

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

**Virtual Meeting @ 7:00 P.M.**

**Monday, May 2, 2022**

**CALL TO ORDER**

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

**ROLL CALL**

Present were President Brian Housh, Vice President Kevin Stokes and Council members Lisa Kreeger, Carmen Brown and Marianne MacQueen. Also present were Village Manager Josue Salmeron, Chief Paige Burge, Public Works Director Johnnie Burns (via zoom), and Solicitor Breanne Parcels.

**SWEARINGS-IN**

LaToya Warren was sworn in by Chief Burge as a YSPD Chaplain.

Werdell Kirk was sworn in by Brian Housh as a member of the Public Arts and Culture Commission.

**ANNOUNCEMENTS**

MacQueen spoke about the Earth Day and Celebrate Trails celebrations held over the weekend.

Stokes read in part of the obituary for Rebecca Eschilman, long time Library Commission member and active Villager. He noted that a further memoriam will be discussed at Tuesday's LC meeting.

Salmeron stated that the YS dog park will be closed for several days for installation of "a water feature". He also noted Spring Clean Up underway this week.

Stokes highlighted that Tuesday is election day, and encouraged voting.

**CONSENT AGENDA**

1. Minutes of April 16, 2022 Regular Session

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

**REVIEW OF AGENDA**

The Clerk added Resolution 2022-31, correcting the Clerk's salary increase.

**PETITIONS/COMMUNICATIONS**

The Clerk will receive and file:

- Brian Housh re: OML Regional Conference
- Brian Housh re: Equitas Health
- Catherine Price re: Council Vacancy Comments
- Greene County Sheriff re: QR Code for Contact
- GCPHD re: Motorcycle Safety Month
- Chief Burge re: Compliment to Officer England
- Cindy Sieck re: Support for Potter in Council Vacancy
- Jennifer Berman re: Support for Potter in Council Vacancy
- Joel Levinson re: Support for Gavin DeVore Leonard

Jalana Lazar re: Support for Gavin DeVore Leonard  
Eden Matteson re: Support for Gavin DeVore Leonard  
Kirsten Bean re: Support for Gavin DeVore Leonard  
Zo Meister re: Support for Gavin DeVore Leonard

Stokes reviewed the materials received.

## **PUBLIC HEARINGS/LEGISLATION**

**Second Reading and Public Hearing of Ordinance 2022-13** Amending Chapter 276 “Human Relations Commission”. Stokes MOVED and Kreeger SECONDED A MOTION TO APPROVE.

Brown reiterated points from the prior meeting, noting the importance of the history of the HRC to the core values of the Village.

Stokes called upon Villagers to participate in this commission which is, he noted, formed to provide additional capacity to Council.

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.

**Second Reading and Public Hearing of Ordinance 2022-14** Repeal and Replace Chapter 1022 Numbering of Buildings to Chapter 204 Official Standards Moving Addressing of Buildings to Chapter 204 Official Standards and Updating the Language. Stokes MOVED and MacQueen SECONDED A MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING.

Parcels noted that addressing has been updated and moved to the administrative section of the code. Infractions for failure to post signage have been decriminalized.

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

**Second Reading and Public Hearing of Ordinance 2022-15** Amending Chapter 1440 – 1440.03 “Authority of Village Manager” Thereby Removing Reference to Greene County Building Regulations. Stokes MOVED and Kreeger SECONDED A MOTION TO APPROVE.

Salmeron noted this and the following ordinances are housekeeping items due to the fact that the Village now has a Building Department.

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.

**Second Reading and Public Hearing of Ordinance 2022-16** Amending Chapter 1266 “Signs” Thereby Changing References from “Greene County Building Regulations” to “Building Official”. Kreeger MOVED and Stokes SECONDED A MOTION TO APPROVE.

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.

**Second Reading and Public Hearing of Ordinance 2022-17** Amending Chapter 1470 “Public Nuisances” Thereby Changing Reference from “Greene County Building Official” to “Building Official”. Kreeger MOVED and MacQueen SECONDED A MOTION TO APPROVE.

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 2022-19** Approving the Form and Authorizing the Execution of the 2022 Solar Energy Schedule with American Municipal Power, Inc. and Taking of Other Actions in Connection Therewith Regarding Solar Generated Energy Purchases. MacQueen MOVED and Stokes SECONDED A MOTION TO APPROVE.

(Clerk’s note: Because there is no emergency language in the ordinance this ordinance must come back to Council on May 16<sup>th</sup>.)

Salmeron explained that the ordinance simply allows the Village to participate in the negotiations with AMP as they work to provide a solar contract for their members. The contract attached to the legislation does not bind the Village to a contract for power purchase.

Salmeron noted that the Village has two contracts which are nearing expiration, hence the negotiations underway for potential replacement contracts. He stated that he has invited AMP representatives to the Village’s May 16<sup>th</sup> meeting to give a general presentation.

MacQueen asked why AMP is suggesting that only 10% of the VYS portfolio be solar.

