

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

Virtual Meeting @ 6:00 P.M.

Monday, March 7, 2022

CALL TO ORDER

Vice President of Council Kevin Stokes called the meeting to order at 6:03pm.

ROLL CALL

Present were Vice President Kevin Stokes and Council members Lisa Kreeger, Marianne MacQueen and Carmen Brown. Also present was Village Manager Josue Salmeron.

EXECUTIVE SESSION (6:00)

At 6:04pm, MacQueen MOVED and Brown SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of Investigation of Complaints against a Public Official and Discussion of the Hiring of a Public Employee. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Kreeger EXITED The Executive Session at 6:45pm.

At 7:03pm, MacQueen MOVED and Brown SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 3-0 ON A ROLL CALL VOTE.

ANNOUNCEMENTS

Salmeron announced the President Housh had sustained an injury prior to the meeting, and was being transported to the hospital.

Salmeron announced that the Police Chief search is finalizing as he gathers feedback from all of the groups who were involved in the interview and Public Forum process, and that an announcement will occur in the next two weeks.

Salmeron noted the copious amount of rain over the weekend, thanking the Village Team for the reduction in I&I, which allowed over 7 million gallons of water to cycle through the treatment plant safely. He asked for citizen assistance in clearing blocked storm drains when possible.

Alex Scott from Home, Inc. and Sustainable YS introduced Angie Schockley from Greene Metropolitan Housing Authority, who spoke to the benefits of Section 8 rental from both the recipient and landlord perspective.

CONSENT AGENDA

1. Minutes of February 22, 2022 Regular Session

Brown MOVED and MacQueen SECONDED a MOTION TO APPROVE THE CONSENT AGENDA. The MOTION PASSED 3-0 ON A ROLL CALL VOTE.

REVIEW OF AGENDA

There were no changes made.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Patrick Lake re: Complaint Against Brian Housh
Esua Mazur re: General Diatribe

Judith Hempfling re: Zoning Code Comments
Laura Curliss re: Request to Rescind Resolution 2021-49
Cynthia MacDonald re: Masking Questions
GCPHD re: Covid Monitoring Framework
Sue Parker re: Thoughts on Civility
Dino Pallotta re: Complaint Against Brian Housh
Mayor's Clerk re: Mayor's Court Reports (2)
Brian Housh re: Apology
Dorothee Bouquet re: Proposal for Wastewater Sampling

Stokes reviewed the materials received.

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2022-05 Ordinance Establishing a Street Capital Improvement Fund. MacQueen MOVED and Brown SECONDED a MOTION TO APPROVE.

Salmeron described both ordinances as primarily housekeeping measures, and stated that establishment of both Capital funds on the agenda will assist in tracking expenditures specific to stormwater and streets expenditures.

Stokes OPENED THE PUBLIC HEARING. There being no comment, Stokes CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 3-0 ON A ROLL CALL VOTE.

Second Reading and Public Hearing of Ordinance 2022-06 Ordinance Establishing a Stormwater Capital Improvement Fund. MacQueen MOVED and Brown SECONDED a MOTION TO APPROVE.

Stokes OPENED THE PUBLIC HEARING. There being no comment, Stokes CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 3-0 ON A ROLL CALL VOTE.

First Reading of Ordinance 2022-07 Approving and Granting Consent to the Director of the Ohio Department of Transportation Authority to, Apply, Maintain and Repair Standard Longitudinal Pavement Markings and Erect Regulatory and Warning Signs on State Highways Inside Village Corporate Limits, and Giving Consent of the Village for the Ohio Department of Transportation to Remove Snow and Ice and Use Snow and Ice Control Material on State Highways Inside the Village Corporate Limits, and Giving Consent of the Village for the Ohio Department of Transportation to Perform Maintenance and/or Repair on State Highways Inside the Village Corporation. Brown MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron noted this as a housekeeping item to permit ODOT to maintain State Route 68.

Stokes DECLINED TO CALL THE VOTE.

Reading of Resolution 2022-15 Strongly Opposing House Bill 563. MacQueen MOVED and Brown SECONDED a MOTION TO APPROVE.

Parcels explained that the bill will limit municipalities' ability to regulate Airbnb establishments. This is an infringement upon Home Rule Power, and may affect the Village's ability to mitigate loss of long term rentals.

Council discussed the issue of provision of testimony.

The resolution will be sent to the Ohio Municipal League for consideration during their testimony.

Stokes CALLED THE VOTE, and the MOTION PASSED 3-0 on a ROLL CALL VOTE.

Reading of Resolution 2022-16 Condemning Russian Aggression and Declaring Support for Ukraine. MacQueen MOVED and Brown SECONDED a MOTION TO APPROVE.

Stokes explained that what Council does to support various causes does take the form of a resolution rather than social media posts.

Stokes CALLED THE VOTE, and the MOTION PASSED 3-0 ON A ROLL CALL VOTE.

Reading of Resolution 2022-17 Authorizing the Village Manager to Execute a Grant Award with Greene County Community Development.

Parcels stated that Stokes should recuse from discussion or voting, as an employee of Antioch College. She stated that a 2-0 vote would pass, since a resolution may pass with a “majority of those present”.

Salmeron stated that he had had little time to take advantage of a Greene County grant for demolition, and had therefore assisted in application for the grant prior to gaining Council approval to do so.

Salmeron noted the dire state of Antioch’s now defunct Union building, and commented that receiving supportive funds for safe demolition will greatly assist in campus safety and beautification. Antioch College has agreed to secure any remaining needed funds.

MacQueen MOVED and Brown SECONDED a MOTION TO APPROVE.

Stokes CALLED THE VOTE, and the MOTION PASSED 2-0 ON A ROLL CALL VOTE. Stokes ABSTAINED FROM THE VOTE.

