

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

**In Council Chambers @ 6:00 P.M.**

**Monday, November 4, 2019**

**CALL TO ORDER**

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

**ROLL CALL**

Present were President Housh, Vice President Marianne MacQueen and Council members Kevin Stokes, Lisa Kreeger and Kineta Sanford. Also present were Village Manager Josue Salmeron, Public Works Director Johnnie Burns, Planning and Zoning Administrator Denise Swinger and Finance Director Colleen Harris.

**EXECUTIVE SESSION**

At 6:02pm, Stokes MOVED and MacQueen SECONDED a MOTION TO ENTER INTO EXECUTIVE SESSION for the Purpose of Discussion of the Potential Sale of Village Owned Property.

The MOTION PASSED 5-0 ON A ROLL CALL VOTE. Denise Swinger and Johnnie Burns were present for the session.

At 6:59pm, MacQueen MOVED and Kreeger SECONDED a MOTION TO EXIT EXECUTIVE SESSION.

**ANNOUNCEMENTS**

MacQueen announced that NAMI is hosting a movie at the Little Art on November 9<sup>th</sup>, “Almost Sunrise”, which deals with veterans’ re-entry to civilian life after serving in Iraq.

MacQueen announced that the Village will hold a Community Meeting on Thursday, November 21, from 5-7pm to disseminate information about the work that has been done and will be done on the Vernay brownfield.

Kreeger reminded everyone to vote.

Housh reported that the Village had hosted Community Development and Transportation officials from Russia. Visitors toured the temporary transportation project and the YS Brewery.

Martha Klein spoke about the Citizen’s Climate Lobby, identifying herself as a member of the Clark County Chapter. She spoke to the effort the Lobby is undertaking to promote legislation for a carbon tax.

Housh asked that a resolution be brought to the next meeting.

**CONSENT AGENDA**

1. Minutes of October 21, 2019 Regular Session

MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE the MINUTES AS WRITTEN. The MOTION PASSED ON A 5-0 VOICE VOTE.

**REVIEW OF AGENDA**

Kreeger added “Village Manager’s Personnel Committee” to New Business.

MacQueen added discussion of a “Home Rule” resolution to New Business.

**PETITIONS/COMMUNICATIONS**

MacQueen reviewed communications received as follows:

Emily Seibel re: Dog Park  
Moriah Johnston re: Temporary Traffic Project  
Dan Carrigan re: Temporary Traffic Project  
Rebecca Mark re: Temporary Traffic Project  
Kathryn Van der Heiden re: Temporary Traffic Project  
Donna Caslin re: Temporary Traffic Project  
Marianne MacQueen re: Home Rule Threat Article  
NAMI re: Newsletter  
Brian Housh re: November 2nd Open World Leadership Center Agenda

## **PUBLIC HEARINGS/LEGISLATION**

**Reading of Resolution 2019-47** Approving the Annual Distribution of Flour and Sugar to Village Widows and Widowers. Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Housh asked that flour and sugar delivery include some acknowledgement of the Wheeling Gaunt Sculpture project, and offered to provide information on this to Burns's crew.

As a recipient of the bequest, Laura Curliss expressed appreciation but noted that she always donates the gift to a local food bank, and wondered if this could be an expressed option for recipients.

Burns suggested that recipients phone the Village to request donation of their portions to a local food bank. He stated that all gifts that are turned away are currently donated to a local food bank.

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

**Reading of Resolution 2019-48** Approving Check Signing Privileges for WesBanco/General Checking & Guaranteed Deposits. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Salmeron explained the resolution, stating that over the last two months, in an effort to reduce Village banking fees and expenses, he and the Finance Director performed an analysis and cost comparison of banking services and fees. By changing our banking services, Salmeron stated, the Village should save about \$9,000.00 annually.

As a result of this comparison, and based upon a significantly reduced fee structure, Salmeron asked for authorization from Council to establish operating checking accounts and money markets accounts with WesBanco and to approve signing privileges at WesBanco for the Treasurer, Finance Director, Public Works Director and Village Manager.

Harris stated that about \$2.1 million is carried in the account to handle regular transactions.

Housh expressed appreciation for staff's ongoing efforts to lower fees and increase interest earning opportunities.

Salmeron explained that this arrangement allows the Village to keep only \$10,000.00 available in an account, while the remainder can be held in money market accounts, which are readily accessible.

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

**Reading of Resolution 2019-49** Declaring Tuesday, November 5th, 2019 "Susie Yount Day" in the Village of Yellow Springs. MacQueen MOVED and Sanford SECONDED a MOTION TO APPROVE.

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

## **SPECIAL REPORTS**

**Discussion of Proposed .25% Greene County Sales Tax.** Major Keller from the Greene County Sheriff's Department presented information on the proposed sales tax, which will appear on the ballot in March.

