant to dog parks.

Lapedes noted items needed for phase one, suggesting that the Village proceed in that direction.

Burns noted that in addition to the Village Values, he had sent the Millers a map of the proposed area so that they can respond with a preliminary plan.

Lapedes commented that it is “incumbent upon the 73% of us who do have dogs” to chip in to the creation of the dog park. Operating cost would be negligible. The cost for the project has not yet been determined, Lapedes noted.

Burns noted that there is ready access to a water source at that location.

Housh expressed his support for this community amenity.

Sanford expressed support for the idea, as did Stokes.

Housh commented that his support in part stems from the notion that Villagers will participate in making the dog park happen from a financial standpoint. He noted that buy in from stakeholder groups is key, as is the ability for the Village to maintain the proposed amenity.

NEW BUSINESS

Village Tree Ordinance. MacQueen commented that she would like the Tree Ordinance to return.

Housh stated that Salmeron had been given this task as one to be completed in his first six months when he first arrived. He noted another issue that has been brought up, and which he supports, which is that of having a trained arborist on staff. Housh commented that Council should have a draft ordinance to look at by the second meeting in November.

MacQueen asked that the earlier produced draft ordinance be in the November 4th packet.

Macy Reynolds noted that the Tree City requirements include a full-time arborist on staff, and that the Tree Committee did not necessarily see a need for a full-time staff person as an arborist, but would like either a part-time person to consult with the Village or a staff person to receive that certification.

Reynolds commented that there are no arborists on the Tree Committee (TC), and that after the TC plants a tree, it assumes responsibility for only three years. Reynolds commented that the TC has planted about 2,000 trees over the course of many years and is responsible for only 90 trees at any given point.

She commented that the tree causing controversy at Ellis Park had been neglected for so long that a care plan would have required a trained arborist.

Bob Moore was mentioned as a potential resource.

Housh commented that siting of trees to ensure protection of infrastructure such as sidewalks is an important aspect of a tree ordinance.

Quarterly Financials. Harris commented that the target is to be at 75% revenue, and the Village is currently at 89.73%, which is running above target. Expenditures are running at about 71%. Harris stated that she is not seeing any issues currently.

Housh asked that Harris contact the YS Schools Treasurer to perhaps offer information or assistance, since the schools are running below the 75% mark for revenues presently. Housh highlighted that he would like the Village and the YS Schools to be more connected.

Harris stated that she will have other sources of income available soon.

MacQueen MOVED to APPROVE THE QUARTERLY FINANCIALS. Sanford SECONDED, and the MOTION PASSED 4-0 ON A VOICE VOTE.

Draft 2020 Village Budget Discussion. Harris went through the graphics first, noting totals for each fund.

In response to a question from MacQueen, Harris offered to create another pie chart that will show the funds without transfers, and with and without capital expenditures.

Harris noted that she anticipates revenue numbers to stay up and in the black for 2019.

Housh asked whether more money can be moved into the Capital budget, given that that Village is under budget on the funds.

MacQueen asked whether storm water can be added to the budget, since there are anticipated expenses for storm water improvements.

Housh stated that he wants to start using Capital funds and saving the General fund where possible.

Council discussed Legal Fees.

Harris noted that \$65,000.00 has been set aside for a full-time legal employee, along with FT benefits for such a person.

Housh commented that an in-house legal employee would more likely be part-time and would serve as a contract employee.

Housh commented that the Village will seek someone who can handle 80% of the Village's needs, with the other portion being sent out-of-house.

Harris noted that \$62,000 has been spent on the retainer and outside of retainer was at \$32,000 at the $\frac{3}{4}$ mark for 2019.

Housh affirmed that the total for 2019 will be over \$100,000.00 for legal services under the current system.

MacQueen expressed discomfort in being able to make a decision as to whether it is a better system to hire an in-house solicitor and hold a municipal law firm on retainer for situations outside of the in-house counsel's expertise.

Housh commented that when the Village sought RFQs four years ago, this was noted as standard practice.

Housh argued that this will help control legal fees. He suggested budgeting for \$65,000.00 for in-house counsel.

Housh asked that Salmeron put together an RFQ for the next meeting.

Harris suggested that one-quarter under the present system be budgeted, given that a search will take some time.

MacQueen asked whether the problem is the form or the person.

Housh stated that there has been some dissatisfaction with quality of work.

Harris stated that she is keeping the \$65,000.00, adding \$25,000.00 for the outside services, and is subtracting out the benefits costs.

Outside retainer costs were budgeted at \$60,000.00 as a projection. Housh asked that \$40,000.00 be set aside, rather than \$60,000.00.

Responding to a question from MacQueen, Housh estimated the number of hours a solicitor would average weekly at about 20 hours per week.

