

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

In Council Chambers @ 6:00 P.M.

Monday, December 21, 2015

CALL TO ORDER

President of Council Karen Wintrow called the meeting to order at 6:00 p.m.

ROLL CALL

Present were Wintrow, Vice President Lori Askeland, Gerald Simms, Brian Housh and Marianne MacQueen. Village Manager Patti Bates was present, as were Village Solicitor Chris Conard, Police Chief Dave Hale and Assistant Village Manager Melissa Vanzant.

EXECUTIVE SESSION

At 6:02 p.m., Simms MOVED to ENTER EXECUTIVE SESSION for the Purpose of Compensation of a Public Employee and Imminent Court Action. Housh SECONDED and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

At 6:54 p.m. MacQueen MOVED and Simms SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

ANNOUNCEMENTS

MacQueen stated her intention to begin working immediately to develop a comprehensive approach toward addressing the issue of drugs in the community. MacQueen stated that she hopes for a meeting among representatives of the schools, TCN, Antioch College, the YS Police Department and the HRC as soon as January.

Housh thanked the Village Team for their hard work in 2015.

Bates communicated a conversation with the Village's Rumpke representative, who advised when in doubt throw it in recycling to the question of what can and cannot be recycled. Bates anticipates new informational stickers in the next several weeks.

Simms thanked Village Staff and wished all happy holidays.

Askeland thanked the many citizens who volunteer on Boards and Commissions.

CONSENT AGENDA

1. Minutes of December 7, 2015 Regular Meeting
2. Minutes of December 10, 2015 Special Meeting (Water Plant Finalists Presentations)
3. October and November Financial Reports

Both Askeland and Simms RECUSED themselves from the Minutes of 12/10/15 due to absence from that meeting. MacQueen MOVED and Housh SECONDED a MOTION TO APPROVE THE CONSENT AGENDA ITEMS. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

AGENDA REVIEW

Resolution 2015-58 Approving a Contract with the Clerk of Council for 2016 was removed from the agenda pending revision to establish a multi-year employment contract.

PETITIONS AND COMMUNICATIONS

There were no Petitions or Communications.

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2015-32 Extending Yellow Springs Police Powers to Village Owned Properties Located Outside the Village Limits. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Bates stated that this ordinance gives the Yellow Springs Police Department (YSPD) the authority to enforce the law on the three Village properties that are located outside of the Village limits, those being Ellis Park, the Water Plant and Sutton Farm.

Wintrow OPENED THE PUBLIC HEARING. There being no comment, Wintrow CLOSED THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 5-0 on a ROLL CALL VOTE.

Second Reading and Public Hearing of Ordinance 2015-33 Raising the Discretionary Spending Limit of the Village Manager to \$30,000.00. Simms MOVED and MacQueen SECONDED a

MOTION TO APPROVE.

Wintrow explained that the ordinance will increase the Village Manager's spending discretion from \$15,000.00 to \$30,000.00 without having to receive Council approval.

Wintrow OPENED THE PUBLIC HEARING. There being no comment, Wintrow CLOSED THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 5-0 on a ROLL CALL VOTE.

Emergency Reading of Ordinance 2015-35 Correcting the Clerical Error in Ordinance 2015-18 Pertaining to 2015 Supplemental Appropriations and Declaring an Emergency. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Vanzant explained that ordinance 2015-18 had appropriated more funds than were needed given that the Loop Completion project had come in under budget. Ordinance 2015-35 supplies the correct appropriation for this line.

Wintrow OPENED THE PUBLIC HEARING. There being no comment, Wintrow CLOSED THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 5-0 on a ROLL CALL VOTE.

Reading of Resolution 2015-52 Expressing Appreciation for Outgoing Council Member Lori Askeland. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Wintrow read the resolution and all present expressed appreciation for Askeland. Askeland read a letter to the editor she had written for the Yellow Springs News comprising a reflection of her service to the Village and her appreciation for the value of participatory government.

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

Reading of Resolution 2015-56 Authorizing the Village Manager to Enter into Negotiations with Shook Construction and Jones and Henry Engineers. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Bates explained the process used to narrow the selection to two finalists, and from there to a firm with which the Village wishes to negotiate.

Wintrow expressed confidence in the chosen firm and in the Design/Build process.

Housh further expressed appreciation for the thorough nature of the process and stated that he had been impressed with Shook's presentation on December 10th.

Wintrow commented that she was pleased at the level of local connection and experience available with Shook.

