

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

Virtual Meeting @ 7:00 P.M.

Monday, August 16, 2021

CALL TO ORDER

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

ROLL CALL

ANNOUNCEMENTS

Housh welcomed Paige Burge as Sergeant for the YSPD.

Marty Heidi re: COVID Funeral Benefits. Ms. Heidi outlined the benefits available and how to apply for these.

Introduction of Climate Action & Sustainability Plan Meeting Schedule. Piper Fernway, CASP Coordinator, introduced herself and invited citizens to join the effort, which will focus on seven “domains” that will be discussed during the meetings on August 23rd.

Emily Seibel invited Council and others to join the opening celebration for the Glen Cottages on August 25.

MacQueen announced that Home, Inc. has information on renter support available.

MacQueen announced an opening for a part-time Director for the Little Miami Watershed Network.

Curliss announced a “Jail and Bail” community conversation via Zoom set for Tuesday at 7pm.

Housh voiced appreciation for the engagement activities sponsored by the Village and the Police Department in recent weeks.

CONSENT AGENDA

1. Minutes of July 19, 2021 Regular Session

MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE the Consent Agenda. The MOTION PASSED 5-0 ON A VOICE VOTE.

REVIEW OF AGENDA

The Clerk added an Executive Session for the Purpose of Discussion of the Appointment and Employment of a Village Official.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Molly Lunde re: Mask Requirement in Downtown Area

Jamie Sharp re: Mask Requirement in Downtown Area

Marcia Wallgren re: Mask Requirement in Downtown Area and Street Fair

Lindsay Burke re: Mask Requirement in Downtown Area

Kori Whittaker re: Mask Requirement in Downtown Area

Matthew Kirk re: Mask Requirement in Downtown Area

Anna Burke and Ryan Stinson re: Mask Requirement in Downtown Area
Kathryn Van Der Heiden re: Mills Lawn “Greenspace”
Sarah Amend re: Oberer Development
Joseph Amend re: Oberer Development
Mayor’s Clerk re: Mayor’s Court Statistics (2)
Alex Melamed re: Zoning Concerns (2)
Mitzie Miller re: Sidewalk Obstruction
YS Pottery re: Mask Requirement
Alex Scott re: Inclusive and Resilient YS Information (5)
Emily Seibel re: Home, Inc. Information (6)
Kevin Stokes re: Source of Income Discrimination
Marty Heide re: FEMA Funeral Assistance
Brian Housh re: External Noise
Brian Housh re: Articles on COVID Transmission (2)
Matt Raska re: Desired Zoning Code Revisions (2)

MacQueen reviewed the materials received.

PUBLIC HEARINGS/LEGISLATION

First Reading of Ordinance 2021-25 Establishing a Fee Schedule for Residential and Commercial Building Permits. Curliss MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Salmeron provided a presentation on the topic, reiterating information from prior meetings regarding the need for the department to support economic development.

Salmeron introduced Andrew McKenzie of National Inspection Corporation, who addressed a variety of questions related to his firm, and generally attested to the integrity and customer response strengths of NIC. He noted several times that the average turnaround time for NIC would be 3-5 days.

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

Reading of Resolution 2021-33 Authorizing Expenditure for Outside Counsel to Review Citizen Review Board Proposal. Curliss MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Parcels noted that the proposal from Crabbe, Brown and James was responsive and was lowest in cost, and that she was recommending this option.

Curliss stated that the goal is to bring legislation that can be passed. She stated that she hoped she and Kreeger would be able to work with the lawyer to create the legislation.

Kreeger commented that there is no point in discussing the CRB until the legal review occurs, and she supported the resolution as moving the topic forward positively.

Salmeron commented that the funds are certified.

Housh expressed concern that one of the proposals for the CRB contains additional pages, and stated that he had reached out the 365 Project to understand which version of the proposal that group had approved for submission, noting that one version had three additional pages.

Curliss responded that the inconsistency is due to ongoing input into the discussion, and that the proposal was reviewed multiple times. She asserted that the inconsistencies are not substantive.

Housh MOVED THAT WHAT IS SUBMITTED FOR LEGAL REVIEW BE THE SHORTER VERSION OF THE PROPOSAL. Stokes SECONDED, and the MOTION PASSED 3-2, with Curliss and MacQueen voting against.

Kreeger clarified that the proposal was submitted to the 365 Project several times, and that this might have contributed to some inconsistencies.

Housh asserted that the version submitted by Curliss had been backdated.

Housh CALLED THE VOTE ON THE MOTION TO APPROVE, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Reading of Resolution 2021-34 Authorizing the Village Manager to submit an NTIA Broadband Application for a 4 Million Dollar Grant Request. Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Salmeron noted that there will be a thorough presentation on broadband as a utility in September, but that he did not want to miss the opportunity to apply for a significant grant because the utility legislation and accompanying details are not scheduled until September.

