

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

Virtual Meeting @ 7:00 P.M.

Tuesday, February 22, 2022

CALL TO ORDER

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

ROLL CALL

Present were President Housh, Vice President Kevin Stokes and Council members Lisa Kreeger, Marianne MacQueen and Carmen Brown. Also present were Village Manager Josue Salmeron, Public Works Director Johnnie Burns, Planning and Zoning Administrator Denise Swinger and Solicitor Breanne Parcels.

ANNOUNCEMENTS

Housh noted that he and Salmeron had had the opportunity to meet the new Director of the Ohio Municipal League, and had been impressed with his knowledge base.

Salmeron announced receipt of the Greene County Community Development grant that the Village had applied for on behalf of WYSO to assist in funding their new office and recording space. The \$25,000 award will provide a boost to WYSO's effort to fund equipment for their new space.

Salmeron announced the public forum for Police Chief Candidates for Tuesday, March 1st. One candidate has withdrawn from the running, leaving a pool of three. The event will begin at 6pm in the John Bryan Center, and will be a hybrid event.

Salmeron noted that the water treatment plant had managed a rainfall event which put 7 million gallons of water through the plant. This would not have been possible two years ago, prior to the Village Team reducing inflow and infiltration so extensively.

CONSENT AGENDA

1. Minutes of February 7, 2022 Regular Session

MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE THE CONSENT AGENDA. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

REVIEW OF AGENDA

There were no changes made.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

- Allison Moody re: Complaint
- Laura Curliss re: PUD vs R-A
- Laura Curliss re: In Person Meetings
- Claudia McPete re: Opinion on Council PUD Vote
- Mitzi Niblack re: Opinion on Council PUD Vote
- Edith Smith re: Opinion on Council PUD Vote
- Breanne Parcels re: Ohio Ethics Commission Opinion
- Brian Housh re: HB 563
- Sarah Sinclair Amend re: Complaint vs. Brian Housh
- Max Crome re: Complaint vs. Brian Housh

Sandy Bise re: Complaint vs. Brian Housh
Catherine Price re: Complaint vs. Brian Housh
Lindsay Burke re: Complaint vs. Brian Housh
Kelly Carpe re: Complaint vs. Brian Housh
Heather Horton re: Complaint vs. Brian Housh

Stokes reviewed the materials received.

PUBLIC HEARINGS/LEGISLATION

First Reading of Ordinance 2022-05 Ordinance Establishing a Street Capital Improvement Fund. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

MacQueen received some clarification as to the benefit of having a capital line for Streets and also for Stormwater. Salmeron noted greater ability to obtain grant funding and to direct revenue in a planned fashion if a capital fund is established.

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

First Reading of Ordinance 2022-06 Ordinance Establishing a Stormwater Capital Improvement Fund. Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

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

Reading of Resolution 2022-12 Approving a Change Order of Contract with Ranger Construction for Dayton Street Sewer Rerouting Project. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Burns explained that the Village is able to complete the original project using only a portion of the funds allotted. For this reason, he said, the Village would like to add to the scope of the project and take the storm line from the edge of the Bryan Center property and into the Glen. This will prevent the ‘rivers of stormwater’ that now traverse the Bryan Center property during rain events.

Burns stated that this additional work can be done if the Village can contribute a total of about \$26,000 for necessary materials.

MacQueen was informed that a bio-swale is not possible due to the excessive speed and volume of the water.

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

Reading of Resolution 2022-13 Approving a Contract with Choice One Engineering for Water Line Replacement. Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Burns noted that the grant has been obtained through House Bill 168, and the bill covers only construction, meaning that the Village has to pay for the engineering for the project. This means that the Village will pay about \$64,000 to obtain 1.2 million dollars-worth of improvements.

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

Reading of Resolution 2022-14 Authorizing the Village Manager to Enter into an Agreement for Professional Services with Encompass Engineers and Architects Inc. Kreeger MOVED and Stokes SECONDED a MOTION TO APPROVE.

Burns stated that this study will provide a priority list of projects for immediate, five-year and ten-year needs.

Burns responded to a question from Housh, stating that the \$76,000 will come from the Electric Fund, and will cover all costs associated with the assessment.

In response to a question from Stokes, Burns stated that American Municipal Power does assist the Village as part of the membership benefits. That entity knows the Village system well, and does assist in system improvement on an ongoing basis. This study falls outside of their scope, but they are recommending the provider and the study.

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

CITIZEN CONCERNS

John Hempfling commented that Council needs to get in front of the application from Oberer for a major subdivision. The Village will be required to approve it if it meets code, he said, and many Villagers will say that the Village Solicitor is wrong in her legal advice. Hempfling asked that Council seek a second opinion on the subdivision if they have any doubts at all, since otherwise the conversation will turn into an exchange of insults.

