

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

**Virtual Meeting @ 6:30 P.M.**

**Monday, September 20, 2021**

**CALL TO ORDER**

President of Council Brian Housh called the meeting to order at 6:00pm.

**ROLL CALL**

Present were President Housh, Vice President Marianne MacQueen and Council members Kevin Stokes, Lisa Kreeger and Laura Curliss. Also present were Village Manager Josue Salmeron and Solicitor Breanne Parcels.

**EXECUTIVE SESSION**

At 6:01, Kreeger MOVED and Stokes SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of the Discussion of Pending Litigation and for the Discussion of the Purchase or Sale of Public Property. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

At 7:00, Kreeger MOVED and MacQueen SECONDED a MOTION TO EXIT EXECUTIVE SESSION.

**SWEARINGS IN (7:00)**

Ceremonial Swearing In of Police Officer Steven Kincaide. Mayor Conine swore in Officer Kincaide.

**ANNOUNCEMENTS**

Lisa Abel, YSDC Chair, addressed the current state of the Wellness Center proposed acquisition, stating that the facilities due diligence work has been completed and that the search for a Director is now underway. She stated that there is no opening date scheduled as of yet.

Abel addressed the Mills Lawn property exploration process, explaining that under Ohio law, the YSDC cannot receive any transfer of assets from any public school. She stated that the YSDC is planning a community-wide forum to generate ideas for future uses of the property once the school levy passes. These public forums are scheduled to start soon, and will likely go through November of 2021.

Kreeger announced that the next VIDA (Village Inspiration & Design Award), awarded by the Arts and Culture Commission, will go to Rose and Sal's, which opened in 2018 and has provided an indoor/outdoor community space for artists since 2020 in which the wall murals "come to life". The presentation of the Award will be set for October.

Curliss thanked PorchFest Committee volunteers for their work in creating a successful event.

Housh thanked the Village Team for provision of masks and sanitizer.

Salmeron noted Greene County's "tire amnesty" and gave the dates for this event.

Housh thanked the Village Team for placing mask signage in advance of PorchFest.

Housh thanked Johnnie Burns and his team for his work on the YS Dog Park, and noted progress at that site.

Housh noted hosting Greene County Women in Business at the Bryan Center and virtually on September 16<sup>th</sup>.

### **CONSENT AGENDA**

1. Minutes of September 7, 2021, Regular Session

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

### **REVIEW OF AGENDA**

Kreeger asked that a discussion regarding Curliss's memo on the YSDC and MLS Greenspace be added to Old Business.

MacQueen asked that acknowledgement of Indigenous People's Day be added to New Business.

### **PETITIONS/COMMUNICATIONS**

The Clerk will receive and file:

Mayor's Office re: Greene CATS Proclamation  
Citizens to Preserve Mills Lawn Greenspace re: Letter and Petition  
Downtown Business Association re: Downtown Parking  
Patti Dallas re: Covid Communication  
June 2020 Lisa Kreeger/Brian Housh re: Commitment to Citizen Review Board  
Laura Curliss re: Levy and Greenspace

MacQueen reviewed the materials received.

### **PUBLIC HEARINGS/LEGISLATION**

**Second Reading and Public Hearing of Ordinance 2021-18** Prohibiting Housing Discrimination Based Upon Source of Income in the Village of Yellow Springs. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING.

Attorney Deb Lavey, with ABLE Law, commented that with passage of the ordinance, a person with a Section 8 voucher would be afforded protection under the law if discriminated against.

Lavey responded to a question from Stokes, stating that there is no requirement that a landlord take affirmative action to sign up for Section 8.

Kreeger commented that if a person wants to become a Section 8 landlord, they need to fill out paperwork and obtain a property inspection. She stated that she was unclear as to why landlords would not be asked to do this in preparation.

Lavey clarified that the ordinance only requires a landlord to complete requisite paperwork and inspections if approached by an otherwise qualified voucher holder.

Lavey stated that the ordinance creates a protected class of renters: those who are voucher holders.

