

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

**Virtual Meeting @ 6:00 P.M.**

**Monday, March 21, 2022**

**CALL TO ORDER**

President of Council Brian Housh called the meeting to order at 6:01pm.

**ROLL CALL**

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

**EXECUTIVE SESSION (6:00)**

At 6:02pm, MacQueen MOVED and Stokes SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of Investigation of Complaints against a Public Official. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

At 6:46pm, MacQueen MOVED and Brown SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**SWEARINGS-IN (7:00)**

Housh swore in Planning Commission members: Gary Zaremsky: Full Member; Scott Osterholm and Bryan Rogusky: Alternates.

**ANNOUNCEMENTS**

Housh announced “Celebrate Trails Day” coming up on April 23<sup>rd</sup>.

Housh announced that the Village has made it to the “Final Four” in the Strongest Town Contest, noting that the award focuses on municipal resiliency.

MacQueen noted Earth Day weekend as April 23<sup>rd</sup> and 24<sup>th</sup>, commenting that a number of events are planned, with details to follow.

**CONSENT AGENDA**

1. Minutes of March 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**

MacQueen asked that the discussion of a stop sign on King and Fairfield be added to the Manager’s Report.

Kreeger asked that discussion of the rescinding of Resolution 2021-49 be added to New Business.

**PETITIONS/COMMUNICATIONS**

The Clerk will receive and file:

- Judith Hempfling re: Support for Housh
- Peggy Koebernick re: Monetary Support for Ukraine
- Kate LeVesconte re: Request for Wastewater Covid Monitoring

Diane Chiddister re: Support for Housh  
Esther Lavek re: Request for Stop Sign at King and Fairfield  
Heather Horton re: Complaint Against Housh  
Interim Chief Burge re: Compliments to Cpl. Beam  
Marcia Wallgren re: Zoom Option for Meetings

Stokes reviewed the materials received.

#### **PUBLIC HEARINGS/LEGISLATION**

**Second Reading and Public Hearing 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. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron explained that this is a housekeeping measure to assure that State Route 68 is maintained.

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.

**Emergency Reading of Ordinance 2022-08** Amending the Personnel Policy Manual by Approving a Position Description and Declaring an Emergency. Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING.

Salmeron explained that due to the departure of (the beloved!) Nathalee Hutchins who oversees Payroll and Accounting presently, there is an opportunity to create a managerial level position. Salmeron stated that this will make the position more competitive and more responsive to Village needs.

Dillon thanked Hutchins for her service to the Village.

Salmeron noted that the position meets fair labor standards for an exempt position.

Housh CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**First Reading of Ordinance 2022-09** Adopting a Body Worn Camera Use Policy for the Village of Yellow Springs. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Salmeron introduced the ordinance, pointing out that the draft policy has been a collaborative effort among members of a group consisting of Chief Burge, Bomani Moyenda, John Hempfling, Joan Chappelle, Florence Randolph and Ellis Jacobs.

Burge stated that the policy is the result of collaboration to achieve a common goal.

Jacobs lauded the process and the final product. He commented that only with a good policy are BWCs a useful tool for accountability. He noted the policies that the group went through in selecting criteria for the YSPD.

Jacobs noted the salient features of the draft policy as follows:

- Notify the citizen of recording as soon as possible.
- Mandated camera on for all LE and investigatory interactions.
- A citizen can request that an officer turn on the BWC.
- All cameras have 60-second buffer for video and audio.
- A citizen can ask an officer to cease recording in particular situations, only if the request is heard on camera. The officer has final determination.
- Can't be used to gather information for first amendment activities.
- Retention policy follows legal guidelines.

Jacobs described the records policy with regard to BWCs to state that "if it can be released, it will be released".

He noted that officers would be required to write any required reports prior to viewing BWC footage.

MacQueen asked how the community will be educated regarding their rights around BWCs.

Salmeron responded that citizens will help spread the word.

Housh noted that BWCs were recommended by the Justice System Task Force some time ago. The next step, if approved, he said, is funding the equipment.

John Hempfling commented that if the recording pertains to an investigation in which an individual is not yet charged, the recording may not be able to be released. He asked whether the person not yet charged can request the recording and whether it would be released.

