

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

**In Council Chambers @ 6:00 P.M.**

**Monday, December 16, 2019**

**CALL TO ORDER**

President of Council Brian Housh called the meeting to order at 6:05pm.

**ROLL CALL**

Present were President Housh, Vice President Marianne MacQueen and Council members Lisa Kreeger, Kineta Sanford and Kevin Stokes.

**EXECUTIVE SESSION**

At 6:05pm, MacQueen MOVED and Sanford SECONDED a MOTION TO ENTER INTO EXECUTIVE SESSION for the Purpose of the Evaluation of a Public Employee.

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

At 7:00pm, Kreeger MOVED and Sanford SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 on a voice vote.

**SWEARINGS-IN**

President Housh swore in Amy Wamsley as a member of the Arts and Culture Commission.

**ANNOUNCEMENTS**

Chief Carlson stated that the New Year's Eve activities this year will occur as normal, and that CNN will not be present as was the case last year.

Stokes announced that Antioch College will be hosting "Farm to Table" dinners for the community this Tuesday and Wednesday.

Housh urged citizens to fill out the MVRPC survey regarding Planning Tools.

Housh noted that the Village has made it to the phase II of the Robert Wood Johnson Foundation Culture of Health prize. Phase II is due January 20<sup>th</sup>.

Kreeger announced a December 10<sup>th</sup> meeting regarding a school facilities update, and noted that materials about this are now posted.

**CONSENT AGENDA**

1. Minutes of December 2, 2019 Regular Session

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

**REVIEW OF AGENDA**

There were no additions or changes made.

**PETITIONS/COMMUNICATIONS**

MacQueen reviewed communications received as follows:

Senator Sherrod Brown re: Climate Change Legislation

Ursa Northstar re: Traffic and Safety Concerns

Sheila Dunphy re: Traffic Study Feedback

Ari Greenwald re: Cresco Request

**PUBLIC HEARINGS/LEGISLATION**

**Emergency Reading of Ordinance 2019-44** 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 March 17, 2020 and Declaring an Emergency. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh reviewed the purpose of the ordinance. He explained that the first issue addresses the ability of 16 and 17 year olds to vote upon local matters, pursuant to home rule power. The second

issue (Exhibit B) would permit non-US citizens who are Village residents to vote upon local matters, pursuant to home rule power.

The final issue, Exhibit C, would extend the mayoral term from two years to four years.

Kreeger stated that she had brought the measure forward due to the complexities of the position and the learning curve needed to effectively run Mayor's Court.

Mitzie Miller asked what would occur if the Mayor were unable to fulfill the term.

The Clerk explained the rules of succession.

Laura Curliss objected to the four-year mayoral term option, stating that the position should be readily apprehended within a two-year time period, and opining that a two-year term is more responsive to the people.

Megan Bachman, Yellow Springs News, asked what will happen if both changes to Section 6 of the Charter are passed.

The Clerk responded that the amendments are written so that they each add a sentence to Section 6, and neither sentence controverts or changes the other.

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

**Emergency Reading of Ordinance 2019-45** Approving Fourth Quarter Supplemental Appropriations for 2019 and Declaring an Emergency. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Harris explained each area, noting that the solid waste fund is short \$45,000.00. Harris explained this as having occurred due to the final two months of that bill for 2018 being added to 2019 expenses. This payment will satisfy the bill through the end of 2019 so that the situation does not repeat at the end of 2020.

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

**Reading of Resolution 2018-54** Adjusting Village Employee Wage Scales. Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron recommended adjusting Village Employee Wage Scales by 2.25%.

He explained that the recommendation is being done in consideration, as required by ordinance, of annual increases given by other Greene County Public Employers, the CPI-U for the Midwest Region, and the Village's current economic conditions. Salmeron cited the following factors:

1. Surrounding Greene County Public employers are providing annual increases ranging from 2.0% to 4.0%, with the majority providing increase of 2.25%-2.5%.
2. The Bureau of Labor Statistics latest estimate on CPI-U for our region on December 11, 2019. The changes in the Consumer Price Index for All Urban Consumers (CPI-U) Midwest Region reflect an increase of 1.9% over a 12-month period.
3. The Village's current economic condition is financially healthy and allows for this annual adjustment.

