

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

Council Chambers @ 6:00 P.M.

Monday, April 3, 2023

CALL TO ORDER

President of Council Brian Housh called the meeting to order at 6:06pm.

ROLL CALL

Present were Housh, Vice-President Kevin Stokes and Council member Marianne MacQueen. Solicitor Amy Blankenship was also present. Carmen Brown joined Executive Session at 6:10pm

EXECUTIVE SESSION

At 6:07, Stokes MOVED and MacQueen SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Annual Evaluation of a Public Official. The MOTION PASSED 3-0 ON A ROLL CALL VOTE. The Solicitor was present in the Executive Session. Brown Joined the session at 6:10.

REJOIN REGULAR MEETING

At 7:04, Stokes MOVED and MacQueen SECONDED a MOTION TO RESUME THE REGULAR MEETING. THE MOTION PASSED 4-0 ON A VOICE VOTE.

ANNOUNCEMENTS

MacQueen announced Earth Day activities the weekend of April 22-23.

Housh noted that Celebrate Trails Day is on April 22.

Housh announced that he has met with the YS Pride Committee, and that a request for funding will be coming to Council.

Housh announced that a Village group had hiked along Mary's Way and had cleared some trees.

Salmeron thanked Public Works and Public Safety for safety, repair and clean-up work during and after the strong storms and wind events last weekend.

Salmeron announced that Village teams had participated in a fundraiser through AMP, and one team had won the Charity Cup.

CONSENT AGENDA

1. Minutes of March 20, 2023 Regular Session
2. Minutes of March 20, 2023 Public Hearing

Stokes MOVED and Brown SECONDED a MOTION TO APPROVE THE MINUTES of March 20, 2023. The MOTION PASSED 4-0 ON A VOICE VOTE.

Stokes MOVED and Brown SECONDED a MOTION TO APPROVE THE MINUTES OF THE MARCH 20, 2023 SPECIAL MEETING. THE MOTION PASSED 4-0 N A VOICE VOTE.

REVIEW OF AGENDA

Stokes added a review of a draft letter of support for a grant application from MVRPC.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Earth Week Flier (2)
Greene Co. Annual Health Report
Mitzie Miller re: Objection to Home, Inc. Funding Request
GCCHD re: Naloxone Availability
GCCHD re: Distracted Driving Awareness Month
Amy Wamsley re: Pride Set Up (4)

Stokes reviewed the materials received.

PUBLIC HEARINGS/LEGISLATION

Stokes MOVED TO WAIVE FULL READINGS FOR SECOND READINGS OF ORDINANCES. Brown SECONDED, and the MOTION PASSED 4-0 ON A VOICE VOTE.

Second Reading and Public Hearing of Ordinance 2023-13 Adjusting Pool Fees for 2023. Stokes MOVED and MacQueen SECONDED A MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING.

Salmeron explained that rates were last raised in 2020, and that costs have continued to increase across the board. Responding to a question from Stokes, he stated that overall increase in costs is about 15%, which is the amount of the fee increase being requested.

Brown asked how much chemical cost has increased, and Burns informed her that this increase is at least 50%.

Salmeron added that Burns had followed up with Greene County Parks and Trails regarding grant possibilities, and that he was told with great specificity that they will not support public pools.

MacQueen asked that the Village approach the Township to request assistance, to which Salmeron stated that he would follow up.

Housh CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Second Reading and Public Hearing of Ordinance 2023-14 Repealing and Replacing Chapter: 860 Solicitors and Itinerant Vendors. Stokes MOVED and MacQueen SECONDED A MOTION TO APPROVE.

Salmeron noted that of the three requests made by Council at the first reading, one was implemented (that an exception was made for buskers), and that one had not been implemented, that being that there was no map of approved busking sites added. Salmeron noted that per the ordinance, any fine levied is against the vendor, and not the property owner.

Housh OPENED THE PUBLIC HEARING.

There being no comment, Housh CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Emergency Reading of Ordinance 2023-15 Authorizing the Village to Enter into the Sustainable Ohio Public Energy Council (“SOPEC”), the Execution and Delivery of the Agreement Establishing

SOPEC, Approving the Bylaws of SOPEC, and Declaring an Emergency. MacQueen MOVED and Brown SECONDED A MOTION TO APPROVE.

