

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

Council Chambers @ 7:00 P.M.

Monday, May 16, 2022

CALL TO ORDER

President of Council Brian Housh called the meeting to order at 7:00pm.

ROLL CALL

Present were President Brian Housh, Vice President Kevin Stokes and Council members Carmen Brown and Marianne MacQueen. Also present were Village Manager Josue Salmeron, Finance Director Matt Dillon, Public Works Director Johnnie Burns (via Zoom), and Solicitor Breanne Parcels.

SWEARINGS-IN

Gavin DeVore Leonard was sworn in by the Mayor as a member of Council. He then joined his colleagues at Council table.

Amanda Duprey Hernandez was sworn in by Brian Housh as a member of the Environmental Commission.

ANNOUNCEMENTS

Salmeron announced the opening of Gaunt Park Pool on May 28th. He also noted that June 4th is Trails Day, and that there will be a commemorative walk (Wilberforce to Yellow Springs) on Juneteenth (June 19th).

Brown announced that a celebration will be held in honor of the 2022 VIDA award winner (Eugene "Clean Gene" Lohman) at the Foundry Theater this Friday from 6-8pm.

CONSENT AGENDA

1. Minutes of May 2, 2022 Regular Session

Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE THE CONSENT AGENDA. The MOTION PASSED 4-0 ON A VOICE VOTE. DeVore Leonard abstained.

REVIEW OF AGENDA

The Clerk added Resolution 2022-33, Approving a Contract with Fillmore Construction, LLC for Sewer Rerouting on Dayton Street.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

- Mayor's Clerk re: Mayors Court Report (2)
- Home, Inc. re: Alzheimers Workshop
- John Hempfling re: Lawson Place Proposal

Stokes reviewed the materials received.

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2022-19 Authorizing Execution of the 2022 Solar Energy Schedule with American Municipal Power, Inc. and Approving Necessary Actions in Connection Therewith Regarding Solar Generated Energy Purchases. Stokes MOVED and Brown SECONDED a MOTION TO APPROVE.

Salmeron noted that this Ordinance allows the Village to enter into negotiations regarding the project. An ordinance will follow specifying the agreement once negotiations are concluded.

Salmeron noted that the Village “has dreams” of expanding its solar capacity, and wants to ensure room in the portfolio for this possibility.

Stokes received confirmation that there is not a rush to finalize the decision, and that there will be a report-out from AMP at the June meeting.

Salmeron noted that the agreement will not exceed 4.5 cents per KWh. The developer is currently delayed, with construction proposed to be completed in 2024, and a response is needed to AMP by July 1, 2022.

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

First Reading of Ordinance 2022-20 Approving the Form and Authorizing the Execution of an Energy Contract with American Municipal Power, Inc. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Salmeron explained the ordinance as approving the purchase of 700KW of power through December of 2023 at a price not to exceed \$60.85/MWh.

There being no comment, Housh CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Emergency Reading of Ordinance 2022-21 Enacting New Section 206.04 “Credit Card Policy” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Amending Section 505 of the Personnel Policy Manual and Declaring an Emergency. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Parcels stated that changes to the Ohio Revised Code made in 2018 required municipalities to update their credit card policies by early 2019, and those changes had to be approved by the legislative authority. While the Village policy was updated as an administrative act in early 2019, those changes were not put before Council.

Dillon explained that he had addressed an administrative change in early 2019 after he came on board at the Village, and that he had “no explanation” as to why this had not come before Council.

Stokes received affirmation that the failure to bring the policy before Council has “not caused significant harm” to date.

Parcels stated that the Village has not had audit findings on the matter to date. She stated that she had started with the Village in 2020.

Several minutes were spent in addressing various aspects of the policy, with Housh questioning some of the language in the ordinance, specifically the misuse aspect of the policy.

There was a general discussion of the process used for expending of funds.

Parcels stated that the proposed Credit Card Use policy follows Ohio Revised Code.

Housh asked that the issue of “Compliance Officer” be addressed.

Housh proposed not passing the ordinance at this reading, stating that executive session will address several points related to the ordinance.

Parcels advised immediate passage, stating that Council is “out of compliance”. She clarified that the policy is “brand new.”

The Clerk asserted that Council has the latitude to thoughtfully consider the legislation, and suggested a second reading as an emergency.

Reading of Resolution 2022-28 Authorizing the Village Manager to Enter Into an Agreement for the Sale of Village Owned Renewable Energy Credits. Brown MOVED and Stokes SECONDED a MOTION TO APPROVE.

Salmeron stated that the arbitrage opportunity exists now, hence the timing of the resolution.

Burns strongly urged that RECs not be sold unless the funds are targeted at an appropriate project. He asked that the REC funds go into the Electric Capital Fund if the decision is made to sell. He noted an Engineering Study which will advise as to future electrical infrastructure needs, the results of which have not yet been received.

MacQueen asked that information and an opinion from Power Clean Future Ohio be obtained. She requested that RECs be sold only to fund a project that would lower the Village’s carbon footprint.

MacQueen MOVED TO TABLE the RESOLUTION. Brown SECONDED.

There was a general discussion regarding the value of RECs and what it means to purchase cheaper RECs.

Housh CALLED A VOTE ON THE MOTION TO TABLE. The Clerk Called the ROLL and the MOTION FAILED 2-2 with DeVore Leonard ABSTAINING.

Information was then provided regarding e-RECs as opposed to the original RECs, and there was a conversation regarding this strategy.

Housh pointed up the key controversy, that being the perception that the Village would be abdicating its green energy portfolio if it sells RECs.

