

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

**In Council Chambers @ 6:30 P.M.**

**Tuesday, January 21, 2020**

**CALL TO ORDER**

President of Council Brian Housh called the meeting to order at 6:31pm.

**ROLL CALL**

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

**EXECUTIVE SESSION**

At 6:32pm, MacQueen MOVED and Curliss SECONDED a MOTION TO ENTER INTO EXECUTIVE SESSION for the Purpose of Discussion of the Potential Sale of Real Estate.

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

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

**SWEARINGS-IN**

Council President Housh swore in Robert Partida as a full member of the Human Relations Commission, and Catherine Zimmerman as an alternate member of the Environmental Commission.

Mayor Conine swore in Police Chaplains Rick Jones and Bill Randolph.

The Mayor swore in Police Officer Mariah England.

Salmeron acknowledged Mariah England's excellent police work during a traffic pursuit and stop of an impaired driver.

**ANNOUNCEMENTS**

Housh thanked the Martin Luther King Junior Day Steering Committee for an outstanding event. He appreciated the continuing support of the Village for this event.

MacQueen noted that Salmeron will present at the McKee Group meeting on Wednesday to provide updates on ongoing projects and regarding the budget.

MacQueen noted an interactive Comprehensive Land Use Plan Update forum set for January 23<sup>rd</sup> in the Mills Lawn gym.

Housh announced the annual "Fearless Forensic Festival" this Saturday, all-day, at both Mills Lawn and McKinney/YSHS.

Housh announced an event to discuss the "Ohio Climate Ride" on Wednesday evening at the YS Brewery.

**CONSENT AGENDA**

1. Minutes of January 6, 2020 Regular Session
2. Minutes of January 15, 2020, Council Retreat

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:

Brian Housh re: Culture of Health Submission  
Emily Seibel re: Request for Tap Fee Waiver with Application  
Eric Oberg re: Christmas Tree Disposal  
Elise Burns re: Mayor's Court Monthly Report  
Chief Carlson re: Officer Mariah England

Amy Osborn and Anthony Wolking re: Complaint re: Handling of Rooster Situation  
Denise Swinger/Raven Behrens re: Response to Rooster Complaint Situation  
Macy Reynolds re: YS Tree Committee Response to Christmas Tree Disposal

## **PUBLIC HEARINGS/LEGISLATION**

There was no Legislation.

## **SPECIAL REPORTS**

Manager's 2019 Report (Salmeron: 20 min.)

- Police Department 2019 Report
- Planning and Zoning Annual Report
- Finance Annual Report
- Public Works Annual Report

Salmeron gave an overview of 2019 Village activities, touching on each of the areas listed above. He noted that each of the department heads will report out at another time in more detail.

At Housh's request, Salmeron went into some detail regarding the return on investments, which are significantly higher in the last year.

Salmeron made special note of work being done with regard to the Vernay remediation.

Salmeron also made note of the Village's currently limited capacity to handle wastewater, primarily due to inflow and infiltration issues. He identified work which is either ongoing or is planned to aggressively address the issue.

Housh asked that the presentation be put on the Village website.

## **CITIZEN CONCERNS**

Dino Pallotta addressed the Home, Inc. tap fee request, commenting that funding the request would place an excessive burden on taxpayers. He raised an objection regarding the timing of the request, opining that it is rushed.

## **OLD BUSINESS**

There was no Old Business.

## **NEW BUSINESS**

**Retreat Debrief.** Housh spoke to the subject, opining that the presence of the Village Team and that input made this one of the best retreats he has attended.

Council iterated their positions regarding goal priorities. Housh noted that these positions will be reflected in a final document, which he will provide for the February 3<sup>rd</sup> meeting.

Curliss noted her concern regarding the current limitations of the wastewater treatment plant, stating that for her, rectifying this limitation is necessary before any significant commitment to new housing development in the Village can be made.

Kreeger made note of the growth and advances made by the Police Department over the past year. She noted that infrastructure needs are paramount and should be supported strategically. She noted her commitment to a Citizen Advisory Board.

Stokes agreed that the meeting was productive, and noted his interest in working on "a broader production strategy" to share positive actions.

MacQueen stressed the need for effective communication and prioritization of goals. She emphasized the importance of stormwater management, stating her interest in creation of a line-item in the budget to address this. She noted her interest in moving forward with the Vernay remediation and improvement in the Village source water protection documents. She noted housing and communications as other interests.

Housh spoke to the importance of upholding Village Values. He noted three areas, those being improving infrastructure; renewal of the Operating Levy, and implementation of the Comprehensive Land Use Plan. He noted Council's commitment to following that document once it is completed.

Curliss stated a concern regarding Council's goal as a developer, expressing that Council should support the development, but should not be the developer, as stated in the goals.