Lavey further explained that the process begins once a landlord is approached by a voucher holder, not prior to that time.

MacQueen commented that landlords might be reluctant to rent to voucher holders because of the paperwork and other steps required. She stated that she had had a conversation with former head of GMHA, Susan Stiles, who suggested that there could be an entity that would assist landlords with repairs and improvements that may be required for approval to rent to voucher holders.

Curliss stated that she was unclear as to the process and stated her understanding that the landlord does have to act affirmatively if approached by a voucher holder.

Lavey responded that the landlord would be given a packet, which would have to be completed and turned in to GMHA, which would follow up with an inspection and any other needed communications.

The Clerk clarified that while filling out the packet is required, if a unit does not pass inspection or meet rental criteria for Section 8, that would be the end of the landlord's obligation.

Lavey responded to a concern raised by Curliss, stating that the ordinance is simply trying to prevent discrimination based solely on source of income.

Kreeger received confirmation that she can turn down a voucher holder if the screening process consistently followed by the landlord has ruled out that applicant.

Gyamfi Gyamerah suggested that Council take up the matter of a similar ordinance to cover ex-felons.

Dino Pallotta received clarification that he did need to fill out the paperwork if approached by a voucher holder, but that he would not be further obligated, as indicated above.

Housh stated that the ordinance seems clear to him in its goal of preventing discrimination solely on the basis of a person's source of income.

Matthew Kirk asked whether the ordinance is addressing a current problem. He opined that the ordinance might drive landlords to bump up their prices in an effort to avoid having to deal with voucher holders, and that it should not be passed if it is only being presented as a politically correct effort and not a response to a problem.

Housh provided information presented in the packet as a response, pointing out that Yellow Springs, while a desired location, has only 13 voucher holders, and that other Greene County municipalities are doing better at serving these renters.

Housh pointed out that this is a racial equity issue also, and is relevant to Village Values.

Housh CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 4-1 ON A ROLL CALL VOTE, with Curliss voting against.

**Second Reading and Public Hearing of Ordinance 2021-24** Establishing a Public Utility for Municipal Broadband by Enacting New Chapter 1043: Municipal Broadband of the Codified Ordinances and Approving Creation of a Utility Fund. Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING.

MacQueen asked why the project would not be considered as a collaboration with another provider.

Salmeron stated that he had met with two of the commercial telecom providers who indicated that they would be happy to build out the network if they were able to charge more for improved capacity and speed. Salmeron stated that this was antithetical to the concept of municipal broadband, in his view, which is built with taxpayer dollars, and so should not increase the cost to those taxpayers.

Salmeron pointed out that the recent infusion of government funding to municipal broadband projects supports the effort to construct municipal broadband as a utility, with a focus on increased access and affordability.

Tim Barhorst, member of Springs-Net, argued that access to broadband is a human right, and as such should be centered in the public sector.

Scott Fife noted that Springs-Net has been working on the matter since 2015. He stated that his understanding of the ordinance did not rule out the possibility of partnership in the future. He characterized the ordinance as enabling legislation, which, among other things, will allow the Village to pilot billing processes.

Ellis Jacobs commented that this utility should increase equity, noting that there is a lower rate available for persons who need a lower rate. The second aspect of the proposal, he said, is to have a “squad of people” available to help consumers get the most out of the utility, resources that exist in the current Springs-Net group.

Jordan Gray stressed that a municipal operation permits net neutrality, and data can flow at high speeds equitably, which is not possible on the commercial network. He noted the benefits to business owners.

Housh CLOSED THE PUBLIC HEARING.

Curliss received clarification that the ordinance is a necessary step to provide services to the 300 homes now receiving fiber to the home from the Village. It will also enable the Village to apply for further broadband grants.

Salmeron stated that the pro forma also anticipates not receiving any grant funding, in which case the proposed utility is projected to break even based upon an assumption of 65% participation after 10 months.

