

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

Virtual Meeting @ 6:00 P.M.

Monday, October 18, 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 and Laura Curliss. Also present were Village Manager Josue Salmeron, Public Works Director Johnnie Burns and Solicitor Breanne Parcels. Lisa Kreeger was out of town.

EXECUTIVE SESSION

At 6:01pm, Stokes MOVED and MacQueen SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of the Discussion of energy and public infrastructure improvement contracts pursuant to R.C. 121.22(G)(2) for purchase of public property when disclosure of details could create an unfair advantage adverse to the general public interest and R.C. 121.22(G)(5) for trade secrets of suppliers required to be kept confidential by state law.

The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

At 6:57pm, Stokes MOVED and Curliss SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 4-0 on a voice vote.

ANNOUNCEMENTS

Housh gave a shout out to the Little Art Theater and the resiliency of local businesses generally, noting that “The Birds” is currently showing.

MacQueen announced the upcoming Candidates forums on Tuesday and Wednesday October 19th and 20th, to be held at Mills Lawn and live streamed.

Curliss announced Saturday as a “Take Back Day” for unused medicines at surrounding Police Departments.

MacQueen noted the “Clap Out” held at Mills Lawn for Chief Carlson on Thursday October 14th.

Salmeron announced Beggars Night as Sunday, October 31st from 6-8, stating that there will be a total of four bonfires, one to be held at Gaunt Park.

CONSENT AGENDA (7:10)

1. Minutes of October 4, 2021 Regular Session
2. Minutes of October 11, 2021 Budget Overview

Curliss MOVED and Stokes SECONDED a MOTION TO APPROVE THE CONSENT AGENDA. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

REVIEW OF AGENDA

There were no changes made.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Ellis Jacobs re: Body Worn Camera Legislation
Babette O'Reilly re: SOI Legislation Response
Emily Seibel re: SOI Legislation Letters from Various Organizations
GCPH re: COVID Vaccine Clinics and Halloween Safety
Laura Curliss re: GCCCJ Compilation
Marianne MacQueen re: NYT Article
Mayor's Clerk re: Mayor's Report (2)
Council Clerk re: CPIM Certification

MacQueen reviewed the materials received.

PUBLIC HEARINGS/LEGISLATION

Reading and Public Hearing of Ordinance 2021-29 Amending Section 660.16 of the Village Codified Ordinances Pertaining to Pandemic Precautions and Declaring an Emergency. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh noted that the ordinance reflects the Council conversation held at the October 4th meeting as to whether or not to update the current ordinance to follow CDC guidelines moving forward.

Parcels elaborated, stating that the modified ordinance eliminates the list of exemptions and simply defers to CDC guidelines. She noted that the Codified Ordinances as well as the Ohio Revised Code both contain language for enforcement of measures to inhibit the spread of contagion, so the current ordinance is not a new idea, but is specific to the current state of the pandemic.

Parcels commented that the tricky part of the ordinance is the enforcement portion, but that the ordinance allows for the ticketing of repeat offenders as necessary.

The Clerk pointed out that the Ordinance is being read as an emergency, so would go into effect immediately, and could either receive one or two readings as an emergency.

Housh noted this, and OPENED THE PUBLIC HEARING.

Curliss objected to the improvised facial coverings being stricken in the presented version of the ordinance.

Parcels responded that these are not being made impermissible, but are not being listed, since the CDC is recommending medical grade masks where possible.

Housh, Parcels and Curliss discussed the need for "an affirmative defense," with Curliss objecting to any person's need to go to that length if they have a medical exemption.

Housh stated that since passage of the original ordinance in July, 2020, which contains the same enforcement language, no tickets have been issued, and he did not see this as a salient reason for objection to the modified ordinance.

MacQueen stated that the ordinance makes things simpler in following CDC guidance.

Housh CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION FAILED 3-1 on a ROLL CALL VOTE, with Curliss voting against.

Reading of Resolution 2021-51 Approving a Contract with Ranger Earthworks for Sewer Rerouting on Dayton Street. Curliss MOVED and Stokes SECONDED a MOTION TO APPROVE.

Salmeron noted that the Village applied for and received a grant to address this long-term issue. He stated that the Village portion of the project will be 24%, or a maximum of \$83,632.

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

CITIZEN CONCERNS

OLD BUSINESS

Citizen Review Board Proposal Debrief.

Gyamfi Gyamerah spoke in favor of the CRB model, stating that the “equal stature” of each member of the board guarantees equitable communication. He noted the necessity of “an investigator with subpoena power”.

Gyamerah asked several times that his questions be asked of Larry James. He stated that he has spoken with “a good friend of Mr. James,” Attorney General Waddy,” who stated that “you can’t have a fair review from only one side.” Gyamerah commented that James is a republican, and likely to pursue a conservative agenda.

Housh responded that Ellis Jacobs had recommended Mr. James, and that Curliss and Kreeger had been amenable to his selection as the legal reviewer.

Louise Smith stated her support for the CRB proposal as presented to Council. Smith stated the need for outside counsel to assure neutrality. She stated that a CRB would build trust with the community. She observed that perhaps the timing is not right for the issue now, and that following the election and Chief search may be preferable. Smith stressed the need for outside counsel to provide neutrality. She asked that an update on the Chief search be provided.