Salmeron noted that the effort to implement municipal broadband has been underway for over six years.

Thor Sage, from MVECA expressed that body's willingness and ability to assist.

Tim Barhorst advocated for broadband as vitally important to creating equity.

Stokes asked whether the proposed new homes were included in the count of homes to be served.

Salmeron responded that these would be added as the construction project becomes more concrete.

Kreeger urged separation of the topics of creation of a utility with the topic of a grant application.

Curliss argued that if the grant is received it will not be turned down, then necessitating the creation of a utility. She asked for submission of a "viable business plan", including a survey of those homes who have already been receiving the service.

Salmeron commented that the business plan has been pitched to a port authority and did receive funding. He stated that the business plan will be brought before Council in September.

Kreeger urged a vote on the topic at hand.

Scott Fife commented that his reading of the RFP for the grant indicates that broadband needs to be an established enterprise in order to be grant eligible.

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

Reading of Resolution 2021-35 Authorizing the Village Manager to Submit a Water and Wastewater Grant Application. MacQueen MOVED and Curliss SECONDED a MOTION TO APPROVE.

Salmeron offered that the information related to the grant had recently come in, and that the team has responded quickly to this call for shovel-ready projects by submitting for support of a project to replace the existing 2-inch galvanized water lines (which are considered a lead hazard by the State of Ohio) with 6-inch lines.

Burns commented that this project was submitted to the EPA, but that the Village has not heard back from the EPA. The project would affect 35 homes.

Housh received the information that there is no required match for the project.

Salmeron commented that if a match is required, the Village can likely find funds.

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

Reading of Resolution 2021-36 Authorizing the Village Manager to Enter into a Contract with National Inspection Corporation for Building Inspection and Permitting Services. Stokes MOVED and Curliss SECONDED a MOTION TO APPROVE.

Salmeron advocated in favor of the legislation.

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

Reading of Resolution 2021-37 Permitting Elected Village Officials to Buy in to Village Employee Health Care. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Curliss stated that she was retracting her support of the legislation, stating that she had not participated in crafting the legislation, and that the opinions provided by the Solicitor should have been available in the first quarter of 2021.

Kreeger commented upon the cycle for the actuarial pool, opining that until an actuarial pool is built out, the Village will not know of the cost implications.

Salmeron stated that he generally starts the renewal process in January for a renewal or new provider in May.

Parcels stated that the legislation has to pass at least 60 days prior to the election for those officials who are elected in November.

Salmeron responded to a question from Kreeger, stating that inclusion of elected officials will require the Village to go to a different plan.

Curliss asked that staff provide a comparison cost for “pre-Medicare retirement employees”.

Housh CALLED THE VOTE, and the MOTION PASSED 4-1, with Curliss voting against.

The Clerk asked for clarification that the vote was on the resolution as written without the alternate section.

Kreeger clarified that her vote is not about herself, but is about a benefit that might expand the pool of persons willing to run for Council.

Housh clarified that this had been his intent as well, and that his vote was for the resolution as written without the alternate section. Both Stokes and MacQueen confirmed this intention as well.

CITIZEN CONCERNS

John Hempfling referenced a letter and e-mail in Petitions and Communications from Matt Raska, arguing that Raska's status as a BZA member should not interfere with his ability to speak out regarding a need for changes to the zoning code.

Parcels responded, stating that when a BZA member makes a statement in opposition to the zoning code when s/he is tasked with upholding that code, it creates a conflict of interest. It is "problematic from an ethical standpoint," she opined.

Mitzie Miller asked that clearing of sidewalks be advertised, enforced and budgeted for.

SPECIAL REPORTS

Second Quarter Financial Report. Dillon presented the financials for the second quarter, noting that the Village has reduced encumbrances while increasing revenues, so the Village is exceeding expectations for the second quarter. Dillon reviewed each fund with regard to expenses and revenues. He noted that most funds are poised to exceed revenue projections for the year.

Kreeger MOVED and Curliss SECONDED a MOTION TO APPROVE THE SECOND QUARTER FINANCIALS. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

OLD BUSINESS

COVID Update. Salmeron shared a PowerPoint regarding the activities in support of the revived mask mandate for the CBD. These include a new street banner, signage, and mask and sanitizer distribution. Salmeron noted that most of Ohio is in the high community transmission category, and there is reason for caution.

Salmeron noted that he had discussed occupancy with the Fire Chief, and that they will not enforce occupancy limitation, but the Fire Chief will provide occupancy recommendations for businesses who would like those recommendations.

Curliss asked whether outdoor mask-wearing will be mandated and/or enforced.

Chief Carlson stated his desire that any enforcement is complaint driven, as he would prefer to focus on supporting businesses and handing out masks where needed.

Salmeron noted a discrepancy between the Village ordinance and the CDC guidelines, and asked what Council wishes to convey. CDC guidelines currently are more stringent than the Village ordinance.