Salmeron noted that Council had prepared for an increase of 3.5% in its 2020 budget.

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

**Reading of Resolution 2019-55** Authorizing the Village Manager to Enter into a Lease with Stoney Creek Garden Center, for Village Owned Property Located at 4550 US 68 North. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Salmeron noted the renewal for a three-year term with a 5% escalator. He noted that the escalator was applied to the John Bryan Community Pottery lease and stated that this escalator will be applied to all leases moving forward.

Housh asked what the Village pays in property taxes for that property.

Salmeron stated that the taxes are a little over \$1,068.00 annually, so the rent allows for revenue over and above the taxes.

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

### **SPECIAL REPORTS**

**Treasurer's Report.** The Treasurer presented information regarding Village investments and on the addition of Investment Consultant Brad Drager from Bond Tech.

Salmeron followed up with details regarding the Village portfolio as provided by the Investment Consultant.

Kreeger lauded Colleen Harris's performance as Finance Director, which has enabled the Investment Committee to move forward with its aggressive investment policy.

### **CITIZEN CONCERNS**

Mitzie Miller responded to a comment in the YS News attributed to MacQueen, which called for fewer parking regulations. She highlighted her concerns about not having adequate parking spaces.

### **OLD BUSINESS**

**Citizen Ad Hoc Fact Finding Committee Report and Debrief.** Kreeger commented on the debrief as follows:

Kreeger noted that the ad hoc committee was formed to provide an alternative to engaging an external entity. Kreeger read through the responses provided by the participants. She noted that the greatest challenge was scheduling the meetings, which lengthened the process.

Kreeger noted the challenge of being transparent while adhering to confidentiality. She suggested creating a larger pool of potential committee members to offset the challenges of availability and of the potential need for recusal.

Kreeger commented that the process seems to be moving in the direction of restorative justice, and that it could serve as a tool available to the Village Manager.

Salmeron noted the complexity of the case, and stated appreciation for the ability of the committee to provide a 'reality check' for some processes that may become assumed by persons performing the job. He noted the need for more training.

Salmeron agreed that the process does provide another tool, but stated that he has not yet had a chance to meet with the HR Director or the Police Chief to assess their responses to the committee process.

Chief Carlson expressed gratitude for those who participated, noting that time constraints on the part of participants did slow the process, but agreeing that action towards transparency and fairness is to be encouraged.

Megan Bachman commented that the committee process should be put into policy, particularly how members are selected for the committee, how conflict of interest is properly determined, etc.

MacQueen stated her support for the report. She commented that "the discipline process is a punishment process," and questioned whether this would be effective. The goal should be of "learning and changing behavior" she stated, which "does not come from being punished."

**Retreat Agenda.** The Clerk provided a draft agenda to Council, which was revised, and will come back as a final agenda at the January 6<sup>th</sup> meeting of Council.

**Temporary Transportation Project Takeaways.** Salmeron provided a PowerPoint presentation on the survey responses to the project and led a discussion on the matter. He prefaced the discussion by noting that the online format of the survey may have allowed for some skewing of the data by some groups or individuals with particular concerns, whether those were the "no left turn on Limestone" concerns or other concerns. He clarified, stating that, "because this was an online survey, I would not assume that the data was fully randomized."

Salmeron broke down the responses by group, noting that the difference in size for different groups makes a direct comparison difficult.

Salmeron noted that education around alternate routes would have been useful. He also noted the positive impact of fewer vehicles turning left onto Xenia Avenue off of Short Street, which he characterized as a risky left turn.

Salmeron noted a number of “behavioral issues” that made implementation of the project difficult, which, if corrected, would have improved the outcome.

