

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

In Council Chambers @ 6:00 P.M.

Monday, November 18, 2019

CALL TO ORDER

President of Council Brian Housh called the meeting to order at 6:00pm.

ROLL CALL

Present were President Housh, Vice President Marianne MacQueen and Council members Lisa Kreeger and Kineta Sanford. Also present were Village Manager Josue Salmeron and Village Solicitor Chris Conard. Kevin Stokes arrived at 6:05.

EXECUTIVE SESSION

At 6:01pm, MacQueen MOVED and Sanford SECONDED a MOTION TO ENTER INTO EXECUTIVE SESSION for the Purpose of Discussion of the Potential Sale of Village Owned Property and to Discuss Potential Litigation.

The MOTION PASSED 4-0 ON A ROLL CALL VOTE. Denise Swinger and Johnnie Burns were present in the session until 6:48pm.

At 7:02pm, Kreeger MOVED and Sanford SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 on a voice vote.

CITIZEN HERO AWARD

Justin D. Halker received this award for, of his own volition, searching for and finding Margaret Champney, who had spent 24 hours lost in the woods, and whom multiple rescue efforts had been unable to locate.

ANNOUNCEMENTS

MacQueen announced a Village sponsored informational meeting on the status of the Vernay clean-up set for November 21 from 5-7pm.

MacQueen urged citizens to continue filling out the Temporary Transportation Project surveys, which will be tallied on November 23rd.

Lauren Miller announced that she was initiating a fundraiser for cold water pet rescue equipment for MTRF, and urged donations.

Housh announced that the Temporary Transportation Project surveys are due by end of the day on the 23rd, and that yard waste pickup will take place on November 30th.

Housh congratulated MacQueen and Kreeger on their re-election.

Housh welcomed the new reverend at the Central Chapel AME Church, Reverend Morné Meyer.

Housh noted that the three-minute rule for comment will be strictly followed hereafter.

CONSENT AGENDA

1. Minutes of November 4, 2019 Regular Session
2. **Ordinance 2019-36** Repealing Section 414.10 “Right Turns on Red Prohibited” of Chapter 414 “Traffic Control Devices” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 414.10 “Right Turns on Red Prohibited”
3. **Ordinance 2019-37** Repealing Section 660.07 “Storing Junk Vehicles, Unlicensed Vehicles and Inoperable Vehicles On Private Property with Permission of Owner” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 660.07 “Storing Junk Vehicles, Unlicensed Vehicles and Inoperable Vehicles on Private Property with Permission of Owner”
4. **Ordinance 2019-38** Repealing Section 1260.03 “Driveway Standards, Access Easements, Parking and Storage” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1260.03 “Driveway Standards, Access Easements, Parking and Storage”
5. **Ordinance 2019-39** Repealing Section 1272.05 “Enforcement; Penalty” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1272.05 “Enforcement; Penalty”

6. **Ordinance 2019-40** Repealing Sections 674.01 “Trimming of Trees, Plants and Shrubbery” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 674.01 “Trimming of Trees, Plants and Shrubbery”
7. **Ordinance 2019-41** Repealing Sections 674.02 “Removal of Plants and Weeds by Owner” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 674.02 “Removal of Plants and Weeds by Owner”
8. **Ordinance 2019-42** Repealing Sections 674.03 “Removal of Trees, Weeds and Grasses by Village; Notice” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 674.03 “Removal of Trees, Weeds and Grasses; Notice and Enforcement”
9. **Ordinance 2019-43** Repealing Sections 674.04 “Assessment of Costs by the Village” of the Codified Ordinances of the Village of Yellow Springs, Ohio

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

REVIEW OF AGENDA

Kreeger added a Council Retreat to New Business.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

Joan Champie re: Temporary Traffic Project
 Barbara Cousins re: Temporary Traffic Project
 Jeff Reich re: Temporary Traffic Project
 Christopher Joseph re: Speed on Corry Street
 Brian Housh re: Culture of Health Competition Submission (2)
 Josue Salmeron re: Vernay Informational Meeting Invitation
 Elise Burns re: Mayor’s Court Report

PUBLIC HEARINGS/LEGISLATION

First Reading of Ordinance 2019-35 Approving the 2020 Annual Appropriations for the Village of Yellow Springs and Declaring an Emergency. MacQueen MOVED and Sanford SECONDED a MOTION TO APPROVE.

Harris provided a brief overview, and Salmeron provided a detailed PowerPoint reviewing revenues for each fund, noting that a significant portion of the General Fund is provided by the income tax levy.

Salmeron then reviewed the budget for each area.