Curliss asked that this be clarified, along with whether family groups would be able to be unmasked among one another.

Housh declined to take up the matter.

Kreeger noted that numbers are dramatically up, and that a decision will need to be made.

NEW BUSINESS

Goals Review. Each Council member stated his or her priorities for 2022, and the group agreed that a retreat would be in order for further discussion. Housh stressed that funding strategies for each goal needs to be presented along with the goal.

Police Encounter Data. Salmeron presented a PowerPoint on the results of the police encounter data gathered to date. He described the business cards with QR codes linking directly to a survey, which will be passed out by officers with any encounter.

Salmeron noted that foot and bike patrols have been increased and that community contact is a priority. He noted that data related to race is now being gathered, and that while potentially controversial, it is needed to track patterns regarding stops.

Carlson noted that traffic stops concluding with a verbal warning are not tracked, but that this might be useful information to gather.

Kreeger asked about a community communication plan for letting community members know about the encounter data and why it's being gathered. She asked also how the response-rates can be made consistent and how responses can be encouraged.

Carlson responded that the Ohio Collaborative is now requiring departments to provide more data regarding current activities. Carlson stated that he would like statistics updated on the PD webpage. He stated that this is not active now, but will be. He stated that he is not sure whether the encounter data should be for all encounters or just for traffic stops, etc. and would like direction on this.

Kreeger suggested that the Justice System Collaborative Committee might be useful in assessing this question.

MANAGER'S REPORT

Salmeron announced a possible bad power line on the south side of town, which will likely result in a power outage Tuesday morning.

Salmeron noted hanging over 30 door-knockers with notice of weed/grass, etc. encroachment onto sidewalks. He noted that this workload is increasing.

Salmeron noted having discovered and subsequently repaired a major leak on Dayton Street. He noted that this is one in a string of infrastructure improvements during his tenure.

MacQueen noted that the water level at the Glass Farm appears to have reduced, and this is a direct result of the leak repair on Dayton Street.

Salmeron stated that he would like to bring a resolution for the Village to join Power Clean For Better Ohio as a part of the Village's work towards addressing climate change.

Salmeron briefly updated his task list. He highlighted a loophole discovered in a Village ordinance that allows vendors who are selling both their own and purchased goods from paying income tax, and stated that he is looking into addressing this.

Salmeron stated that parking is still an issue in town and is definitely so in the downtown area, and should be addressed soon.

Kreeger noted that the ACC has engaged in a banner conversation, and asked Salmeron for any items that the ACC should consider for its September meeting.

Curliss asked for details as to what would be on the agenda for a joint PC/Council meeting.

The Clerk noted an ethics update as one item, along with a review of the PUD process and how that works for both bodies.

Housh added that he would like to discuss some of the areas for which PC members believe there is a lack of direction. Housh added that Council also needs to gain a fuller understanding of PC's process. He called for any additions to this list from Council members.

FUTURE AGENDA ITEMS

- Sept. 7:** **Second Reading and Public Hearing of Ordinance 2021-25** Establishing a Fee Schedule for Residential and Commercial Building Permits
 First Reading of Ordinance 2021-18 Prohibiting Housing Discrimination Based Upon Source of Income in the Village of Yellow Springs
 First Reading of Ordinance 2021-24 Establishing a Public Utility and New Chapter XXX for Municipal Broadband
 First Reading of Ordinance 2021-25 Creating a New Fund for the Purpose of Receiving and Expending American Rescue Plan Dollars
 Resolution to Join PCFO
 Ordinance Adjusting Solid Waste Fees
 Audit Report
 Clarification to Ordinance Regarding Masking
 Discussion Regarding Vendors and Taxation
 Home, Inc. Annual Activities Report
 Treasurer's Report
- Sept. 20:** **Second Reading and Public Hearing of Ordinance 2021-18** Prohibiting Housing Discrimination Based Upon Source of Income in the Village of Yellow Springs
 Second Reading and Public Hearing of Ordinance 2021-24 Establishing a Public Utility and New Chapter XXX for Municipal Broadband
 Second Reading and Public Hearing of Ordinance 2021-25 Creating a New Fund for the Purpose of Receiving and Expending American Rescue Plan Dollars
 First Reading of Ordinance 2021-XX Rezoning 33.816 Acres of Property Located North of East Hyde Road and West of Spillan Road to from Residence A to Planned Unit Development (PUD)

EXECUTIVE SESSION

At 10:03, Curliss MOVED and MacQueen SECONDED a MOTION TO ENTER EXECUTIVE SESSION For the Purpose of Discussion of the Appointment and Employment of a Village Official. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

At 10:21, Kreeger MOVED and MacQueen SECONDED a MOTION TO EXIT EXECUTIVE SESSION.

ADJOURNMENT

At 10:22pm, Curliss MOVED, and Kreeger SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 on a voice vote. (Housh did not re-enter the public session).

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council