Gyamfi Gyamerah corrected comments he'd made at the February 7th meeting which indicated that the YSDC was in cahoots with Oberer. He amended his opinion to state, in sexualized terms, that "it is only Council" who is courting Oberer.

Joe Amend asked whether Housh is legally permitted to practice law and if so where.

Housh responded that he has a law degree, but is not currently a member of a bar association.

SPECIAL REPORTS

Public Art and Culture Commission End of Year Report. Amy Wamsley and Cathy Roma gave a detailed report of the PACC's accomplishments for 2021. They offered plans for 2022 and presented a generalized budget of \$5,000 for 2022 to accomplish these aims.

Kreeger noted that the requested \$5,000 has already been set aside during the 2022 budgeting process, but the request is a way to call attention to how the funds will be expended.

MacQueen advocated for a closer relationship between the PACC and the Environmental Commission.

Housh asked that the amounts requested by the particular commissions be checked with the Finance Director, requesting that he address this at the next meeting.

The Clerk indicated that she will check with Dillon to assure that the funds are available in the Board and Commission line.

Environmental Commission End of Year Report. Catherine Zimmerman presented the EC's 2021 accomplishments. She noted projects slated for 2022 and requested a budget of \$7,500.

MacQueen noted that the neighborhood gardens will be a focus soon.

Housh again asked that Dillon be followed up with to assure that the funds are available. He commented that \$20,000 has been set aside for Boards and Commissions.

Citizen Review Board Update. Kreeger noted two aspects of her report, the first being the action underway to involve the Village Mediation Program (VMP) in initially structuring the role of the CRB Coordinator, perhaps serving in the capacity part of the time as the project is moved forward. The second, she said, is the urgent need to obtain a legal review of the CRB proposal.

Kreeger called upon fellow Council members to agree that this will take place in the next four weeks. Funds for this should be taken from the Police Department legal fund, she stated.

Brown reported on her efforts to vet the current CRB proposal, stating that the Village should be able to borrow from existing communities' CRB programs.

Kreeger noted the important two pillars, one being the intake process for complaints and confidentiality, and the other being the disciplinary or recommendation capacity of the CRB. Scope of these pillars, she said, is heavily dependent upon a legal review to determine what is feasible and permissible.

Kreeger asked for permission to move forward.

Parcels recommended putting out an RFP.

Brown stated that she would try to "find someone to do this" over the next week.

Housh stated that the questions that need to be addressed should be clearly identified. He offered to assist with this. He asked that the budget be clarified.

Kreeger stated that she will bring this information to the next meeting.

Kreeger stated that the VMP board has met and has agreed to discuss a combined staffing model. She noted that the CRB needs staffing support at this point, while acknowledging that "the CRB is not the VMP," but shared coordination can help move things forward.

MacQueen commented that the VMP had met and discussed logistics for this preliminarily. She suggested that some activities could be concurrent. She suggested that Council might amend the draft.

Kreeger noted that the draft has come to Council, and the legality of certain activities is the sticking point. For this reason, she said, the legal review is critical.

Kreeger stated that some activities could move forward with caution.

Kreeger expressed difficulty with adherence to Sunshine Law, given the overlap among various Council members on related projects (VMP, CRB and the work on the Social Justice Commission ordinance). Kreeger proposed, therefore, that she step back and let Brown take the lead, while she, Kreeger continues to shepherd the legal review through.

Michael Casselli commented that he wanted a reiteration of the two pillars, and Kreeger reiterated these.

Gyamfi Gymerah spoke at great length regarding the second pillar, differing in some ways from Kreeger, and opining on what the coordinator should be able to do.

John Hempfling commented his concern regarding confidentiality, noting that much information is public record if it involves a police officer.

Housh acknowledged the need for a legal review and need for a clear notion of “what we are doing and why.”

OLD BUSINESS

Active Transportation Commission Follow-Up Discussion. MacQueen explained a bit of history regarding active transportation. She asked how the Committee would work and what legislation might be required, and asked that members of this Committee be invited to join, rather than taking applicants. She asked whether this should be a sub-committee of Planning Commission or a stand-alone committee.

Stokes asked who would be doing the inviting.

Housh noted members of the Active Transportation group who helped to secure significant grant funding in the past who might be good members of the new Committee.

Parcels advised that the group not be a sub-committee of PC but an “advisory group to PC”.

Housh commented that the goal is technical assistance and specific knowledge.

Salmeron noted over \$1.8 million dollars-worth of improvements upcoming, and the contribution of working groups in the past. He expressed enthusiasm for this group.

MacQueen stated that she will write up a detailed description and bring it back to Council.

NEW BUSINESS

Discussion of Subcommittee for Personnel Policy Work Session. Housh and Kreeger volunteered for this work in revising the current PPM.

Revising HRC/JSC and Preliminary Goals for this Commission. This was discussed at some length, with the overall conclusion that it is not yet ready for a full discussion. This topic will return.