There being no questions, Housh CALLED THE VOTE, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Reading of Resolution 2019-50 Determining the Necessity of Levying a Renewal of an Existing 8.4 Mill Property Tax Levy in Excess of the Ten-Mill Limitation for the Purpose of Paying for Current Operating Expenses of the Village to Run for Five (5) Years, Pursuant to Section 5705.19 as Amended, and Requesting the County Auditor to Certify Matters in Connection Therewith. MacQueen MOVED and Kreeger SECONDED A MOTION TO APPROVE.

The Clerk explained that the Village has to receive certification from the County Auditor that the Village does in fact require a levy outside of the 10 mil limitation set by the State of Ohio in order to operate the municipality. That certification is based upon audit reports done annually which verify the budget process and then check expenditures against the approved budget.

Once Council passes the resolution, the Greene County Auditor has 10 days in which to certify that the Village has the latitude to request continuation of the current tax levy by placing it on the ballot in March. Once certification is received, a resolution will be placed before Council requesting that the Board of Elections submit the levy question to the voters on March 17, 2020. That resolution is scheduled to come before Council on December 2nd.

Housh outlined the vital nature of the levy to Village operations and noted activities underway to bolster the budget.

Salmeron then explained, based on the pie charts he had just used to explain the budget, what percentage of those expenses are funded by levy dollars.

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

Reading of Resolution 2019-51 Declaring Opposition to House Bill 242. MacQueen MOVED and Sanford SECONDED a MOTION TO APPROVE.

MacQueen commented that the information regarding the bill came to her via the Sierra Club, and that state legislative efforts to restrict or deny municipalities in their efforts to curtail the use of plastic products poses a significant challenge to environmental efforts.

Housh added that the continued attack on Home Rule is of equal concern, given that these efforts are often spawned by local action.

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

Reading of Resolution 2019-52 Declaring Saturday, November 30, 2019 Small Business Saturday in the Village of Yellow Springs. Sanford MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Karen Wintrow, Executive Director, YS Chamber of Commerce, detailed holiday activities in the Village, noting a group luminary walk with citizen-decorated luminary bags lighting the way and culminating in a group photo. She noted several events of interest, including the downtown tree illumination set for November 27th.

Housh commented upon the Community Thanksgiving meal, which is held annually at the Presbyterian Church from 2-4pm on Thanksgiving Day.

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

Reading of Resolution 2019-53 Supporting a Prompt and Meaningful Shift Away from Fossil Fuels in the United States as a Necessary Cornerstone to Any Meaningful Response to Climate Change; and Further Supporting the Proposed Energy Innovation and Carbon Dividend Act. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh explained the resolution in support of a federal climate change bill, which provides dividends to lower and middle income citizens that are funded by taxes paid by fossil fuel companies.

Housh CALLED the VOTE, and the MOTION PASSED 5-0 ON A VOICE VOTE.

SPECIAL REPORTS

Comprehensive Land Use: Progress to Date. Aaron Sorrell of Community Planning Insights described his process and where the process is at this point.

Sorrell noted that he is meeting with MSP Design to develop scenarios for the Glass Farm and Kinney sites. He noted that the designs will vary from low-to-high density, and the public can then weigh in on these.

Sorrell noted attention to parking in the downtown area as another area of focus.

Sorrell commented that there will be a meeting to gather feedback in either the first or second week of January.

Sorrell stated that the process will be written into the plan itself, and will assure a structure for feedback and implementation and accountability.

Housh asked for detailed records regarding community input received and attendance numbers for each engagement event.

Sorrell assured Housh that this will occur.

Mitzie Miller asked that there be outreach to many builders.

CITIZEN CONCERNS

Lauren Miller asked that the date be posted behind the Council table so that it would appear on the Channel 5 feeds.

OLD BUSINESS

Temporary Transportation Project Update. Salmeron updated Council on the TTP's process to date, and went through the current survey results, noting that these will not be final until after November 23rd.

Karen Wintrow commented that the TTP needs to be folded into the Comprehensive Land Use Plan.

Lauren Miller asked for results of the cost of the project.

Laura Curliss commented that on Short Street the angled parking put car bumpers over the curb, thus narrowing the walkway. She commented also that she did not see this as the Village's problem to solve, since it could be resolved by having the school educate parents regarding drop-off procedures.

Housh commented that he had heard a lot of positives regarding angled parking. He noted that the project yielded good information, and complimented the Village Team on their work in implementing the project. He urged the Village to continue to consider the YS Complete Streets policy.

Wintrow commented that communication for any project moving forward should be prioritized, and offered to assist in this work.