Salmeron stated that there were a number of positives. He commented that the ATP contemplates a fuller change, including bike lanes and walking areas, which are more difficult to incorporate in a temporary transportation project.

Stokes asked why teachers were not identified as a group of respondents. He commented that from the school’s and parents’ perspectives, any change that improved the drop-off issue would be seen as a positive. He suggested that the cars that park in front of Mills Lawn should be identified and not permitted to park there.

Salmeron commented that for cost effectiveness, he had thought that putting as many elements into play as possible for the project would add value. In retrospect, he opined, there were elements that sparked a strong reaction that likely affected people’s evaluations of all of the aspects of the project.

Salmeron commented that it was made clear that the Village needs to get more buy in from stakeholders prior to implementing any project.

In response to a question from Kreeger, Salmeron stated that the results of the surveys have been provided to the Comprehensive Land Use Plan (CLUP) steering committee to help inform recommendations that the group may make. He noted that the consultant is separately gathering data from stakeholder groups on the topic.

Salmeron noted that provision of safety is the key driver for this project, but that it has to be weighed against the concerns expressed by, primarily, commercial property owners.

Salmeron noted that the issue of school drop-off is key, and that he has a meeting scheduled to discuss that and other matters with YS Schools leadership.

Sanford asked that the school send home a questionnaire to parents to ask them how they see a safe drop-off working.

Salmeron concluded by stating that while “this is not the entire story,” the overall impact on safety was, he believes, positive. Making Short Street one-way has a significant safety impact, he noted, as does placing a stop sign at the end of Walnut Street.

Salmeron commented that there are safety factors that the Village will need to compile and review and ultimately make a decision on, despite possible pushback from certain stakeholders.

Mitzie Miller commented that there needs to be handicap parking in accessible areas and that this be prioritized. She commented that instruction regarding school drop-off should be included in the school handbook.

Megan Bachman commented that there had been conversation regarding possible duplicate submission, stating that she has counted approximately seven clear duplicates. She asked what would be done with the comments gleaned through the survey, and asked that these be forwarded to the CLUP Steering Committee.

Bachman asked again about the cost of implementing the project, and asked that indirect costs such as staff time and community impact be included in the calculation.

Finally, Bachman asked that the overall comment that “the plan improved traffic flow and safety” be justified, since she did not see this conclusion represented in the survey results.

Salmeron noted that many comments were received and that once compiled, these comprised 88 pages of text.

MacQueen asked that these be shared with the Active Transportation Enhancements Committee.

Housh asked that all of Council receive these.

Salmeron acknowledged that he still needs to get a final cost assessment to Bachman.

Ari Greenwald asked whether there would be any follow up survey done to determine whether the very early respondents to the survey adjusted to the changes over time, or perhaps a comparison of the first and the last weeks of the survey.

Megan Bachman stated that she had read the comments and found them useful. She suggested these be circulated somehow.

#### **Housing Advisory Board Update and Continuing Commitment to Affordable Housing.**

MacQueen commented on the need for an update to the 2018 resolution approving housing goals for the Village, and provided a list of four suggestions that she asked Council to approve as goals for the Manager's Housing Advisory Board. She read through the housing goals stated in the 2018 resolution, and then through the suggested goals as below:

1. Complete the draft housing plan as a living document to be included in the updated on-line Comprehensive Land Use Plan.
2. Lead the housing concept design and development of the Glass Farm area and develop a time line for the work.
3. Ensure that the Glass Farm area housing is informed by Council's overall housing goals, in particular related to rental and affordable housing.
4. Collaborate with Antioch College, the Yellow Springs Schools, Home, Inc. and the Yellow Springs Development Corporation in developing housing to meet community needs.

MacQueen recommended that Council agree upon the goals for the Board and direct the Village Manager to frame the Board's work around these goals. Should Council agree to these or amended goals, she further requested that Council direct the Village Manager to use the goals as the focus for the Housing Advisory Board's work in 2020.