Housh asked that the AMP presentation include a policy aspect.

MacQueen asked whether RECs sale would be discussed at that presentation.

Salmeron asked for input into topics for the presentation.

An involved discussion ensued, not related to the ordinance at hand.

Housh OPENED THE PUBLIC HEARING. There being no further comment, Housh CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**Reading of Resolution 2022-29** Authorizing the Village Manager to Enter Into Contract with ODOT for the Dayton Street Multi-Modal Path Project. MacQueen MOVED and Brown SECONDED A MOTION TO APPROVE.

Salmeron noted that ODOT will perform the preliminary engineering for the path along Dayton Street, and that it is federally funded, with no local match.

Salmeron noted that the Active Transportation Advisory Committee is back in action, having held a preliminary meeting in April, and planning to hold a meeting on May 17<sup>th</sup>. He made note of several upcoming projects.

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

**Reading of Resolution 2021-30** Calling On Ohio PERS to Divest from and Avoid any Financial Exposure to Companies Involved in the Production and Maintenance of Nuclear Weapons, and Calling on the United States to Support and Join the Treaty on the Prohibition of Nuclear Weapons. Kreeger MOVED and MacQueen SECONDED A MOTION TO APPROVE.

Housh noted that the Village has joined ICAN, and wanted to take the next step, which is to send the resolution in question to those able to sign on to the treaty to do so.

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

**Reading of Resolution 2022-31** Approving a Salary Increase Correction for Judith O. Kintner for Continued Service as the Clerk of Council. Kreeger MOVED and Stokes SECONDED A MOTION TO APPROVE.

Salmeron noted that an error had been inadvertently made in calculating the merit increase in January. He stated that there was an error in calculating the base salary at the time.

Housh asked that this be clarified in the Employee Handbook moving forward.

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

#### **CITIZEN CONCERNS**

Mitzie Miller stated that she is a member of the Active Transportation Advisory Committee and made comments regarding keeping sidewalks clear.

Gyamfi Gyamerah requested that Council publicly state why they are choosing the candidate they choose, citing need for transparency and opining that Burke should be chosen since she was the fourth place finisher in the November election.

Jill Eggleton asserted that Burke represents the “will of the people” and asked that she be selected to fill the vacating seat.

Mark Heise commented that May is bike month. He noted a number of events in which Bike YS is participating, and cautioned drivers to be vigilant in looking for bikers.

#### **SPECIAL REPORTS**

There were no Special Reports.

#### **OLD BUSINESS**

**YS Pride Request Follow Up.** Salmeron stated that his team had met with the Pride Committee. He noted the request for financial support, and noted the calculation for rentals and staffing, which were not delineated in the initial request. Those are as follows:

<b>Staffing, Rental, Fencing:</b>	<b>\$1,150</b>
<b>Public Safety:</b>	<b>\$2-2,500</b>
<b>Banners:</b>	<b>\$300</b>
<b>Community Cookout:</b>	<b>\$200</b>

Salmeron broke out the Public Safety costs for a total ask of \$1,650, stating that the Village would provide Public Safety. He stated that “hard costs” total \$4,150, without factoring in staff support.

Kreeger noted that the banners have a durable value. She stressed the value of a community get-together, particularly in these post-covid times.

Housh commented that Council will need to budget for signature events during the budget process.

MacQueen asked that a set amount be encumbered annually so that groups know ahead of time what to expect.

Salmeron noted that YS Pride is working towards becoming a self-sustaining organization with year-round activities.

Brown opined that the income to businesses is significant and should be supported by Village government.

Kreeger noted that there is robust sponsorship for the event.

Housh asked that budgeting for events appear on a future agenda.

Housh MOVED TO PROVIDE \$1,650 TO YS PRIDE FOR PRIDE ACTIVITIES. Kreeger SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Housh specified that the funds should derive from Council Commissions budget.

Stokes asked for an update on the Council Commissions fund balance.

**Climate Action Update.** MacQueen reviewed the actions of the CASP Coordinator in 2021, noting that there were seven areas noted which could be significantly addressed by the village.

MacQueen noted native habitat; local farming; water; waste disposal; energy and building efforts and transportation as the key seven areas. Environmental Commission has been meeting with stakeholders in an effort to move these items forward. She stated that she will return to Council in June with a full report.

Brown noted that Central State has a very good water management program and suggested collaboration.

A general discussion on the topic of water reclamation and conservation was had.

Mitzie Miller asked for a VYS water barrel program.

Jennifer Berman commented that the Street Fair go waste-minimal like the Nelsonville Music Festival.

## **NEW BUSINESS**

**Nomination for Environmental Commission.** MacQueen NOMINATED Amanda Hernandez to the EC. Brown SECONDED, and the MOTION PASSED 5-0 on a voice vote.