Major Keller described the proposal, noting that a portion of the tax will be paid by out-of-county shoppers. The tax is expected to fulfill its need within ten years, and will be eliminated at that time.

Keller described the need for beds both to be able to separate populations of inmates and to create more programming space. He noted that assessment of the current two facilities has concluded that there is a critical need to replace both structures.

Keller noted that the Greene County Jail is one of the only jail facilities in Ohio that provides drug and alcohol rehabilitation services (Greene Leaf) to inmates, and stressed the need for space in which to do this.

Jonathan Platt spoke to the value of his Story Chain project to current inmates and how badly he needs programming space in which to do this. He also touted the value of the Greene Leaf program.

Laura Curliss commented on the issue of bond reform generally.

## **CITIZEN CONCERNS**

Eric Clark commented on the temporary transportation project at Mills Lawn, stating that he has been videoing and observing traffic behavior at the Limestone/Walnut Intersection. Clark commented that comments from Open Discussion should be incorporated into the analysis of the study. He

estimated that he had observed about a 50% non-compliance rate with the “right turn only” traffic change at the Limestone/Walnut intersection. He asked that other traffic solutions be considered.

Housh pointed out that a permanent change would not utilize barricades.

Luann Heit commented at length as to the disruption in her daily commute from her home to the Wellness Center caused by the TTP.

Megan Bachman, Yellow Springs News, asked where the Village stands currently with data collection efforts.

Salmeron responded that surveys are out and that Village employees have been out and have been conducting counts, both at peak and off-peak times.

Salmeron noted that the observational data has varied enough that it may be difficult to establish clear data points, but that it will be used to influence the outcome.

Laura Curliss spoke against the change to Walnut Street as one-way, stating that the changes, “take too much time.” She then segued into a condemnation of mass incarceration asking if this could be changed in Greene County. She asked that a future where fewer jail beds are needed be envisioned.

Housh commented that the full implementation of the Active Transportation Program includes a hike/bike trail, while the temporary project does not incorporate this goal.

## **OLD BUSINESS**

**Vernay Cleanup Follow-Up Report.** MacQueen reported on the meetings held on October 24<sup>th</sup> as follows:

On Thursday, October 24, 2019, Village Officials met with the EPA to discuss remediation of the Vernay property. The meeting was followed by a public meeting (over 100 residents in attendance) with the EPA, where EPA representatives made an official presentation on the proposed remediation plan by Vernay. Leading up to these meetings, a subcommittee of the Environmental Commission met to study the remediation, collect professional opinion/input on the proposed remediation and develop questions and discussion items to address with the EPA and Vernay.

MacQueen stated that she was impressed at the level of knowledge and gravity brought to the situation by the EPA representatives.

As a result of these two meetings, and given the complex nature of the topic, the subcommittee determined that additional work and meetings are required to address pending concerns on specific remediation activities, unaddressed infrastructure concerns regarding utility service lines and the need for an additional community meeting to continue the dialogue with VYS residents on comments and concerns. Additionally, the subcommittee will continue its work to prepare official comments on the proposed remediation plan and prepare to meet again with the EPA in three months’ time.

The subcommittee is calling for a Community Meeting to continue the dialogue, which is scheduled for Thursday, November 21, 2019, 5-7pm in Rooms A & B.

Salmeron added that the next meeting with the EPA will include a Statement of Basis, which is an agreement upon the remediation. There will be an opportunity for the Village to provide comments and input. This Statement will lay out the terms of remediation moving forward.

Salmeron commented that the community has work to do to determine which group of scientists, those representing Vernay or those representing the EPA, are to be believed, given that both groups are credentialed and credible. He noted that experts from University of Dayton and Wright State University are assisting the community in making that determination. The EPA team has also made themselves available to address questions.

Salmeron noted that there is need for a further community dialogue.

**Draft 2020 Village Budget Discussion—Capital Fund.** Burns went through the Capital Budget by line item.

Housh received details as to John Bryan Community Pottery’s commitment to roof repair and regarding its rent escalator.

Housh asked that the issue of automated ticketing be brought to a Council meeting for discussion.

Council decided as a group to vet the possibility before sending the idea to Planning Commission.

Traffic issues were discussed generally, with the need for traffic calming a central point.

Burns explained insurance reasons for installing a bridge at the Ellis Park spillway, noting that the bridge can also be used for mowing equipment. The \$60,000.00 allocated would cover both areas that need to be addressed at Ellis Park.

Housh asked that Burns follow up with John Dobney, at Greene County Parks and Trails, to see whether there may be funding to assist with this cost.