Salmeron explained that the measure is in an effort to reduce gas prices for Village customers, and that there are two required steps to re-establish gas aggregation for village gas utility customers. The first of those was achieved with the ordinance passed on March 20th, in which Council voted to approve a plan of operations. The second is the current ordinance, officially joining SOPEC.

Brown asked that the process for those already having contracts be explained.

Phil Leppla, of SOPEC stated that there is no obligation to opt in if one currently has a contract with another provider, and those customers should check the terms of their contract carefully before taking any action.

Responding to a question from Stokes, Leppla stated that the board is made up of representatives of the largest municipalities in the group—five Regional and five at-large. He added that there is an open position, and that the Village could join the Board under the Regional category.

Salmeron received information as to nomination, and Housh stressed that the Village would like to join the Board.

MacQueen requested a timeline, and was informed that a program should be active within about two months.

Salmeron commented that there will need to be conversation regarding carbon offsets, and asked for Council direction on this approach.

Housh OPENED THE PUBLIC HEARING. There being no comment, Housh CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Emergency Reading of Ordinance 2023-16 Approving a Supplemental for the Second Quarter and Declaring an Emergency. Stokes MOVED and MacQueen SECONDED A MOTION TO APPROVE.

Kemper explained the supplemental, noting that donations have to be booked in and so do appear on the supplementals.

Kemper noted that the Village has a bid for rehabilitation of the Village water towers that is substantially lower than those received in prior years. She noted that the potential interest earned on the amount would be less than the savings realized if the job is bid out now under the terms received. Hence that amount is reflected in the supplemental.

Burns responded to a question from Stokes, stating that the towers were last painted about 20 years ago. An engineer's estimate acquired two years ago projected the life-span of the painting at about four more years. Burns explained that the painting is to prevent rust and corrosion, and is critical to the safety of the supply and of the towers. He added that the interior of the towers is cleaned and inspected every two years.

Housh OPENED THE PUBLIC HEARING. There being no comment, Housh CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Reading of Resolution 2023-19 Approving Signatories for Raymond James Financial Transactions. MacQueen MOVED and Stokes SECONDED A MOTION TO APPROVE.

Housh noted that the measure allows access to the Raymond James accounts on the part of the Finance Director.

Housh CALLED THE VOTE. The MOTION PASSED 4-0 ON A VOICE VOTE.

Reading of Resolution 2023-20 Extending a License Agreement with JDRC Acquisitions, LLC for Storage of Cargo Containers. Stokes MOVED and Brown SECONDED A MOTION TO APPROVE.

Salmeron explained that the agreement continues the existing arrangement for another year, allowing the contractor working on the Cresco expansion to store their materials near the site.

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

Reading of Resolution 2023-21 Authorizing the Village Manager to Execute an Agreement with Viking Painting, LLC for Water Tower Rehabilitation. Stokes MOVED and MacQueen SECONDED A MOTION TO APPROVE.

Salmeron reiterated the information that the bid presented was excellent.

Burns responded to a comment from MacQueen, stating that Choice One Engineering had followed up with Viking to assure the accuracy of the bid, and that Viking had rehabbed the towers for Montgomery County, and follow up with Montgomery County officials indicated that they are pleased with the work done.

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

Reading of Resolution 2023-22 Authorizing the Removal of Defunct and Uncollectible Utility Account Balances from the Utility Billing System of the Village of Yellow Springs from the Year 2018. Brown MOVED and MacQueen SECONDED A MOTION TO APPROVE.

Kemper explained that the Village has about 19 accounts that are inaccessible because they were not moved to the current billing system in 2018. Because the Village has no access to the previous billing system, she said, there is no way to accurately bill these customers. She added that it is also possible that some of the customers did in fact pay their bills and that that information was lost in the transfer of data to the new billing system.

MacQueen asked how much revenue is lost annually.

Kemper responded that she is working on an accurate accounting of this, and should be able to place tax liens for some unpaid balances moving forward.