Curliss noted a link to her explanation of the Council Committee system, which she sees as a more effective way of engaging Council, staff and citizens around specific goals.

**Council Board and Commission Assignments.** Housh stressed the importance of the YSDC, noting comments from the Council Retreat that this organization lessens the need for the Economic Sustainability Commission. He expressed the consensus from the Retreat that putting the ESC on hiatus likely makes sense in this context.

Kreeger responded to a comment from MacQueen, stating that she had reached out to all members of the ESC about the possibility of being placed on hiatus. She commented that there are no hard feelings, and that this group has made much of the progress towards a YSDC possible. She forwarded a suggestion from that group that the members convene on an ad hoc basis until the YSDC is firmly established as a way of providing capacity and support.

Housh commented that the Village Manager has suggested a solar power task force, and Housh suggested the possibility of a broadband/fiber task force.

Housh and Kreeger mentioned Curliss's committee proposal, noting that this may increase staff and Council time commitments. This will be evaluated, he said, and some of the proposed groups may try out the idea.

Housh went through the list, noting that Planning Commission and BZA are required by Charter and ORC and will remain untouched. The Active Transportation Enhancement Committee will move forward, the Finance Advisory Committee will remain, as will the YSDC. Housh then noted existing commissions that Council generally agreed would continue to function as they have: Arts and Culture Commission, Library Commission, Human Relations Commission, Environmental Commission, Housing Advisory Board and Village Mediation.

Housh stressed that all boards, commission and committees will follow Sunshine Law. Housh commented that the Justice System Advisory Board/Commission will adhere to Sunshine Law if and when it is formed. Housh opined that the distinction between alternate and liaison can be "nonexistent", and that the alternate is encouraged to attend all meetings.

Curliss commented that she had proposed "an entirely different system" that would more closely mirror the tasks of the Village.

Kreeger expressed her belief that it is important to have citizen led commissions, and that the Village Manager needs to be able to perform his/her work without undue interference.

Curliss commented that she would have placed the ATEP under the auspices of a Streets Committee.

The Clerk asked that a decision be made regarding Planning Commission, given that commission's heavy schedule.

Council decided that Curliss will serve as the Liaison, with Kreeger serving as the Alternate.

**Discussion of Potential Sale of Village Renewable Energy Credits.** Housh framed the discussion as one of due diligence in exploring all opportunities.

Salmeron presented a PowerPoint on the topic, noting that 83% of the Village's energy is derived from green (renewable) sources. He discussed these as inventory, which renews and expires and has a market price that varies. He explained market demand and its influence on how much RECs are worth.

Salmeron concluded by saying that he is providing the information with the understanding that the decision is, in many ways, a philosophical one, and one that is ultimately Council's to make.

Council discussed the matter, weighing the options.

Anthony Wolking asked what the proceeds from the sale would be used for.

Salmeron responded that Village staff have discussed the options, including batteries that would enable storing of energy.

Housh commented that any sale would ideally be used to fund green activities, but that this would be another point of discussion.

Megan Bachman suggested that the revenue could be used to "pay for the utility users who have had to pay increased rates for solar."

Johnnie Burns commented that the idea had come as a shock to him, since “being green is what Yellow Springs is about.” He noted Oberlin, Ohio, which is selling its RECs and then buying cheaper RECs back to “stay green”. Burns commented that the idea of investing REC revenue in battery backups or in more solar generation is appealing. At the end of the day, we need to figure out if we’re green to be green or whether it’s about the money.

The discussion will be brought back at the February 18 Council Meeting.

**Council Rules and Procedures.** Curliss asked that the rules and procedures be changed to require that speakers state their Village affiliation.

Megan Bachman pointed out that the document was not the most recent iteration of the Rules and Procedures. She commented that Council had agreed to revisit this issue, opining that the “no clapping, snapping, sign waving” rule added a year ago is a violation of the First Amendment.

## MANAGER’S REPORT

Salmeron reported on the following:

Tree trimming work for 2020:

- Grays Tree Service will begin tree trimming road rights of way on January 21.
- Arbor Care will begin tree trimming around project power lines beginning January 22.
- Vectren/Miller Pipeline will continue working for another two weeks on Xenia Avenue, then head to East South College for additional work.
- Midwest will be changing out poles, work is on-going through January.
- AT&T is changing poles out on Spillan Road, work is on-going.
- Ellis Pond Project: Bridge assessment and clearing of site begins on January 21.
- Storm Sewer at Dayton Street and North Walnut:
  - Old laid-up limestone storm sewer has collapsed, creating a sinkhole in the area behind the laundromat, and will require rerouting of the line as commercial properties have been allowed to build directly above this outdated storm sewer line.
  - Initial estimate of rerouting the sewer is \$336K, this expense has not been budgeted. The Village does not have a dedicated revenue line for storm services, hence this expense will have to be covered from General Funds.