There was discussion regarding upkeep of the softball and baseball fields, with Salmeron stating that he has requested to meet with the School Board and the Superintendent regarding this matter.

Cost of an ADA restroom in the YS Library was discussed. Salmeron noted that the most cost effective way to address the need is a full demolition and rebuild. This would not preserve the historical features desired by the Library staff.

Salmeron displayed a new pie chart system, which can be highlighted and broken out by fund to indicate details within the fund.

**Action Plan for Implementation of Manager's Justice System Advisory Board.** Salmeron noted that during a previous Council Meeting, Council discussed need for a Manager's advisory board to implement the recommendations of the Justice System Taskforce and the four areas of work identified during the review of the YS Police Assessment.

The Justice System Advisory Board, housed under the Office of the Village Manager, is intended to accomplish the following goals:

1. Implement select recommendations from the 2019 Police Assessment
2. Implement select recommendations from the Justice System Taskforce Final Report

Provide insight, capacity and operational support related to the Administration's work on executing four key initiatives

The goals are outcome-focused and require community members who are constructive, collaborative and results-oriented. Members (5-7 + 2 ex officio – Police Chief and Village Manager).should have expertise in one or more of the following domains: community development, police practices, mediation, restorative justice, occupational health, community health and public safety.

All Committee members serve at the pleasure of the Village Manager. More specifically, the Advisory Board will work on the following initiatives:

1. Community Engagement
  - a. Develop engagement strategies to improve trust with community members
  - b. Coordinate and execute community events
  - c. Develop a social media and web presence for community engagement and development
2. Transparency
  - a. Advise public safety education campaigns
  - b. Advise on incident reporting and public records release
3. Advise Police Department team building/organizational development
4. Advise policies and procedures being developed by Police Department and Administration

The Advisory Board will be expected to keep minutes and publicize all meetings. The Village Manager will report to Council for final approval of policies and legislative recommendations.

Next Steps:

1. Finalize the statement of function to establish the Justice System Advisory Board. Due 11/31/2019.
2. Recruit candidates and make recommendations to Council for appointment of said candidates. Due 11/31/2019.
3. Coordinate Community Meeting as a follow-up to Community Police Forum and to present proposal for moving forward. 11/14/2019, 5-7pm, Rooms A&B.

Council asked that the process be moved forward so that it can be more fully organized.

Housh asked that the proposal be brought to Council on the 18<sup>th</sup>, and that the Community Meeting follow that discussion, perhaps in early December.

Council noted that there will be some change in Council composition by January. MacQueen suggested that the Community Meeting wait until January.

Salmeron will bring a suggested date to the next meeting, along with a draft and a statement of function.

## **NEW BUSINESS**

**Draft RFQs for Contract Legal Services.** Salmeron noted that the draft was meant to stimulate conversation around what Council is looking for and what parameters Council wants to set to influence cost reduction.

Housh asked that language enabling a prosecutor for Mayor's Court, such as "background in prosecution", be included.

Salmeron responded to a question from Housh, stating that the RFQ as it is written may serve to attract both those who want to apply for the contract position and firms who may want to serve as the "retainer" counsel.

Several suggestions were made regarding the RFQ, and Salmeron will bring a final version to the November 18<sup>th</sup> meeting.

MacQueen pointed out that the search process is an opportunity for Council to review its own protocol regarding use of the Village Solicitor.

**Manager's Personnel Committee.** Kreeger introduced the topic, stating that a Personnel Advisory Committee had been suggested by the Solicitor as a way of potentially expanding and improving the process now used when the Village Manager has to conduct a personnel review.

An ad hoc committee including citizens was recently formed and the committee's role is to listen and fact-find as well as to provide a report as to their impressions to the Village Manager. This, she clarified, is not the same as the Citizen Review Committee, whose purpose is to recommend an action in response to an incident under review.

Kreeger named herself as a participant in the process, stating that all participants voluntarily agreed to participate in this pilot process, and that the process does not circumvent or eliminate any normal personnel policy process.

Kreeger expressed hope that the concept can evolve and can perhaps inform future situations.

Salmeron highlighted that no employee waived any rights.

Housh stated that transparency and objectivity are key.

MacQueen asked what the "intersection of transparency and confidentiality/privacy looks like."

Kreeger responded that the details are confidential, and personal details have to do with privacy.

Kreeger stated her understanding that everything in the room remained 100% confidential, but that her expectation is that there would be a debriefing "which would identify the process but not the situation."

Megan Bachman agreed that transparency was a big piece of the (Hilliard Heintze) report, and that this "is the opposite of that." She referenced a section of Sunshine Law, interpreting it to mean that employee disciplinary hearings are subject to Sunshine Law and to public records requests, and that by creating a "pre-disciplinary" process, Council was purposely subverting Sunshine Law with regard to public access since that document does not address "pre-disciplinary" hearings. Bachman requested that the participants, the employees and the investigation itself be made public.