Housh received clarification that MacQueen was asking that the original goals be reaffirmed and that the HAB goals be recommended.

Housh asked whether there should be a desire for "permanently affordable" housing reflected in the HAB goals, to which MacQueen responded in the affirmative.

Housh commented that "how to action" the HAB goals should be considered.

Stokes commented that the Glass Farm goal is "hard to wrap around" given it being so vast.

Salmeron commented that the HAB has been staying abreast of market changes and potential developments. He commented that there is potential development planned for the Kinney Farm, and that this is something HAB is aware of.

Kreeger commented upon the importance of the CLUP as a precursor to any major housing development. This is a lot of work to stay on top of, she noted.

MacQueen stated that she would like to "work on a statement regarding permanent affordability and bring back the goals."

Housh commented that the statement regarding inclusivity be expanded to include the Village Values statement of inclusivity.

MacQueen commented that the values should be fleshed out.

Salmeron stated that the Steering Committee for the CLUP has been looking at some of the same issues, and he expressed agreement with MacQueen that the Glass Farm is the only viable option

the Village has to create a pool of affordable housing. A conceptual design should meet the guidelines of a housing plan, he noted.

Salmeron went on to clarify that “affordable” is a range, and he pointed out that many years ago, affordable housing was a tool to create assets and wealth for the middle class. There is a struggle now, he said, to keep the local economy healthy by preserving a middle class. How do we create a product that builds assets for future generations? “How do we allow for asset and wealth development, and the opportunity to climb the economic ladder?”

MacQueen suggested “defining affordability in a number of ways.”

Housh iterated that there needs to be a number of different options and models.

Salmeron stated that a critical mass of housing needs to be brought on line to pressure the market so that all layers of the market become more affordable.

## **NEW BUSINESS**

**Cresco Time Extension for Lighting.** Salmeron explained that Cresco Labs has requested a time extension to the “blackout” of the greenhouses from 5pm to 7pm, from October through February.

This request has a clear business goal for Cresco Labs and not granting it could have a detrimental financial impact on its business. Additionally, Cresco Labs would only emit light beyond the 5pm closure time (to 7pm) when absolutely necessary due to the stage in the lifecycle of the plants and when the shortest days of light during the year occur.

Maxwell Salenger, Cresco Director of Cultivation, explained the problem at hand, which is that the blackout curtains have to be closed earlier as the days get shorter, while the plants are still transpiring, which is creating excessive moisture in the grow areas. This creates unacceptable bacterial levels according to the State of Ohio. Allowing the “curtains” to be open until 6:30 or 7pm would resolve the problem.

Salenger commented that Cresco had had an agreement with the Village that they would not create any light pollution from their grow operation, hence the request.

Housh asked how the community could be educated about the situation.

Ari Greenwald explained that any public communication has to receive prior approval from the State, which would delay the communication significantly. He suggested that communication happen through the Village Manger.

Housh proposed that Cresco be given preliminary approval to keep the blackout curtains open until 6:30 or 7pm until January 6<sup>th</sup> so that there was more time to consider the request and to give citizens an opportunity to comment.

Housh MOVED TO ALLOW A TRIAL PERIOD FOR INCREASED LIGHT POLLUTION BETWEEN DECEMBER 17<sup>th</sup> and JANUARY 6<sup>th</sup>, 2020. Stokes SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

**Parameters of Automated Ticketing.** Salmeron provided a brief on the topic in recommending no action on this matter at present:

The most recent legislation passed by the Ohio Legislature requires that revenue collected by the municipality is debited against state reimbursements. The legislative intent is to prevent municipalities from generating net revenue through traffic camera enforcement. Traffic cameras placed in school zones may be used and revenue collected retained, but only if the funds are used to enhance school safety. One can fairly state that the Ohio Legislature has taken a position against traffic cameras.

Four Ohio cities have challenged the law: Dayton, Toledo, East Cleveland and Akron. All the cases are in active litigation. The cases will very likely be resolved by the Ohio Supreme Court.