Bomani Moyende commented that this provides the opportunity for Council to demonstrate willingness to enter into a process that will call for Police accountability and will empower citizens.

John Hempfing related his experience as a JSTF member in which he could not assist citizens with matters in which an officer might have violated policy, since the JSTF was only tasked with addressing new policies. He suggested that a CRB both investigate complaints and review policies, since these are interrelated. He asked whether the CRB would be able to adjudicate a complaint, asserting that this would interfere with any advocacy process.

Jenny Johnson wanted to address the masking issue, but was told that she was past that point in the agenda. Housh offered to follow up with her following the meeting.

MacQueen commented that the key takeaway for her from the James presentation was the ability of the CRB to affect policy.

Stokes commented that he had found James’ presentation helpful, pointing out that James had addressed the budget as a key feature of a CRB. Stokes stressed that there were only three complaints made about the Police Department in the last year.

Stokes noted James’ position that no member of the CRB be paid, and stated his agreement with this position.

Curliss agreed that James' presentation was interesting, but stated her disappointment that what she had hoped would be addressed—that is, turning the proposal into legislation—was not. She stated that she and Kreeger, as next steps, would like to turn the proposal into a piece of legislation.

Curliss stated her intention, with Kreeger, to meet with Dillon to understand the financial implications of a CRB. She stated her intention that the CRB Coordinator—like the Village Mediation Coordinator—be a stipend bearing position. Finally, Curliss commented that there are likely many more complaints “out there” that would come to the fore if there were a CRB.

Gyamerah asked Council to “tap” Attorney Waddy for a second opinion.

Housh commented the importance of the CRB “addressing what we need to address.” He went on to express frustration that James' presentation, while insightful, did not address what Council had asked it to address, and that it ate up nearly all of the funds allocated to the process.

Task Force Proposal for Creation of Body Worn Camera Policy. Salmeron stated that he has conversed with Ellis Jacobs, and that Jacobs is willing to head a small group to address this issue. The group will be convened by Salmeron, and will consist of about five persons.

Salmeron stated that the group will seek to minimize records so as to minimize any infringement upon civil liberties. The group will bring recommendations to Council in about one month.

Philip Lawson referenced the CRB discussion, stating that something as genuine as a CRB proposal is worth Council attention. He urged Council to assure that the effort is a legitimate one.

Draft Council 2022 Goals: Preparation for Meeting on 10/25. Housh introduced the topic, suggesting that the 2021 goals status be reviewed, as he had color-coded these as in process, done or not begun.

Housh commented that the Goals process is seeking to actively connect a plan as to how the goal will be achieved from a personnel as well as a funding process.

MacQueen asked that Council first fully understand what is meant by each goal and who is tasked with achieving the goal.

Curliss commented that the goals may need to be addressed again with a new Council.

Stokes asked what Council plans to do with regard to Home, Inc. regarding goals.

Housh commented that Council's role is to set policy around basic infrastructure policies, and he would be surprised if a new Council made significant changes to the goals document.

SPECIAL REPORTS

CASP Update. Piper Fernway gave an overview of her activities to date. Environmental Commission member Rebecca Potter commented that Wright State students are seeking to align Village benchmarks with International standards.

Potter suggested that Village Staff be interviewed to gain a better understanding of their work.

Fernway commented that she sees a need to continue into the next two years to continue the work. She commented that involvement and assistance of the Village team will be critical.

MacQueen suggested that Fernway sit in on the Goals session.

NEW BUSINESS

There was no New Business.

MANAGER'S REPORT

Salmeron reported that the broadband project is now testing equipment to begin the roll out to the 300 homes selected for the pilot project. He noted that surveys will follow up the installation to gather data and to begin devising a fee schedule.

Salmeron announced the upcoming retirement of Ken Metz, the Police Department Property Clerk, and of a full time dispatcher, whom he did not name. The positions have now been filled.

Salmeron noted that the Police Chief Search Committee is now working with a pool of 10 candidates. He noted that he group will make a determination at this point as to whether this pool provides enough expertise or whether the search will be reopened. He noted a response query which will be given to each of the 10 which he believes will provoke meaningful response.

In response to a question from MacQueen, Salmeron stated that a public forum will be put together once the final group of three is selected.

Salmeron noted that the Village is considering development of the Railroad Street lot in terms of infrastructure as the Dayton Street sewer rerouting is implemented as part of the Dig Once policy.

Burns noted that of nine identified underground leaks, his crew has addressed seven, and plans to complete mitigation of an eighth in the next month.

Salmeron noted that he will return with a water loss report at the next meeting.

BOARD AND COMMISSION REPORTS

There were no reports made.

FUTURE AGENDA ITEMS

Oct. 22: **Council Budget Session:** General Fund and Special Revenues, 3-5pm
Oct. 25: **Council Work Session re:** Draft 2022 Goals, 4-6pm
Nov. 1: Solar Project Update
Nov. 11: **Council Budget Session:** Enterprise and Capital Funds, 5-7pm

ADJOURNMENT

At 8:53pm, MacQueen MOVED, and Curliss SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 on a voice vote.

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council