Kemper noted that the amount being presented is less than has occurred in years past, and that she is continuing to work on the situation and attempting strategies to collect.

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

CITIZEN CONCERNS

There were no Citizen Concerns.

SPECIAL REPORTS

Finance Committee Report-Out: Investments and Strategies. Salmeron provided a detailed analysis of the current conditions relative to investment. He reported that the Finance Committee concurred with the recommendation to take advantage of a highly competitive bid for water tower rehabilitation rather than invest those funds and wait another year; cost/benefit analysis indicates greater return on the investment in infrastructure while pricing is low. Salmeron noted that WesBanco has agreed to lock in an interest rate of 4.95%, and this means the bulk of Village investment is now held in WesBanco and Star Ohio, with about 16% in Raymond James.

MANAGER'S REPORT

Salmeron noted that despite significant rain events, the wastewater treatment plant had continued to function well, as did storm sewers.

Salmeron announced that the process of selection for the new Planning and Zoning Administrator is wrapping up, and an offer will be made soon.

Salmeron stated that offers for some of the open positions in Public Works have been made, and that Burns is looking forward to an end to the long period of delivering services while understaffed.

OLD BUSINESS

Update on Policing Information Gathering Process. MacQueen indicated that due to focus on the evaluation process she had not had time for this work, and will have a report for the May 1st meeting.

NEW BUSINESS

Carbon Pollution Reduction Grant Program Draft Support Letter. Stokes explained this as an MVRPC initiative in support of a grant from the USEPA to fund carbon reduction efforts in the area.

Stokes noted that receipt of funding is prioritized to largest municipalities first, so receipt will require several eligible municipalities nationwide to not apply for the funding.

Stokes MOVED to APPROVE SENDING THE LETTER ON BEHALF OF COUNCIL AS DRAFTED. MacQueen SECONDED, and the MOTION PASSED 4-0 ON A VOICE VOTE.

In response to follow up from the Clerk, Council members informally agreed that they are amenable to any minor changes needed.

Burns commented upon serious safety concerns during the wind event noted earlier, stressing that if PD or Public Works has closed an area, it is essential that villagers comply with the closure to ensure their and/or others' safety.

FUTURE AGENDA ITEMS

April 17: **First Reading of Ordinance 2023-XX** Approving Home, Inc. Preliminary PUD Plan
 First Reading of Ordinance 2023-17 Amending Chapter 1242.04 "Annexed Land" of
 the Zoning Code
 First Reading of Ordinance 2023-18 Amending Chapter 1248 "Residential Districts" of
 the Zoning Code to Allow Multiple Family Dwellings in Residence "A"
 Reading of Resolution 2023-23 Approving a Salary Adjustment for Josue Salmeron for
 Continued Service as Village Manager
 Ordinance 2023-0X Amending the Personnel Policy Manual to Incorporate Anti-
 Discrimination Language per OCRC Settlement
 Home, Inc Request for Funding
 Discussion of Recommended Fees for Village Events

Pesticide Policy Review

Discussion of Role of YSDC in Council Goals

May 1:

Second Reading and Public Hearing of Ordinance 2023-17 Amending Chapter 1242.04 “Annexed Land” of the Zoning Code, Changing Zoning Density for any Land Annexation from R-A, Low Density Residential to R-B, Moderate Density Residential

Second Reading and Public Hearing of Ordinance 2023-18 Amending Chapter 1248 “Residential Districts” of the Zoning Code to Add Two-Family, Single-Family Attached and Multi-Family as a Conditional Use in the R-A, Low Density Residential District

First Reading of Ordinance 2023-19 Approving Home, Inc. Preliminary PUD Plan

Text Amendment Ordinances: 2023-XX through 2023-XX

Ordinance 2023-0X Amending the Personnel Policy Manual to Incorporate Anti-Discrimination Language per OCRC Settlement

Ordinance Enacting an Internal Forfeiture Policy

ADJOURNMENT

At 8:05pm, MacQueen MOVED TO ADJOURN. Stokes SECONDED, and the MOTION PASSED 4-0 ON A VOICE VOTE.

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council