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

**Second Reading and Public Hearing of Ordinance 2021-26** Creating a New Fund for the Purpose of Receiving and Expending American Rescue Plan Dollars. Stokes MOVED and Curliss SECONDED a MOTION TO APPROVE.

Dillon stated that the ordinance establishes the fund into which the ARA dollars received can be placed.

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 2021-27** Authorizing a Third Quarter Supplemental and Declaring an Emergency. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Dillon explained the need for the supplemental, resulting in a total of \$340,600 in appropriations.

Housh OPENED THE PUBLIC HEARING. There being no comments, Housh CALLED THE VOTE, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**Reading of Resolution 2021-43** Approving a Contract with Anixter Tantalus for Provision of Electric Meters and Software. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Burns explained that the Tantalus system briefly described in Resolution 2021-43 is needed to shift the current system from the remote-read (drive-by) system currently employed for reading electric meters. That system has served the Village well, but it will no longer be supported by I-Tron after 2021. For this reason, a change is necessary.

The Tantalus system will allow staff to read electric meters from the Utility office.

This system, once in place, will create a backbone that will enable customers to monitor their water meters once the water meter system is changed out. This allows for immediate identification of leaks or unusual power usage so that customers can be notified almost immediately.

Stokes received clarification that both water and electric meters can use the Tantalus system, using the core 400 electric meters as the backbone to communicate back to the Utility office.

Housh received information that the meters that were put in nearly five years ago can be used until they go bad, but they will not deliver real time information to the Utility office.

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

**Reading of Resolution 2021-44** Authorizing the Village Manager to Submit a Purchase Order to Insight Pipe Contracting, LLC, an H-GACBUY Contractor, for \$156,972.53 for the Relining of Select Sanitary Sewer Lines Situated in the Village of Yellow Springs. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Salmeron noted that this is key infrastructure work, and contributes to reduction in water loss.

Burns noted that this is about one mile of sewer relining.

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

**Reading of Resolution 2021-45** Authorizing the Village Manager to Apply to Broadband Ohio for a Grant to Facilitate Municipal Broadband. Stokes MOVED and Curliss SECONDED a MOTION TO APPROVE.

Salmeron explained the need for the grant, noting that the Village had received \$300,000 from the same entity several months ago.

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

**Reading of Resolution 2021-46** Accepting Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor. Curliss MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Dillon explained that the resolution accepts the rates set by the Budget Commission, which were based upon the 2022 budget submitted to the Commission by the Village several months ago.

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

### **CITIZEN CONCERNS**

Lindsay Burke referenced the Downtown Business Association's letter in Council's packet, and asked that Council review studies already undertaken and recommendations therefrom to move as soon as possible to increase parking options in the downtown area.

Housh noted that work on this is ongoing, and that there will be an item on the next Council agenda addressing this.

Dino Pallotta asked Council to clarify their masking ordinance as it relates to downtown businesses, and commented that businesses are not consistently enforcing.

Salmeron stated that while the ordinance asks that individuals wear masks, it does not require that business owners enforce this. He noted that the police department is able to follow up if called upon by the business owner.

Parcels noted that the ordinance contains many exceptions that are not currently consistent with CDC guidelines.

Housh asked that the ordinance be brought back for review.

Gyamfi Gyamerah lauded Rose and Sal's for winning the VIDA award. He reiterated his request that Council look at housing equity for former felons.

### **SPECIAL REPORTS**

#### **OLD BUSINESS**

**Citizen Review Board Update.** Kreeger reminded all that the CRB has been on the table and being worked on since 2019. She expressed that she does not believe the CRB currently has the backing of Council members or staff. She noted the recent resignation of the Chief and budgetary constraints as also unfavorable at this time. Kreeger then MOVED TO TABLE ALL CRB ACTIVITY UNTIL THE BEGINNING OF 2022. Curliss SECONDED.

Curliss stated her agreement with Kreeger's position.

Council members discussed the motion as well as whether to wait to speak with legal counsel on October 4<sup>th</sup> or proceed.

Kreeger commented that the goals-setting process should provide indication of Council's commitment to the CRB either way.