Jessica Thomas, Yellow Springs News, asked whether this group would be able to review and recommend policies to the Police Department as the last iteration of the commission was supposed to be able to do.

Stokes responded that separation of CRB and SJC is desired.

Kreeger commented that review of policy would be a significant expansion of the CRB’s envisioned role and should be reviewed with care.

John Hempfling commented that he’d like to see the Justice System Commission stay on the books, viewing the SJC as more a body that would replace the HRC.

Proposal that VYS Serve as Fiscal Agent for YSCF Grant. Stokes explained that the YS Chamber of Commerce will be applying for a grant to cover staffing at the Chamber, and is asking that the Village serve as fiscal agent.

Salmeron commented that such partnerships with the Chamber have occurred in the past, but stated that he would like to follow up with the Finance Director and Solicitor to assure that this grant is permissible, given that it is for staffing.

Parcels commented that the grant would need to receive the ok from an audit compliance standpoint.

Stokes responded to a query from Kreeger, stating that the YSDC is prevented from acting as the fiscal agent.

Process for Handling Complaints Against Council Members. Stokes asked for latitude to Chair this section of the meeting, noting that in general if a complaint comes in involving anyone other than the President, that she or he handle the complaint, but if the complaint involves the President, then that task fall to the Vice President.

Stokes stated that Council does take all complaints seriously, and stated that he is willing to work with the Solicitor in responding to all complaints made. Stokes noted that Council is responsible for monitoring itself and its members, and that this will be done regarding these complaints.

MacQueen asked for clarification regarding the process, and was told that Stokes would handle the complaints overall, but that Council as a body will have access to these.

MacQueen commented that this is a new process. She referred to past complaints against herself and Stokes being handled differently.

Stokes responded that in that instance he and MacQueen had “gotten in front of the complaints” by making a public apology.

Kreeger spoke to the difficulty of compartmentalizing across different identities, one of those involving social media. She suggested care in engagement on social media, and asked that Council members focus on the work at hand and the perception that they are associated with their Council roles as a general rule.

Stokes agreed, suggesting that perhaps language could be added to the Council Rules document to address this tension.

Housh commented that there is room for discussion on the matter of public officials and social media engagement.

Brown commented that sometimes perception trumps truth, and it is important to have accountability around social media involvement.

Housh stated that he is listening, and supports input around social engagement parameters.

Housh declined to take comment on the issue.

House Bill 563. Housh introduced the pending Bill, which will remove a municipality’s ability to have any control over Transient Guest Lodging.

MacQueen characterized this as a multi-national corporation influencing home rule.

Salmeron commented that the OML Director is likely to take the issue on as an OML issue, since they tend to stand up for Home Rule.

MacQueen asked that Council bring a resolution.

Housh suggested that Council members offer to testify.

Salmeron noted that all efforts have merit and can affect outcome.

Parcels suggested using the Village's consistent advocacy for affordable housing in the legislation and in any testimony.

Housh suggested both a letter and a resolution.

MacQueen stated that she will write a draft and send it to Swinger and Salmeron.

MANAGER'S REPORT

Salmeron noted repairs needed at Lawson Place, and asked Council their preference in funding these, whether loan or taking funds from existing lines.

Housh advocated for use of ready cash for the almost \$42,000.00.

Salmeron noted the \$116,000 down payment, taken from cash reserves.

Salmeron and Burns elaborated on the updates made to the units in Lawson Place and the efforts made to find good affordable appliances.

Salmeron noted that Council could make a donation to some of these costs from the Affordable Housing line.

Brown advocated for the use of cash reserves.

BOARD AND COMMISSION REPORTS

Kreeger noted that at some point, Council should discuss a return to in-person meetings.

Kreeger NOMINATED Bryan Rogusky and Scott Osterholm as ALTERNATES to Planning Commission.

MacQueen asked for details as to the protocols followed for the interview process and why the nominations were being made, citing "past mistakes in appointments."

Kreeger reiterated the credentials she had previously stated for each of the alternate candidates, commenting that they have her full confidence. Brown seconded this confidence.

Brown SECONDED, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

Kreeger NOMINATED Gary Zaremsky as a FULL MEMBER of Planning Commission. Stokes SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

FUTURE AGENDA ITEMS

MacQueen spoke at length regarding her desire to have a debrief on the Oberer process. She then spoke at length regarding her desire to have Matt Raska speak to Council regarding his ideas for amending the zoning code.

March 7: Alex Scott re: Section 8 Housing
PC End of Year Report
Personnel Policy Manual Work Session

March 21: Resolution Accepting a Settlement from Ohio Ethics Commission
Social Justice Commission
First Reading of Ordinance 2022-XX Amending Section 1226.02 “Subdivision Regulations” of the Codified Ordinances of the Village of Yellow Springs, Ohio

ADJOURNMENT

At 9:44pm, MacQueen MOVED, and Stokes SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 on a voice vote.

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council