Charter Amendment Ordinance Discussion. Housh commented that neither Council nor citizens had been pleased with the bundling of issues when the proposed Charter amendments were put on the ballot in November, and he opined that this was the likely cause of the narrow failure of the issue.

Housh noted that getting inclusionary voting on the ballot at the county level was a success regardless of outcome. He asked Council to discuss the matter of separating out the issues of "Vote 16" from the issue of non-US citizen residents being able to vote in local elections.

Council discussed this, and all members agreed that all three issues should be separated—Vote 16, non-US citizens voting and an increase in the mayoral term. All agreed to put the matter on the ballot for the March election.

RFQ for Legal Services. Salmeron presented an updated draft RFQ, and an amended timeline. He noted that the Mayor and Zoning Administrator have been added to the hiring committee and that the Solicitor can be involved in Mayor's Court processes.

Council discussed the changes, noting the critical nature of experience with local government to the position.

Kreeger asked for more information regarding the desire for an individual rather than a firm.

Salmeron gave several examples of this model, noting those areas the Village would require expertise with.

Laura Curliss commented that it is typical for a municipality to hire a Law Director who has an operating budget, and that person manages any need to go outside of his or her areas of expertise both in terms of finding contacts and in paying for these services.

NEW BUSINESS

Council Retreat. Kreeger noted that the experience of working with her commissions regarding efficacy has been instructive, and that it needs a full conversation among Council members. She expressed the need for a retreat to do a deep dive on the topic.

Council agreed generally, and asked that the Clerk coordinate times for January for a retreat.

MANAGER'S REPORT

Salmeron complimented Burns in securing a new Greene County Municipal Grant for a ramp from the bike trail to the Skate Park. The grant funds totaling \$15K will fund installation of a new ramp to provide access from the bike trail to the skate park, basketball courts and playground. This grant will help offset the cost of the new ramp, which is estimated to cost around \$19,000 to include additional work in the area (such as building a retention wall to reduce soil/ground erosion). This project is currently underway.

Project Updates

- Bicycle lane along Xenia Ave from Allen St. to Brannum Lane has been completed.
- Storm Drain at Dayton St. and King St.: work is underway to add a new storm drain and rebuild the curb and ADA ramp. Expected completion date is during the week of November 18th.
- New Ramp installation to connect Little Miami Scenic Trail to skate park and basketball courts is underway. Expected completion in two weeks.

Salmeron noted the recent "Coats and Boots" shopping trip sponsored by the Police Department to outfit Mills Lawn students who need them with warm coats and boots.

Salmeron noted that the Water Department hosted the 2019 Ohio Water Works Fall conference, for which Xylem provided the space.

Salmeron provided the Quarterly Finance Report update.

CLERK’S REPORT

There was no Clerk Report.

BOARD AND COMMISSION REPORTS

Kreeger NOMINATED Amy Wamsley as a full member of Arts and Culture Commission. Housh SECONDED, and the NOMINATION PASSED 5-0 on a VOICE VOTE.

Kreeger stated that a member of the ESC has been independently researching profit and loss information on Street Fair. She asked for an opinion from Council as to whether Council wishes to have this research done by a commission.

Housh stated that Council has not asked for this type of analysis, and does not want the research to continue. This was generally agreed upon by other Council members.

FUTURE AGENDA ITEMS

- Dec. 2: **Second Reading and Public Hearing of Ordinance 2019-35** Approving the 2020 Budget for the Village of Yellow Springs and Declaring an Emergency
Second Reading and Public Hearing of Ordinance 2019-36 Repealing Section 414.10 “Right Turns on Red Prohibited” of Chapter 414 “Traffic Control Devices” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 414.10 “Right Turns on Red Prohibited”
Second Reading and Public Hearing of Ordinances 2019-37; 38; 39; 40; 41; 42 and 43
Reading of Resolution 2019-53 Official Question and Issue Ballot: General Election, March 17, 2020 Proposed Tax Levy (Renewal)
Request for One-Year Extension for 54 Unit Senior Housing PUD Preliminary Plan
Commission Budgets
- Dec. 16: Discussion of Potential Sale of Village Renewable Energy Credits
Parameters of Automated Ticketing
Reenergy Waste Digester

EXECUTIVE SESSION

At 9:59pm, MacQueen MOVED and Kreeger SECONDED a MOTION TO ENTER INTO EXECUTIVE SESSION for the Purpose of Discussion of Potential Litigation.

The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

At 10:04pm, Kreeger MOVED and Stokes SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 on a voice vote.

ADJOURNMENT

At 10:05pm, MacQueen MOVED and Stokes 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