Vernay Cleanup Follow-Up – Utilities and Worker Safety and Gas Intrusion Update -- 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 expressed concerns regarding the risk of contaminant entering the Village water system in the event of breaks in the water lines located at the Vernay Property.

Vernay and TRC will be on-site at end of January for boring sampling around the existing utilities to test for contaminants. This is done at the request of the Village administration with added support from the US EPA.

The Village has a meeting scheduled with the US EPA on January 29, 2020 during which the memos recently shared with Council and the timeline for 2020 regarding the community meeting with residents will be discussed.

Constituents and stakeholders have asked about the Village’s water quality and testing of water sources. The Village will release a Water Quality Report around June/July that will cover water quality measures for 2019.

The Village is also adding three additional testing wells to the water system. These three wells will permit expansion of the testing range and will enhance early testing capability.

## Administration Updates

- On January 22, Salmeron stated, he will lead a community conversation, sponsored by the McKee Association, on key Village infrastructure projects, remediation plans for the former Vernay Laboratories property, and review of the Yellow Springs Comprehensive Land Use Plan.
- Financial books for 2019 have been closed, and Salmeron referenced unaudited financial reports he had included in the Council packet.
- Staff Retreat-January 8<sup>th</sup>- Management staff held a retreat at Lewis Jackson Regional Airport, to plan for 2020.
  - Staff presented on government operations for 2019 at Council’s retreat held on January 15, 2020.

- Staff presented on operational goals for 2020.
- State Capital Request for 2020: The following three Capital Projects have been submitted for funding consideration.
  - Sink Hole –Emergency Line Replacement- Sink Hole on old limestone drains (owned by the Village) running underneath commercial properties
  - Replacement of Water Meter System- New water meter system would replace current manual reading function to a system that operates through broadband connection and can be read in real-time. System would allow for early detection of water leaks and better management of critical water resources.
  - Community Broadband – Build a municipal broadband utility owned and managed by the Village of Yellow Springs that delivers a better Internet experience for residents and businesses in the Village. The Village’s high-speed fiber network will offer an unprecedented level of Internet service to the residents with a gigabit fiber connection to every home and business, and spark economic development in the Village and surrounding area.

Project Name	Amount	50% Match
Sink Hole and Storm line Emergency Replacement- N Walnut	\$336,735.00	\$ 168,367.50
Water Meter upgrade to new technology and system with real-time reading and access	\$757,923.00	\$ 378,961.50
Community Broadband-Municipal Utility Seed Money	\$400,000.00	\$ 200,000.00

Salmeron noted the upcoming Comprehensive Land Use Plan Open House set for January 23<sup>rd</sup> from 6:30-8pm at Mills Lawn Auditorium.

Salmeron noted that the quarterly financial report is included in the packet. He asked for a MOTION.

Curliss MOVED TO APPROVE THE QUARTERLY FINANCIALS. Kreeger SECONDED, and the MOTION PASSED 5-0 on a voice vote.

Salmeron complimented his team on achieving a 23% participation rate for the Utility Round-Up program. The fund balance is currently over \$7,000.00.

**CLERK’S REPORT**

The Clerk acknowledged Andy Caron from Dispatch who is fulfilling the role of Records Manager for the Police Department and doing an outstanding job.

The Clerk urged Villagers with extra fresh fruit or juices to donate these to the Youth Center, which can accept perishable items.

**BOARD AND COMMISSION REPORTS**

There were no reports.

**FUTURE AGENDA ITEMS\***

- Feb. 3: Resolution Approving Council Rules and Procedures  
Council 2020 Goals Discussion  
Council Board and Commission Assignments  
Tecumseh Land Trust End of Year Report  
End of Year Reports: Planning Commission and Police Department  
School Facilities Report (Terri Holden, School Superintendent)  
Executive Session for the Evaluation of Village Employees  
Home, Inc. Tap Fee Waiver Request
- Feb. 18: End of Year Reports: Public Works; Library Commission and HRC  
Discussion re: Sale of Renewable Energy Credits
- March 2: End of Year Reports: ACC and ESC  
Finance Department Quarterly and Annual Reports  
Staff Recommendation Regarding a Storm Water Fee Line
- March 16: End of Year Reports: EC  
Treasurer’s Report

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

Curliss stated her displeasure at the height of the utility poles. She noted that the Village should have some control over this.

Chief Carlson thanked Colleen Harris and her department for their hard work since Susie Yount's retirement in keeping things running smoothly. Harris thanked Nathalee Hutchins and Kasee Ault.

**ADJOURNMENT**

At 9:30pm, Kreeger MOVED and MacQueen 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