MacQueen stated that she is supportive only if the funds go to “local renewable energy generation.”

Burns stated that from 2014-2020, the policy was not to sell RECs, and RECs have been sold for the last two years. He reiterated that he is only in favor of the sale if the monies are directed to the Electric Capital Fund.

John Hempfling commented that sale of RECs enables another entity to engage in “less green” activity.

Housh called a vote on the resolution.

MacQueen MOVED to include in the resolution the requirement that funds obtained through the sale of RECs go to provision of locally renewable energy. Housh SECONDED. The Clerk CALLED THE VOTE ON THE AMENDMENT, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

John Hempfling inserted comments into the process.

Rebecca Potter inserted further comment into the process.

DeVore Leonard expressed his desire to “do renewable energy in the best way possible.”

Brown MOVED TO TABLE THE RESOLUTION. Housh SECONDED, and the MOTION PASSED 3-2 with Stokes and Housh voting against.

Reading of Resolution 2022-33, Approving a Contract with Fillmore Construction, LLC for Sewer Rerouting on Dayton Street. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron stated that the resolution will move the Dayton Street rerouting project forward following a delay due to the discovery of bedrock impediment.

The total increase in cost to the Village for the change order will be \$59,408.40.

Salmeron noted that the original contractor did not bid based on the presence of bedrock, and does not possess the equipment to deal with that situation, while Fillmore does have that equipment.

Housh CALLED THE VOTE, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

CITIZEN CONCERNS

SPECIAL REPORTS

First Quarter Financials. Dillon presented the first quarter 2022 financials.

A number of questions were posed to Dillon related to accounting practices and expenditures as well as Council requests for expenditures.

Housh alluded to a need for guidance with regard to financial processes for which he looks to Dillon for clarification.

Brown asked that the discussion continue in Executive Session, due to some Council members and the public not understanding the context.

Housh MOVED TO APPROVE THE FIRST QUARTER FININCIALS AS PRESENTED. Brown SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

OLD BUSINESS

Lawson Place Funding Request. Salmeron reiterated his request for funding to move towards a co-op model.

The discussion was curtailed due to the fact that Council members have not yet met with Lawson Place residents regarding this initiative.

Mitzie Miller read a letter of support for Salmeron's request for \$30,000 for the Lawson Place Co-op project.

Salmeron will bring the request back at the June 6th meeting.

Board and Commission Assignments. Housh asked DeVore Leonard to transition into Kreeger's former liaison positions.

DeVore Leonard will take lead on Planning Commission and alternate on Public Arts and Culture Commission.

These will be finalized on June 6th.

NEW BUSINESS

Utility Round-Up. Salmeron stated that revenues are outpacing subsidies 3:1 due to limiting factors, those being a limit of \$200 and a limit of one application annually.

MacQueen and Brown expressed interest in thinking bigger in terms of the program's scope.

COS Florence Randolph suggested that there are funds available that many in the area have not taken advantage of, such as CAP. She asked that the URUP be revamped, and agreed with the increase in permitted allowance.

Stokes advocated for the suggested changes. He commented on a suggested "opt-out" program made by MacQueen, stating that this had been vetted previously and determined to be problematic.

Following discussion, Council asked that legislation be brought to the next meeting.

Council Retreat Agenda. Council briefly discussed the agenda for their May 27th half-day retreat.

MANAGER'S REPORT

Salmeron commented that the Fillmore Construction project on Dayton Street will commence in September, the date selected so that the streets will be open through summer, but allowing for completion in 2022.

Salmeron reported that the sidewalk running from Limestone to Walnut is set for repair starting this June.

The pool pump has been repaired and the pool is on target for opening May 28th. Salmeron noted a Cresco donation that assisted in this repair.

Housh asked for confirmation that Cresco's donations are being tracked by the Village.

DeVore Leonard volunteered to serve on the Finance Committee, which will meet in the next several weeks.

Housh asked that budget planning be a part of the Finance Committee meeting.

Burns reported a great deal of vandalism in Village parks in the past several weekends, with broken glass, food pantry food destroyed, etc.

Brown asked that cameras be placed at the pool.

Housh asked that a proposal be brought to Council for cameras at the pool.

BOARD AND COMMISSION REPORTS

Rebecca Potter reported out on Environmental Commission activities and noted work on the Climate Action report and work.

FUTURE AGENDA ITEMS

- June 6:** **Second Emergency Reading of Ordinance 2022-21** Enacting New Section 206.04 “Credit Card Policy” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Amending Section 505 of the Personnel Policy Manual and Declaring an Emergency
First Reading of Ordinance 2022-22 Amending the Official Zoning Map of the Village of Yellow Springs, Ohio for the Property Located at 110 East Center College Street Parcel Id #F19000100080037300 from “E-I” Educational Institution District to “R-C” High-Density Residential District for a Total of 0.8045 Acres
Resolution 2022-28 Authorizing the Village Manager to Enter Into an Agreement for the Sale of Village Owned Renewable Energy Credits
Resolution 2022-34 Affirming the Rights of LGBTQ Persons and Celebrating Our Shared Diversities
Climate Action Update
American Municipal Power Representatives re: Village Power Portfolio
- June 21:** PACC Presentation on Busking

EXECUTIVE SESSION

At 9:50pm, Housh MOVED and Stokes SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of Discussion of the Compensation and Employment of Village Employees. The MOTION PASSED 5-0 on a ROLL CALL VOTE.

At 10:20 Housh MOVED and Stokes SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

ADJOURNMENT

At 10:21pm, Stokes MOVED, and Brown SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 on a voice vote.

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council