Parcels's response was general, but indicated a need to confer with the Prosecutor.

Athena Fannin remarked on abuse of power in general.

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

**Reading of Resolution 2022-17** Reading of Resolution 2022-17 Authorizing the Village Manager to Execute a Grant Award with Greene County Community Development. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Salmeron noted the dire state of Antioch College'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.

Housh CALLED THE VOTE, and the MOTION PASSED 4-0 on a ROLL CALL VOTE, with Stokes abstaining.

**Reading of Resolution 2022-18** Designating Judy Kintner as Village Council's Designee to Receive Public Records Training on Behalf of Each of the Elected Officials Pursuant to and in

Accordance with Ohio Revised Code Section 109.43(B) and 149.43(E) (1). Brown MOVED and Stokes SECONDED a MOTION TO APPROVE.

The Clerk explained that while Council members do obtain their own Sunshine Law and Public Records training, her certificate provides necessary proof to the Auditor annually, which adds another layer of protection against an audit finding should a Council member's certification be misplaced.

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

**Reading of Resolution 2022-19** Accepting a Settlement Agreement with the Ohio Civil Rights Commission. Stokes MOVED and Brown SECONDED a MOTION TO APPROVE.

Salmeron explained that the complaint had been brought against the previous Village Manager in 2018, and has been moving through the system for a number of years. He commented that he endeavors to maintain a healthy workplace culture.

Salmeron stated that he agrees that there were things "said and done that should have been better handled," and in accepting the OCRC finding, he said, we acknowledge that and agree to undergo training aimed at preventing these situations.

Salmeron apologized to any current or former employees who suffered harm as a result of prior interactions.

Parcels commented that the Village will need to schedule trainings—to include all supervisory staff and Council—prior to 2023.

Housh received clarification that the violation was "provision of a negative reference" by the former Village Manager.

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

**Reading of Resolution 2022-20** Approving Subdivision of Village Owned Property (Center of Business & Education). Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron stated that this will allow Cresco to begin their expansion and will increase the Village's income tax base in the process.

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

**Reading of Resolution 2022-21** Appointing a Chief of Police. Kreeger MOVED and Stokes SECONDED a MOTION TO APPROVE.

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

## **SWEARING IN**

Salmeron swore in Paige Burge as Chief of Police, with the Mayor and Council President present. All present spoke briefly.

Stokes stated his full confidence in Chief Burge.

## **CITIZEN CONCERNS**

Athena Fannin held forth on the perceived shortcomings of the Council Clerk in failing to produce the records she had requested in the manner she had requested and in the timeframe she desired.

Kat Walter requested a stop sign at the intersection at King and Fairfield. She commented that the intersection is only becoming more dangerous and that she will be collecting signatures on a petition supporting a stop sign. She commented that signs could be placed in the Township to forewarn drivers and other techniques implemented so that a stop sign could be safely implemented.

Housh responded that this will be discussed during the Manager's Report.

Catherine Price commented that she has spoken to a person who has spoken to a representative of the DDC Development who apparently indicated that they would sell off individual lots in the proposed subdivision off of King Street. She indicated that this would be a positive.

Max Crome commented that individual purchase of lots should be encouraged.

Dino Pallotta asked that in-person meetings resume.

Sarah Sinclair Amend asked that in-person meetings resume. She advocated for greater input from citizens in all government decision making.

## **SPECIAL REPORTS**

**Fourth Quarter Financials.** Dillon presented the Fourth Quarter Financials for 2021. He recapped totals, noting that 2021 ended with a net cash gain, and that revenue goals for 2021 were met.

Dillon noted that 2021 was under budget for expenses.

Dillon noted that the Utility Round Up fund currently has \$17,880 in funds.

Council Commissions currently has \$15,000 for a Citizen Review Board.

Housh asked that the \$12,500 encumbered for the Environmental Commission and the Public Arts and Culture Commission be acknowledged.

Dillon asked to discuss Council Commission funds further at the next meeting.

In response to a question from Stokes, Dillon stated that encumbrances are authorized up front, which tends to make the first three months of the fiscal year appear to run in the red. This then levels out as the funds average out across the year.

Housh asked why more of the Utility Round Up funds were not being used to assist those in need, given the health of the fund.