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

Resolution 2015-61 Authorizing an Enterprise Zone for 888 Dayton Street in Cooperation with Greene County Department of Development. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Pete Williams from Greene County Department of Development introduced the tax abatement specific to Dayton Mailing Services, explaining the process to date.

Williams noted that the CIC of Greene County recently approved a \$50,000.00 grant to assist Dayton Mailing Services with its \$1.5 million building expansion, which will generate a significant increase in property taxes.

Williams noted that Greene County DOD has been in communication with the Village school system from the outset to assure that they are comfortable with the Enterprise Zone agreement.

Williams stated that the abatement would comprise a 75% tax abatement on the new construction only, for a ten-year period. Williams stated that over \$40,000.00 in new tax revenue would be generated, and that the recommendation is to forgive 75% of that amount, or approximately \$30,000.00 per year for a ten-year period. He noted that income tax revenue will begin flowing on day one.

Williams noted that a member of Council will be invited to sit on the review board for the annual review of the tax abatement.

Christine Sowder of DMS gave a brief statement of appreciation for the community of Yellow Springs and for the facility in particular. She stated that DMS's business has essentially doubled in the last 10 years following her purchase of the facility from her father, and now employs over 80 people. Ken Sowder and Tom Cooper of DMS were also present.

All three representatives stated that they have no plan to displace current tenants.

Prompted by Housh, Sowder stated that the company had brought all of their employees to the facility to tour it, and that the response had been very positive regarding the relocation to Yellow Springs.

Wintrow related a number of supports available to the firm and expressed her enthusiasm.

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

CITIZEN CONCERNS

There were no Citizen Concerns.

SPECIAL REPORTS

Energy Board Solar Project Report. Rick Walkey presented for the Energy Board as follows:

Walkey thanked Manager Patti Bates, Energy Consultant John Courtney, Village Utilities Supervisor Johnnie Burns, and new AMP representative, Mike Migliore for working closely with the Energy Board to craft the proposal.

Walkey described the one-to-two megawatt (MW) project which if completed, would make the Village energy portfolio nearly 90% renewable. The scope allows for the possibility of some portion of the project being set aside for community solar, allowing individual Villagers the opportunity to lease their own panels.

Walkey stated that a forecast of Village energy needs by the year 2017 shows an open position, which would typically be filled by market rate purchases of 4.5 MWh, or 15 % of the annual Village energy purchase. The proposed project's output would potentially cut our market purchases in half.

Walkey stated that the unused portion of the Glass Farm, excluding the detention basin area, is nearly 30 acres, and that the proposed installation would cover between five and ten acres, or up to third of the available space. This location would provide optimal access to the Village substation for making the electrical interconnection to the grid. It would also leave over twenty acres of the Glass Farm available for other uses.

The project parameters would make the successful bidder responsible for the financing and initial ownership of the array. The Village would only be committed to purchasing the generated power. An option to own the installation after some period of time would need to be negotiated in the bid process. The obvious advantage to the Village in this time of budgetary concerns, is the relative lack of financial exposure.

Bates noted that the suggested placement for the solar display is optimal for its proximity to the Village switching station and to Yellow Springs Fairfield Road. The amount of acreage would depend upon the angle of the solar panels.

Bates noted some urgency in moving forward, both because of the uncertainty of continued Renewable Energy Credits (RECs) (it was later pointed out that the legislation extending the tax credits for RECs was passed for a three year extension) and because she will need to renegotiate a farm lease with the current farmer in the event of a decision to move ahead.

Bates stated that she and Johnnie Burns have met with five solar providers and will pass those names on to the Energy Board for further vetting and a recommendation.

In response to a question from Askeland, Bates described two viable access points to a proposed array, with Wintrow adding another possible access point.

MacQueen stated her support for the project but asked that soil types be assessed so that the best place for housing, solar, etc. can be determined. She asked how much work has been done in this regard, noting that the Flatters, who farm the property currently, have done some of that assessment.

Bates commented that this effort might delay the project.

Housh asked whether any other locations were explored.

Bates stated that there was only one other potential location, and it does not belong to the Village.

Housh asked why Community Solar cannot be a sure part of the project.

Bates explained that this is because the RECs are the property of the builder and the credits would belong to them.

Housh received assurance that the "small window" is less small given that the legislation continuing the renewable tax credits has passed.

Wintrow expressed concern that the Glass Farm is being cut up into small sections, stating that that area is the Village's best location for any major residential development. She noted that her concern is the lack of a broader plan.

Walkey stated that the solar field has a limited lifespan, commenting that the land could be returned to another use after 10 years.