Gyamfi Gyamerah expressed support for tabling the CRB. He asked for Council to indicate whether they are for or against the proposal in its current iteration.

Housh stated his opposition to tabling the CRB legal review. He acknowledged some process problems, but stated his support for continuing with the legal review to understand how the CRB can be implemented.

Kreeger AMENDED HER MOTION, asking that the legal review proceed, and that it inform planning next steps for the CRB process. Housh SECONDED.

Curliss stated her objection to a legal review. She raised objection to the process, stating that she had not been permitted to work with staff or with a lawyer. She stated her belief that the work was truncated by Council, and that there is no point in moving forward until there is a new Council, and new political will.

The Clerk CALLED THE ROLL ON THE MOTION, and the MOTION PASSED 4-1, with Curliss voting against.

**YSDC Role Clarification.** Kreeger addressed the memo submitted to the packet by Curliss in the following manner:

Kreeger noted in general that the issue of organizational health is very important to her, and referenced the acronym GRIT -- Gossip Rumor Innuendo and Triangulation -- in addressing the health of Council and its processes around the greenspace issue. She emphasized that engaging in any of these behaviors should not be the actions of Council members.

With regard to Curliss's memo, Kreeger stated that she supports green space and, further, a comprehensive parks plan. She thanked those persons who have shared their perspectives.

Kreeger stated her assessment of the memo from Curliss as fueling a purely political ploy during a challenging time that includes a continued pandemic, upcoming school levy, and elections in the township, school board and Council. Kreeger pointed out that the Village of Yellow Springs does not own the Mills Lawn property at this time.

Finally, Kreeger pointed out that the memo has mischaracterized the work of the YSDC. The YSDC, she said, is a collaborative group that is capable of and interested in doing the opposite of what Curliss asserts. Any work undertaken by the YSDC, she asserted, will be collaborative in nature, and will balance the needs and desires of the community as a whole.

Curliss responded by asking whether the "greenspace" area of MLS was left out of the area to be considered by the firm hired by the YSDC to envision future uses for that property should the school levy pass. She then characterized the YSDC as "a development corporation, and not a preservation corporation" in stating her belief that the group could not be trusted to ensure that property was held as greenspace.

Kreeger responded that one of the YSDC's purposes when it was formed was to act as a convener. She asserted the YSDC is acting in this role now in order to obtain a broad representation of the community.

Stokes stated that the YSDC is not a developer, and is working to assist the School Board to consider future use of the property.

Kreeger responded to a comment by Curliss, stating that the YSDC is working with the Cleveland Urban Design Collaborative to engage the community as a whole in the conversation around

the future use of that space. She noted the CUDC vision is to “create livable and sustainable communities; to enhance the public realm, and protect natural and cultural resources.”

Curliss asserted that the entirety of the community would potentially include those wishing to develop the property.

Kreeger agreed, stating that all citizens and taxpayers should have input, but noting that the call for greenspace is a significant one.

Curliss requested that Council commit to the greenspace “in blood.”

Housh commented that the matter has received discussion in the past, and that Council members have variously expressed their support for the MLS greenspace.

Housh stressed that the YSDC was formed as a “Designated Community Improvement Corporation” but that this was not permitted as a title, hence the title was changed. He noted that the majority of the voting membership of the YSDC is made up of elected officials so that community perspective is adequately represented.

Housh commented his “100% confidence” that that area of Mills Lawn is not going to be fully developed for residential or commercial use.

MacQueen conveyed her dismay at the fear-mongering that she perceives as characterizing the accusations against the school board and the YSDC. She commented that the School Board is being held hostage by the narrative around the greenspace. She spoke against the negative assertions being made, and the innuendo that something underhanded is occurring.

Curliss asserted that the YSDC “has a statutory duty to focus on development”, continuing her perspective that the land will be sold or developed as residential housing. She implied that without a clear designation of the greenspace area, the levy would be voted against.