**Nominations for Library Commission.** Stokes NOMINATED Dorothy Smith and Richard Zopf for returning seats on the LC.

**Affordable Housing Proposal.** Salmeron provided a Lawson Place update, with photos of some of the renovated apartments. He noted that \$66,628 will cover all upgrades, including the roof repair. Salmeron stated that he sees the purchase paying back to the Village at a future point.

Salmeron requested \$30,000 from the Affordable Housing budget line to cover costs moving forward, with the intention that Lawson Place become a coop, owned by its residents. These costs would include training, coaching and legal services for residents.

Housh noted that this is the entirety of the Affordable Housing budget. Housh elaborated that he does not believe the entire \$30,000 should be allocated. He stated that he wants a Council member or two to attend the meetings with residents to assure that there is clear understanding and buy-in from them in moving forward with this model.

Stokes agreed that there “is some competition for these dollars.”

MacQueen agreed that she wants to be certain that the residents are comfortable with the coop model. She commented that her understanding was that the \$30,000 was for Home, Inc.

Housh stated that upon review of the minutes, it is clear that while the initial request was from Home, Inc., but discussion occurred and the vote was on \$30,000 for affordable housing in general.

MacQueen asserted that her vote at the time had been for \$30,000 for Home, Inc.

Housh asked that the issue return to the table for a final decision on the amount that will be allocated to the Village. He asked that the engagement piece precede the final decision on the amount to the Village.

**Candidate Statements:** Housh prefaced the presentations by noting the historical precedent for this process. He noted that this Council has not stated a particular focus as to what Council is seeking, but enters the process with an open mind. Applicants spoke in the following order:

- \*Scott Osterholm
- \*Lindsay Burke
- \*Gavin DeVore Leonard
- \*John Hempfling
- \*Matt Raska
- \*Rebecca Potter

Each candidate spoke for 2-3 minutes, stating their interest in the seat and their readiness to take on that responsibility.

## **MANAGER’S REPORT**

Salmeron noted that wastewater testing continues to show increases in covid positivity.

Salmeron noted the success of Health and Wellness month.

Bids for the sidewalk repair work are now out, and Salmeron noted that he hopes to have a final agreement on the Dayton Street reroute project in the next 30 days.

Fertilizer tests will be held at Ellis Pond to determine whether it may need chemical treatment.

Salmeron stated that the Village needs more takers for the initial broadband rollout, and this will be more heavily advertised. The area will be expanded if needed.

Jessica Thomas, Yellow Springs News, asked when those who have signed up will be notified regarding participation and was told that this should happen “soon”.

#### **FUTURE AGENDA ITEMS**

**May 16:**      **Second Reading and Public Hearing of Ordinance 2022-19** Authorizing Execution of the 2022 Solar Energy Schedule with American Municipal Power, Inc. and Approving Necessary Actions in Connection Therewith Regarding Solar Generated Energy Purchases  
                  **Emergency Reading of Ordinance 2022-20** Approving the Form and Authorizing the Execution of an Energy Contract with American Municipal Power, Inc.  
                  **Reading of Resolution 2022- 28** Authorizing the Village Manager to Enter Into an Agreement for the Sale of Village Owned Renewable Energy Credits  
                  PACC Presentation on Busking  
                  First Quarter Financials  
                  Lawson Place Funding Request  
                  Utility Round-Up  
                  Council Retreat Agenda

#### **EXECUTIVE SESSION**

At 9:24, Stokes MOVED and Kreeger SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of Evaluation of the Qualifications of Council Candidates. The MOTION PASSED 5-0 on a ROLL CALL VOTE.

At 9:54, Stokes MOVED and MacQueen SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

#### **REGULAR SESSION**

Kreeger NOMINATED TO APPROVE Gavin DeVore Leonard FOR THE UPCOMING VACANCY ON COUNCIL. Stokes SECONDED.

MacQueen commented that she was particularly looking for organization knowledge and financial acumen in a candidate. She stated that she sees Leonard as a good fit in these regards, as well as in his ability to be collaborative.

Brown cited DeVore-Leonard’s involvement in housing rights work as key in her decision. Brown noted DeVore-Leonard’s experience in finance as another important factor.

Kreeger noted the difficulty of the decision, given the strength of the candidate pool. Kreeger commented that DeVore-Leonard has served as a sounding board and mentor to her since before her tenure on Council and during that tenure. DeVore-Leonard’s success in political activism and work as an ally, she commented, also positively influenced her decision.

Stokes spoke of his interactions with DeVore-Leonard’s work both in the Village and throughout Ohio, stating that these will be of value in this role. Stokes encouraged all applicants to continue to be involved in Village government.

Housh stressed that “we couldn’t make a bad decision.” He commented that it is important to consider the dynamic that Kreeger has brought to Council. He addressed DeVore-Leonard’s financial

background and skill set as assets. Housh commented that “Gavin represents some of what we will lose in losing Lisa.

Acting as Deputy Clerk, Salmeron CALLED A VOTE ON THE MOTION TO APPROVE THE NOMINATION, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**ADJOURNMENT**

At 10:14 pm, Kreeger MOVED, and Housh 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