The overwhelming approach is to let the legal process play out that is currently being fought by Dayton, Akron, Toledo and East Cleveland.

In addition, a small but potentially growing group of Plaintiff’s attorneys have filed suits against municipalities asserting a variety of claims on behalf of drivers cited and fined through the use of traffic cameras.

For these reasons, Salmeron recommended the Village wait on the outcome of current litigation before moving forward with the installation and use of traffic cameras to enforce traffic laws in the Village.

**2019 Year in Review.** Housh presented a PowerPoint draft of Council's 2019 accomplishments. Housh asked for Council input to flesh out the accomplishments to create a final presentation for the first meeting in January.

### **MANAGER'S REPORT**

Salmeron reported on the following:

#### **Project Updates**

- Dayton St. and King St. work to build a new storm drain and rebuild the curb and ADA ramp is completed.
- New handrails on Ramp at Bike trail to skate park installation is complete.
- Flour and Sugar distribution, honoring the bequest of Wheeling Gaunt is completed (YS Arts Council has product to be delivered for select individuals).
- Sewer Line Work:
  - Root control work is being done on 16,000 feet of sewer lines by Dukes Root Control; this work involves injecting foam into the sewer lines to dissolve roots that have penetrated the sewer line.
  - Sewer line inspection via cameras being conducted through the week.
- Concrete is completed for the year, back dressing next week.
- Midwest will be changing out poles until the first of the year.
- AT&T is changing out poles on Spillan Rd next week.
- Water Crew working on water lines located at Cemetery St and Fairfield Rd next week.
- Tree Trimming is on-going

Salmeron noted that on November 21, the Village of Yellow Springs hosted a follow-up community meeting to discuss October's EPA meeting regarding Vernay remediation plans. About 50 individuals attended the meeting and submitted 47 written questions, many of which were answered during the meeting. Village Staff will follow-up on unanswered questions.

Residents and the administration had concerns regarding the risk of contaminant entering our water system in the event of a break in the water lines located at the Vernay Property. The Village has met with TRC, Vernay's environmental consultant, and have created a contingency plan that calls on the services of a third party contractor, specialized in hazardous work, to fix any water line breaks on the site.

The Village has also met to discuss risk to utility workers if Village workers had to dig up and repairs lines. According to the memo from TRC/Vernay, the exposure to workers is significantly less than US EPA's acceptable levels.

Salmeron reported that the Utility Round Up program received a total of \$171.59 from a recent "Thirsty Thursday" along with \$237.46 from the Giving Tuesday event.

### **CLERK'S REPORT**

There was no Clerk Report.

### **BOARD AND COMMISSION REPORTS**

MacQueen spoke about a Planning Workshop she had attended recently.

MacQueen stated that the Environmental Commission is recommending a new assessment of the catchment area for the water supply. EC is also recommending a re-writing of the Source Water Protection Plan for the next budget season.

Salmeron asked that Council consider funding a re-assessment of the 1-year, 5-year and overall capture zones, given changing patterns of rainfall and runoff.

Housh suggested using Board and Commission funds for this effort.

MacQueen argued that this is an overall benefit to the Village, and as such should not be funded from the EC's budget.

Housh suggested alternatives, and Salmeron stated that he would look into identifying other funding sources.

### **FUTURE AGENDA ITEMS\***

Jan. 6: Board and Commission End of Year Reports

Arts and Culture Commission Presentation “Lights of Change”  
Cresco Request  
2019 Council Accomplishments  
Resolution Affirming Housing Goals  
Manager’s Annual Report  
Jan. 15: Council Retreat  
Jan. 20: Discussion of Potential Sale of Village Renewable Energy Credits  
Scheduling of Community Meeting re: Vernay Cleanup

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

**ADJOURNMENT**

At 9:52pm, MacQueen MOVED and Housh 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:*

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Brian Housh, Council President

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Attest: Judy Kintner, Clerk of Council