Dillon responded that an internal discussion regarding eligibility and limits might be in order, since need seems to be concentrated in a small number of households and tends to be for larger amounts.

Housh expressed support for revisiting the URUP policies.

MacQueen MOVED TO APPROVE THE FOURTH QUARTER FINANCIALS. Stokes SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

## **OLD BUSINESS**

**Proposal for Citizen Review Board Legal Review.** Brown updated the group regarding her actions in locating an attorney to provide a legal review for the CRB. Brown commented that only “the courts” have the ability to dole out discipline, referring to an area of the CRB that contemplates discipline.

Brown stated that she has spoken with Sarah Wallis, who is active in the Village Mediation Program, about the possibility of the VMP Coordinator assisting in initial implementation for the CRB. The VMP will continue efforts to select a new coordinator, she said, and can assess capability for assisting with the CRB once that program is closer to implementation.

Kreeger commented that the source of funding for the legal review should come from a legal budget line.

Dillon responded that there are legal service funds that are currently unobligated and can be accessed.

Kreeger stated that she does not want the funds to derive from the \$15,000 set aside for the establishment of a CRB, since that will be needed to get the program operational.

Salmeron recommended that the funds be taken from the PD legal line.

Kreeger reported that she and Brown had met with Chief Burge on March 14<sup>th</sup>, and that the Chief had been well prepared and receptive. Burge had some ideas with regard to surveys that could be implemented, which the three discussed. This effort is ready to launch, Kreeger stated, and Burge had suggested beginning with a community-wide survey related to interactions with all VYS team members. Kreeger stated that she would be willing to work on this. She stressed that the intent of the surveys is “to listen”.

Brown stated that the groups (The 365 Project, HUMAN, etc.) are ready to move forward with the legal review, and will ask questions or provide feedback as the process moves forward if needed.

Kreeger stressed that she wants to avoid any further delay in funding the legal review, and asked that any questions or concerns are raised now. She asked that a full set of questions circulate among the Village Manager, Clerk, Solicitor and Council prior to a request for funding the legal review.

Brown responded to a question from Housh, stating that Atty. Waddy is prepared to address questions regarding his ability to conduct the legal review and to provide credentials.

Kreeger commented that she does not want to “be schooled” in CRB matters again, but wants to ensure that the review is responsive to legally cleared implementation in the Village.

Stokes reiterated his request for a CV to review prior to approving the funds to hire Atty. Waddy.

Brown stated that most municipalities in Ohio use their own attorney to assure that any CRB is in confluence with State law and their Charter (if applicable).

Parcels noted that she is a contract employee, unlike many of the municipalities referenced who have staff attorneys and, as such, had opined that because the CRB as proposed was in violation of Village Charter, she could not provide a legal review of the CRB proposal.

Housh asked that if Council is supportive of moving forward, that the list of questions circulate and a final version be drafted, and that an RFQ be prepared prior to the April 4<sup>th</sup> meeting.

Kreeger asked for Council approval to continue work with Salmeron and Burge on the survey.

Salmeron noted that the Village has access and relationships with a number of law firms.

Housh acknowledged consensus among Council members in moving forward.

Housh opined that another meeting is needed to finalize the legal review.

Kreeger MOVED, PENDING INPUT FROM STAKEHOLDERS, TO ALLOCATE AN AMOUNT NOT TO EXCEED \$5,000 from the YSPD LEGAL LINE ITEM. Brown SECONDED and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**Discussion of Return to In-Person Meeting Format.** Housh led the discussion.

MacQueen requested returning to in-person meetings.

Stokes agreed to this as long as Council agrees upon the protocols.

Kreeger stated her willingness to return to in-person meetings, masks optional.

Brown stated a desire for in-person meetings, but asked that the virtual option be continued for participants as well as Council.

Housh advocated for returning to the in-person format.

Parcels stated that if there is legal challenge to the Village ordinance permitting virtual attendance by Council members, Council members might be able to participate but not vote.

Housh advocated for a hybrid format.

Room occupancy was discussed, as was overflow seating.

Salmeron stated that his team is not in favor of a hybrid option, as it is more difficult to manage and open to error, but is open to in-person meetings.