Housh asked that RFQs for both the in-house and the outside legal services be brought to the next meeting.

Harris noted that she had found errors in her original Police Department budget, and had worked with Sergeant Watson and Chief Carlson to correct these, making sure that part- and full-time employees were correctly categorized, for example. This scrutiny resulted in a decrease in the PD budget as well as in the pension costs. The resulting \$1.5 million for this department brings the budget in slightly lower than for 2019.

Harris stated that all departments will receive defibrillator units at a cost of \$1,000.00 per unit.

Arborist certification was included in the Streets budget.

Harris stated that she had placed \$30,000.00 in the Economic Development Fund for the Home, Inc. Glen Cottages donation request.

Housh asked that the \$30,000.00 remain in the General Fund until the Affordable Housing line is created.

Housh asked that funds be allocated for a Grant Writer position, and asked that the \$30,000.00 stay in the ED fund to be used for that purpose. (Essentially, \$30,000.00 will need to be taken from the General Fund when the AH line is approved.)

Harris showed \$25,000.00 set aside for participatory budgeting. MacQueen asked that some of this be used to educate citizens about the Village budget.

Housh noted that having a communications person on staff might play a key role in this regard, and that this has been asked for by the Village Manager.

Housh commented that these are funds remaining from the 2018 Lodging Tax.

Housh commented that there will need to be a contribution made to the ED fund for the newly created CDC, and that Kreeger should be able to provide accurate information at the next meeting.

After discussion, Council decided to reduce the budget for Council commissions by \$10,000.00 to offset the donation to the Senior Center to assist them with their utility and transportation costs. The donation to the Senior Center was set in the amount of \$15,000.00

Housh asked for specific numbers regarding 2018 & 2019 Lodging Tax income and expenditures for the next meeting.

Harris commented that the power supply cost will likely be able to be reduced, once AMP updates its 2020 projections.

Burns highlighted several items he is requesting from the General Fund, specifically windows for the Bryan Center and a new Electric Equipment Storage Barn at Sutton Farm.

MacQueen shared that she had toured the facility earlier in the day, and that there is definitely a need for this upgrade to a newer, larger facility.

Burns commented upon the increased collaboration among area departments in an effort to reduce costs and increase efficiency, highlighting a recent collaboration with Miami Township.

Burns asked for funding for three bridges at Ellis Park, at a total cost of \$56,000.00.

Housh commented that he would like a discussion about “necessary” vs “nice to have” at the next meeting. He commented that he would like to see where stakeholders can contribute.

MANAGER’S REPORT

Burns reported for the Manager that the Village takes pride in being a collaborative partner to Miami Township, MTRF and others in the regional community. Often efforts and collaboration are not publicized, but a recent activity is worth mentioning. The MTRF construction site requires a lot of dirt to raise the site, and the Village had dirt at the CBE and Sutton Farm that required removal. This effort will save the Village about \$100,000.00 in removal costs.

CLERK’S REPORT

There was no Clerk report.

BOARD AND COMMISSION REPORTS

Housh reported that at a recent MVRPC meeting, the proposed sales tax increase of .25% to fund the new Greene County Jail was raised. He stated that he had made the proposal that an additional .25% be added to this issue to support something like recreation or other positive quality of life initiatives. The idea met with interest, and Housh asked for citizens and Council members to think over ideas that could be funded with an additional .25% sales tax.

Housh noted that the Greene County Trails Plan is moving forward.

Housh asked the Clerk to continue moving forward with the Active Transportation Enhancement Committee.

FUTURE AGENDA ITEMS

- Nov. 4: Budget Discussion: Capital Improvements
Action Plan for Implementation of Manager’s Justice System Advisory Board
Draft RFQs for Legal Services
Tree Ordinance Discussion
Resolution Approving Flour and Sugar Distribution
Renergy Presentation
- Nov. 18: First Reading of Ordinance Approving the 2020 Budget for the Village of Yellow Springs and Declaring an Emergency
Ordinance 2019-XX re: Revolving Loan Fund
- Dec. 2: Second Reading and Public Hearing of Ordinance Approving the 2020 Budget for the Village of Yellow Springs and Declaring an Emergency
- Dec. 16:

EXECUTIVE SESSION

At 9:33pm, Sanford MOVED and Stokes SECONDED a MOTION TO ENTER INTO EXECUTIVE SESSION for the Purpose of Discussion of the Evaluation of a Village Employee. The

MOTION PASSED 4-0 ON A ROLL CALL VOTE. Salmeron was present by phone for the session. Solicitor Conard was present.

At 10:40pm, MacQueen MOVED and Stokes SECONDED a MOTION TO EXIT EXECUTIVE SESSION.

ADJOURNMENT

At 10:41pm, MacQueen MOVED and Sanford 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:

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council