Matthew Kirk lauded the discussion, and suggested that a further step could be taken by Council by taking control of the MLS property and assuring that there will be sufficient citizen input. He asked that the Village solidify its role.

Terry Smith asserted that citizens have the right to respond to what they are hearing publicly, and chastised Council for waiting to have the discussion.

Housh countered, asserting that Council has discussed the matter several times, but has respected the fact that the property does not belong to the Village.

## **NEW BUSINESS**

**Discussion of Community Reinvestment Area.** Salmeron presented a CRA as one method of addressing the need for housing for lower income and voucher holding persons.

Salmeron explained that a CRA:

- Provides real property tax exemptions for property owners who construct new buildings, when agreements are executed with the local government
- Property owners/developers can demonstrate to lenders predictability and a reduction in expenditures as a result of the tax exemption on the new construction



- Makes redevelopment projects economically feasible – especially for redevelopment projects and more dense developments with higher initial costs
- Banks are recognizing the property tax savings to project Net Operating Income, thereby providing higher leverage for project debt for projects with higher development costs

Salmeron explained the process of creating a CRA as follows:

### **Creation of a CRA**

- Local government conducts a housing survey
- Area is one in which housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged
- The purpose of the housing survey is to:
  - Ensure the selected geographical area that is to comprise the CRA meets the statutory requirements
  - Inform Council, as the voting authority, of the composition and condition of the housing stock in the CRA along with other demographic and statistical data that establishes a context upon which the CRA area is needed or will be useful
- Legislation is adopted
  - Adopts the housing survey
  - Must identify at least two residential properties experiencing disinvestment
  - Defines the boundaries of the CRA
  - Defines the incentives that can be provided within the boundaries of the CRA\*
  - Up to 100% real property tax exemptions for a period of time not to exceed 15 years depending on the type of improvements (new construction, remodeling)

Salmeron pointed out that Council has asked him to explore PACE legislation 2020, and that legislation was brought forth as a tool to be available as needed.

Salmeron noted that having a CRA approved would open up possibilities for grant funding.

Parcels noted that Council would need to wait until the 2020 Census data for the Village is available to update the Bowen Housing Study before preparing any legislation.

Curliss asked how ORC 3735.65 (b) requirements would be met.

**Discussion re: Police Body Cameras.** Salmeron noted that funding opportunities have been made available at the State level for BWCs, and that he would like to begin the conversation before drafting a resolution to apply for a grant.

MacQueen expressed concern the potential invasiveness of BWCs and for the addition of equipment to officers' uniforms, potentially increasing their "military" appearance.

Stokes asked whether editing software would be included in the package.

Salmeron acknowledged that this would need to be addressed, as would policy around what can and cannot be redacted from BWC footage. He noted that software, training, and storage of data were all salient issues that will be explored.

Jamie Sharp commented that she has, and knows, other persons of color who have experienced racist or biased behavior from YS police. Those officers are now gone, she said, but there may be a need for the camera to be on at all times so that any such interaction is caught.

Jessica Thomas, Yellow Springs News, asked Salmeron whether creation of the broadband utility would affect data storage.

Salmeron responded that it would not have any effect.

Housh asked for a vote on whether to permit Salmeron to bring legislation to the next meeting.

The Clerk CALLED THE ROLL, and the MOTION PASSED 4-1, with MacQueen voting against.

**Indigenous Peoples' Day.** MacQueen asked how the Village is preparing to promote this holiday. Kreeger noted events and collaborations underway and offered to meet with MacQueen to update her on those activities.

#### **MANAGER'S REPORT**

There was no oral report delivered.

#### **BOARD AND COMMISSION REPORTS**

There were no reports given.

#### **FUTURE AGENDA ITEMS**

- Oct. 4:**           **Second Reading and Public Hearing 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)
- Oct. 25:**       Goals Work Session

#### **ADJOURNMENT**

At 9:32 pm, Stokes MOVED, and Kreeger SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 on a voice vote.

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Brian Housh, Council President

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Attest: Judy Kintner, Clerk of Council