Brett Henderson stated that a PPA is meant to stay in place for 25 years. The Village could purchase the array in 10 years, he said, and would then bear the cost of moving the array.

Housh received clarification that the Energy Board will simply vet proposals to forward on to the Village Manager.

Askeland expressed support and suggested that Council envision the site as best possible.

MacQueen stated her concern based upon her desire to see housing on the Glass Farm. She noted, however, that even if the array uses ten acres, about 26 acres would remain for housing options.

Wintrow expressed her hesitation for putting solar on prime developable land, but stated that she will support the project. MacQueen concurred, but noted that about 26 acres will remain if a 10-acre solar farm is built.

Burns noted that the group had looked at Sutton Farm as a possibility, but had ruled it out based on exorbitant cost.

Wintrow asked Bates to return with a resolution regarding the proposal.

NEW BUSINESS

There was no New Business.

CITIZEN CONCERNS

OLD BUSINESS

There was no Old Business.

MANAGER and ASSISTANT VILLAGE MANAGER REPORTS

Bates reported that she has been asked to serve on the Greene County Emergency Management Advisory Board, and received Council permission to do so.

Bates reported that the barn to house Village vehicles is finally going up at a Sutton Farm.

Vanzant noted that she is preparing for end-of-year financial reports and the annual audit.

CLERK REPORT

The Clerk noted the destruction of nearly 50 years' worth of records, which took five days and the efforts of a number of people. She thanked Council for her evaluation and new three-year contract.

BOARD AND COMMISSION REPORTS

Askeland reported that Planning Commission had approved two conditional uses at their last meeting, and that concerns regarding the square footage permitted for an accessory dwelling unit would be considered at a subsequent meeting.

Regarding Greene County Regional Planning, Askeland reported that the group is progressing with plans for renovation of the currently unsafe Route 35 corridor.

Simms related that he had informed the Library Commission that the roof replacement is the last major renovation the Village will be able to undertake on the Library for some time to come, and that the news was met with understanding.

Housh reported that Economic Sustainability Commission will be meeting on first Wednesdays at 7pm, starting on January 6th. He noted three new applicants for the group.

Regarding the Arts and Culture Commission, Housh reported no December meeting, but that the group had presented the VIDA award to Alan MacBeth, and that the Commission is accepting nominations for the next award.

Housh praised Susan Gartner's Station Manager report and noted that the CAP is working on questions related to the wireless mesh project and that a white paper will be available soon regarding municipal broadband. Housh noted that the CAP is looking into concerns raised at a Council meeting regarding wireless remote readers.

MacQueen reported that the Environmental Commission will be addressing the Wellhead Protection Plan in depth in the coming year. She noted a future effort to cease use of bottled water at the John Bryan Community Center.

Regarding the HRC, MacQueen stated that the group is looking into promotion of Indigenous People's Day. She noted that Crissy Cruz is working to bring fresh produce and bread as food pantry options, and that the corner of the Bryan Center parking lot would be the location for this pick up once per month.

MacQueen stated that the HRC had discussed its retreat and its role in local drug prevention efforts.

Wintrow announced new Yellow Springs Chamber Board members Stacey Wirrig, Danielle Mershon, Nick Gaskins and (returning) Ann Simonson, who replace Lisa Goldberg, Susan Miller and Anita Brown. The Board retreat will occur the second week in January.

Bates reported that the handicap ramp at the corner of the John Bryan Center parking lot will be replaced by a more functional walk, and that the contractor has been hired for this work.

FUTURE AGENDA ITEMS

- Jan. 4 (7pm) Ceremonial Swearing In of New and Returning Council Members and Mayor
Resolution 2016-01 Authorizing Dues for 2016 Ohio Municipal League
Membership
Nomination of President and Vice President of Council
Review and Assignment of Council Liaisons to Boards and Commissions
Review of Council Rules and Procedures (Including Review of Social Media
Proposal)
Preliminary Council Retreat Discussion
2016 Goals Discussion
Resolution Authorizing Cooperative Agreement between the Village of Yellow
Springs, Ohio and the Ohio Water Development Authority for Construction of a
New Village of Yellow Springs Water Plant
Resolution Authorizing Legislation for Glen Annexation
- Upcoming: 2016 Goals

ADJOURNMENT

At 8:15p.m., Simms 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 minutes is available for viewing in the Clerk of Council's office between 9am and 3pm Monday through Friday.

Karen Wintrow, President

Attest: Judy Kintner, Clerk