Kreeger stated that there will be a report generated by the group, but that it has not yet been generated.

Kreeger responded that there have been no documents produced to the group.

Bachman referenced a prior personnel matter in which a hearing officer was involved who wrote up a report and recommendations, all of which were made publically available, asking that this process be similarly transparent.

Kreeger stressed that the goal of the group is to fact-find and to listen, not to recommend action.

Housh commented that there will be a final report made available.

Stokes commented that the process “could get messy” since it involves an elected official, and cautioned that care be taken.

Salmeron responded to a question, stating that the Solicitor had come up with the process in response to a query from the Village to attempt to find a way to creatively address a personnel matter.

Salmeron stated that he will follow up with the Solicitor to assure that Sunshine Law is not being subverted.

Bachman asked that the process be treated in the same manner as the disciplinary process outlined in the Employee Manual.

**Erosion of Home Rule Process.** MacQueen explained that House Bill 242 would erode Home Rule Authority in the State of Ohio, and that the bill targets charter municipalities’ rights to, for example, ban the use of plastic bags.

MacQueen asked for a resolution objecting to HB 242.

This will be added to the November 18<sup>th</sup> agenda.

## **MANAGER’S REPORT**

Salmeron reported on the following:

The Village has launched the temporary transportation initiative with the goal of testing initiatives whose purpose is to ease traffic congestion and improve pedestrian safety, especially during school pick-up and drop-off at Mills Lawn Elementary School. The initiative will run from October 21<sup>st</sup> thru November 9<sup>th</sup>.

A survey has been released in an effort to collect feedback from residents. A copy of the survey is included in this report. As of Thursday, October 31, we have received 280 responses. The survey will be available through November 23<sup>rd</sup>.

The Village has successfully completed and closed out the Municipal Grant received from Greene County, having used the funds to make improvements to parking assets in the Village.

The Manager’s Housing Advisory Board has met to make progress on the VYS Housing Plan and the conceptual development of the Glass Farm property. The CLUP Steering Committee expressed interest in exploring a conceptual design for Glass Farm and Kinney Farm. The HAB will work with consultants to develop a conceptual design that incorporates the YS Housing Needs Assessment and the work of the HAB with meeting Village housing goals.

The draft 2020 budget has been updated with feedback from the Council meeting of October 21<sup>st</sup>. The following is the proposed timeline for submission to Council for approval:

### **Project Updates**

- Hike-bike path along Xenia Ave from Allen St. to Brannum Lane has been completed.
- Storm Drain at Dayton St. and King St.: work is underway to add a new storm drain and rebuild the curb and ADA ramp.

The Police Department is seeking approval to establish a Police Chaplain program within the Yellow Springs Police Department. This is a volunteer program that would add no cost to the Police Department or the Village. The volunteer Chaplain(s) would assist officers and citizens at the scene of fatal events by, for example, working with next of kin making arrangements.

In Greene County, the Coroner does not remove the deceased unless there is a pending investigation. This places our Department in the position of having to stay on scene until arrangements have been made. Police Chaplains would assist our first responders by staying with a person who has passed and the grieving family.

Housh commented on the value to the community of the hike-bike path that has been installed along Xenia from Allen to Brannum.

## **CLERK’S REPORT**

The Clerk wished well to the incumbents in Tuesday’s election.

**FUTURE AGENDA ITEMS**

- Nov. 18:

**First Reading of Ordinance 2019-35** Approving the 2020 Budget for the Village of Yellow Springs and Declaring an Emergency

**First Reading of Ordinance 2019-36** Repealing Section 414.10 “Right Turns on Red Prohibited” of Chapter 414 “Traffic Control Devices” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 414.10 “Right Turns on Red Prohibited”

Renergy Waste Digester Presentation

Comprehensive Land Use Plan Update Presentation

Draft Ordinance re: Tree Care

Potential Sale of RECs

Renewal Levy
- Dec. 2:

Second Reading and Public Hearing of Ordinance Approving the 2020 Budget for the Village of Yellow Springs

Ordinance 2019-XX re:Tree Care

**Ordinance 2019-XX** re: Revolving Loan Fund
- Dec. 16:

**ADJOURNMENT**

At 10:07pm, MacQueen MOVED and Stokes SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

*Please note: These notes are not verbatim. A DVD copy of the meeting is available for viewing in the Clerk of Council’s office between 9am and 3pm Monday through Friday or any time via youtube link from the Village website:*

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Brian Housh, Council President

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Attest: Judy Kintner, Clerk of Council