CITIZEN CONCERNS

Catherine Price expressed thanks for the Support of Ukraine resolution. She spoke at length regarding the need to boycott anything remotely connected to Putin.

SPECIAL REPORTS

There were no Special Reports.

OLD BUSINESS

Active Transportation Enhancement Committee Formal Proposal. MacQueen suggested the name “Active transportation Advisory Group”. She stated that she sees the group as vetting things already set in motion by staff, and building that capacity.

MacQueen asked “who will this group be advising?”

Salmeron stated that having a committee is useful in obtaining grants and can serve as an in-place feedback group for transportation projects. He noted several instances where citizen input and perspective have been helpful with regard to Village projects.

Mark Heisse, Chamber Director, stated his support for the Committee.

MacQueen stated that she will call persons who have previously been involved in ATP projects and hold a general organizing meeting to express ideas and interests and “let it evolve.” She suggested that Salmeron and perhaps Swinger and Burns be involved.

MacQueen stated that the Committee would be on the scale of 5-9 persons.

The Clerk will add this topic to Planning Commission’s next agenda so that they can select a representative.

Formal Citizen Review Board Legal Review Proposal. Brown reported that she has been following up on this, seeking a person who will determine the proposal’s concordance with Ohio Law.

Brown stated that she had reached out to the National Association for Civilian Oversight of Law Enforcement (NACOLE), who provided a contact.

Brown stated that she has also made in contact with Columbus area attorney John Waddie and will follow up.

Brown stated that she was not prepared to request funds at this point.

Salmeron suggested that Council request the funds and determine “how much” and “from what budget line.”

Stokes suggested a range, but commented that a source needed to be identified first.

Brown stated that she wanted to think about where the funding should derive. She commented that the project is moving forward, and that there is no reason to rush things at this point.

Salmeron suggested that an amount be requested generally so that it can be set aside.

Brown stated that she wants to first speak with other invested groups before making a request.

MacQueen suggested that the funds be derived from the Board and Commission budget in the amount of \$5,000.

Brown reiterated her desire to speak with other interested parties and receive feedback prior to making a request.

Stokes requested a CV for whatever attorney is selected.

NEW BUSINESS

Masking and Meeting Requirements Discussion. Salmeron noted that the Village masking ordinance for the B-1 is tied to the Greene County transmission rate. Since the transmission rate is now under “high”, those mandates are no longer in effect. Salmeron stated that individual businesses can mandate masking inside their places of business should they wish to do so.

Parcels stated that the Ohio legislature has approved remote meetings through the end of June. She presented information regarding the decrease in community spread.

Stokes expressed reluctance to return to in-person meetings as soon as the numbers go down, given the roller coaster ride of the last year.

MacQueen expressed a preference for a return to in-person meetings, stating that as soon as all Council members agree, she would like to do so.

Brown expressed readiness to return to in-person meetings.

Stokes opined that consensus cannot be achieved with two of five members missing, and suggested the topic be addressed later.

In response to a comment from the Clerk, Stokes stated that he is opposed to hybrid meetings, and would like to work with either one model or the other.

Salmeron stated that he is working with the Police Department on a masking policy for that department specifically, and will coordinate with Colin Altman regarding MTRF's policy moving forward.

Stokes asked whether Council members could potentially participate remotely in in-person meetings if need be.

Parcels responded that Council has passed legislation that would allow this to occur, but that the Council member might not be able to vote.

Yellow Springs News editor Jessica Thomas asked whether this meant that Council members might have the latitude to participate virtually while citizens would not.

The Clerk suggested the discussion occur at a later meeting.

Salmeron stated that he will work with the Chamber to disseminate information regarding masking to downtown businesses.

PACC Nomination. Brown NOMINATED Cheryl Durgans for a second full term on PACC, lauding her contributions to the group over the past three years. MacQueen SECONDED, and the MOTION PASSED 3-0 ON A ROLL CALL VOTE.

MANAGER'S REPORT

Salmeron received feedback on the list of projects he is considering for submission to the State Capital Appropriations Budget.

MacQueen stated that her least prioritized item is that for the Outdoor Performance Space.

Salmeron addressed requests for wastewater testing for COVID. He stated that past testing in 2020 never yielded a positive result, and that the Village relied upon the level of spread in the surrounding communities to act proactively at that time. He asked what problem this may solve, and asked for input, given the expense of the testing.

Both MacQueen and Stokes stated that they were not interested in pursuing this project, based upon usefulness of data and cost factors.

Jessica Thomas asked what the dates of testing were. Salmeron responded that he would have to get back to her on that.

Dorothee Boquet stated that she is looking for an indicator of when to respond to any change before it is too late. She expressed the need to be proactive. She noted that Springfield and Xenia are now performing wastewater testing, and asked that they be contacted for more information.

Salmeron stated that the Body Worn Camera work group is ready to bring a use policy to Council.

FUTURE AGENDA ITEMS

- March 21:** **Second Reading and Public Hearing of Ordinance 2022-07**
 Resolution 2022-1X Accepting a Settlement Agreement with the Ohio Civil Rights Commission
 Resolution 2022-1X Agreeing to Act as a Fiscal Agent for a Grant Received by the Yellow Springs Chamber of Commerce
 Resolution 2022-1X Appointing a Chief of Police
 Review of Updates to Council Rules and Procedures
 Proposal for Legal Review for CRB
 Body Worn Camera Use Policy
- April 4:** Social Justice Commission
 PC End of Year Report

ADJOURNMENT

At 9:06pm, MacQueen MOVED, and Brown SECONDED a MOTION TO ADJOURN. The MOTION PASSED 3-0 on a voice vote.

Kevin Stokes, Council President

Attest: Judy Kintner, Clerk of Council