Brown stressed that if Council members are willing to meet in a hybrid setting that should be done.

Kreeger noted that meetings have always been accessible.

Housh polled Council members, who favored in-person hybrid meetings 3-2. Stokes and MacQueen noted that they did not see a need for hybrid if the meetings are as accessible as previously.

Regarding Commissions, Council agreed to let them make that decision.

Jessica Thomas, Yellow Springs News, stated that “if affordances are made for Council members, they should be made for community members” referring to the hybrid option.

## **NEW BUSINESS**

**Review of Proposed Amendments to Council Rules and Procedures.** Stokes introduced the proposed modifications to the Ordinance passed in 2021.

The changes, which add a social media advisory and a process for complaints against Council members, were discussed by Council.

**Discussion of Request to Rescind Resolution 2021-49.** Kreeger pointed out that had a process for investigating complaints against a public official (as discussed above) been in place in 2021, there might have been no need for Resolution 2021-49. For that reason, she suggested, Council should consider the request to rescind.

Housh commented that there is “a bigger issue here,” and suggested that because the resolution was meant to address “a toxic work environment for Village team members,” that it warrants full discussion at a later meeting.

Housh polled Council members, with Stokes, Kreeger and Brown stating that they would like to opportunity to discuss the matter.

Salmeron commented that if the matter is discussed, he will provide information related to the hostile work environment.

#### **MANAGER’S REPORT**

Salmeron reported that the Village has been accepted into a program through the National Wastewater Monitoring Program, which will fund the testing of Village wastewater. COVID monitoring will begin March 28<sup>th</sup>.

Salmeron responded to the interest in a stop sign at King and Fairfield, noting that speed monitoring and ticketing had been implemented. He stated that a flashing light stop sign and a three-way stop will be needed, and he will return to Council to request funding if needed.

Salmeron reported that he has completed obtaining quotes for Village health and dental insurance, and Anthem was the only respondent. There will be a 2% increase to health premiums and a 6% increase to dental premiums.

Salmeron noted upcoming activities for Health Awareness Month in the Village.

Salmeron reported a contractor cost increase in the Dayton Street Reroute Project which has necessitated a search for a new contractor.

Salmeron noted that Lawson Apartments are continuing to be upgraded, and that Council will soon need to determine whether the apartments will be Section 8 partnered, or will the apartments be “first come first served”.

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

Kreeger noted a phone message in which an observer opined that a downtown protest banner looked like a menorah, and was potentially offensive. Kreeger stated that the PACC will look into this matter.

#### **FUTURE AGENDA ITEMS**

**April 4:** Social Justice Commission  
PC End of Year Report

**Second Reading and Public Hearing of Ordinance 2022-09** Adopting a Body Worn Camera Use Policy for the Village of Yellow Springs

**First Reading of Ordinance 2022-10** Amending Section 1226.02 “Subdivision Regulations” of the Codified Ordinances of the Village of Yellow Springs, Ohio

**First Reading of Ordinance 2022-11** Removing a Deed Restriction

**First Reading of Ordinance 2022-12** Approving Amendments to Council Rules and Procedures

**Reading of Resolution 2022-22** Authorizing the Village Manager to Renew Health Insurance for Village Employees 2022-2023 Plan Year

**Reading of Resolution 2022-23** Authorizing the Village Manager to Renew Dental Insurance for Village Employees 2022-2023 Plan Year

**Reading of Resolution 2022-24** Authorizing the Village Manager to Enter into Agreement for the Sale of Village Owned Property

**Reading of Resolution 2022-25** Agreeing to Act as a Fiscal Agent for a Grant Received by the Yellow Springs Chamber of Commerce

Citizen Review Board Legal Review

Social Justice Commission Update

Hybrid Meeting Update

Zoning Code Presentation

**April 18:** **Second Reading and Public Hearing of Ordinance 2022-10** Amending Section 1226.02 “Subdivision Regulations” of the Codified Ordinances of the Village of Yellow Springs, Ohio

**Second Reading and Public Hearing of Ordinance 2022-11** Removing a Deed Restriction

**Second Reading and Public Hearing of Ordinance 2022-12** Approving Amendments to Council Rules and Procedures

#### **ADJOURNMENT**

At 9:48pm, 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