

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

**Council Chambers @ 7:00 P.M.**

**Tuesday, July 5, 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 Carmen Brown, Gavin DeVore Leonard and Marianne MacQueen. Also present were Village Manager Josue Salmeron, Chief Burge, Public Works Director Johnnie Burns and Solicitor Breanne Parcels.

**SWEARING IN**

Mayor Conine ceremonially swore in Kenneth Harris as Peace Officer.

**ANNOUNCEMENTS**

Mark Heise, Chamber Director, provided a report on Chamber activities, including a shift in approach towards being “community centric”. This shift, he said, means that local business owners will be prioritized for Street Fair location and will be given registration priority.

Salmeron thanked the Village team for providing support for several weekends of events, namely Juneteenth, Pride and the Fourth of July. Housh joined the recognition, noting Pride activities last weekend as highly successful.

MacQueen announced that the village has again been certified (an annual process) as a Wildlife Habitat Community by the National Wildlife Federation.

Salmeron noted that the Safe Routes to School set up for sidewalk repair along DYS Road will begin next week.

Housh clarified that Council tries to avoid Executive Sessions unless they are necessary, and he stated that it seemed it had been made clear that Council would hold only one Executive Session on the 21<sup>st</sup> of June.

Housh asked Brown to take lead on some Council initiatives and in meetings with citizens around responses to the recent decision to overturn Roe.

Housh stated that he believed Council had been clear that they were not interested in intervening in the Kingwood solar decision.

**CONSENT AGENDA**

1. Minutes of June 21, 2022 Regular Session

MacQueen MOVED and Brown SECONDED a MOTION TO APPROVE THE MINUTES OF June 21, 2022. The MOTION PASSED 5-0 ON A VOICE VOTE.

**REVIEW OF AGENDA**

Manager’s Report was moved after Special Reports.

MacQueen requested that a vote be called as to whether an Herbicide Policy should be developed for Village properties.

MacQueen requested vote on a delay in the use of herbicide at Ellis Pond.

Both were added to New Business.

#### **PETITIONS/COMMUNICATIONS**

The Clerk will receive and file:

Lindsay Burke re: Council Action on Overturning of Roe V Wade

Lindsay Burke re: E-mail Thread

Monarch City re: Thank You

Wildlife Habitat Community re: Recertification

Marianne MacQueen re: Pesticide Proposal and Request

Stokes reviewed the materials received.

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

**Reading of Resolution 2022-38** Approving the Finance Director's 2023 Tax Budget for the Village of Yellow Springs. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron reviewed the tax budget with Council, noting that the purpose of the budget is to provide necessary documentation to the Greene County Auditor of the need for assessing property taxes.

MacQueen requested that Council projects be incorporated into the budget earlier in the budget process.

DeVore Leonard asked that Council be made aware of cuts that staff were considering as a part of the budget process earlier in the process.

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

**Reading of Resolution 2022-42** Approving \$30,000 to YS Home, Inc. for Predevelopment Costs for a Senior Housing Project. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

MacQueen described the project as a re-imagined" senior housing development on a smaller scale than that proposed several years prior.

Stokes added that prior grants had gone to more rural communities, and that this proposal focuses on smaller units in a phased approach.

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

**Reading of Resolution 2022-43** Dissenting from the United States Supreme Court Decision to Overturn the Roe V. Wade Ruling. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Council discussed the resolution and expressed support for ongoing action to support abortion rights as they are able.

Housh promised more actions to follow.

Laura Curliss asked that the Village offer support for employees to travel out of state for this procedure.

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

**Reading of Resolution 2022-44** Establishing the Village of Yellow Springs' Intention Not to Prioritize Enforcement of State Laws that Criminalize Abortion. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh commented that the resolution format comes from City of Dayton and has been modified to fit Village values.

MacQueen asked for clarification, and a discussion ensued.

Salmeron explained that YSPD has some discretion in what they prioritize for enforcement, and this resolution asks that abortion related enforcement not be prioritized.

Jessica Thomas, Yellow Springs News, asked whether the legislation protects anyone providing medical care.

Housh responded that any person implicated should be protected by this resolution. He mentioned the possibility of creating a Sanctuary City for abortion rights.

Sarah Sinclair Amend asked the "a procedure be put in place and followed."

Brown asked that persons not continue to compare the current situation with legislation addressing undocumented immigrants, stating that "the two are not the same. No one needs to know if you've had a medical procedure."

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

## **CITIZEN CONCERNS**

Rebecca Potter thanked Council for "taking this first important step."

Jill Eggleton accused Housh of glossing over Parcels' concern over her contract at the prior meeting and asked questions about the nature of Parcels' job and "whether she wants to stay" in the solicitor position.

Housh commented that Parcels' proposal is 'being considered along with others', and that three persons are to be interviewed when all are available.

Lindsay Burke stated that she is "still waiting for public records she requested" related to the special audit, and asked why the Village Manager had not addressed the Finance Director's departure "as noticed in the agenda for the meeting" during a prior meeting.

The Clerk stated that a resignation letter from Dillon had been in the last packet and had been noted by the VM at that time.

Housh stated that he has been open about the allegations and listed several audit inquiries related to accidental use of the VYS credit card which was repaid, purchase of a recognition gift for a retiring volunteer and questioning of some reimbursements as the audit issues. He stated he was not sure "who decided to make these an issue".

Salmeron specified that his gas purchase reimbursements had been called into question, prompting his request for a car allowance from Council, as had his remote work hours during covid.

Housh commented that the allegations were petty and perplexing to him, and that the requests should be followed up upon because, “it shouldn’t be a mystery.”

Jessica Thomas asked whether, given Housh’s statement, requesters would soon receive their requests.

The Clerk explained that specific, targeted requests can be more easily produced, while broader, more generalized requests necessarily take longer. She asked that those wanting a fast turnaround be specific about what information they are looking for in their records requests.

Lindsay Burke asked what had happened to the \$5,000 voted upon for the Clerk to receive assistance in fulfilling records requests.

The Clerk stated that it is nearly impossible to find a trained, qualified individual willing to hire out for such a small amount and expressed that she would much prefer that requesters narrow their requests.

Housh reiterated his openness to being asked about the subject at hand.

Jill Eggleton asked for specifics regarding purchases and card use.

Housh stated that the allegations involve the Council card held by the Clerk, and stated that there was a lack of clarity regarding use of the card. In this one instance, he said, he was available to go to Centerville to pick up the purchase, he obtained the card from the Clerk and made the purchase.

Salmeron noted that while it was alleged that there was no requisition entered, there was, in fact, a requisition entered by the Clerk on the day of purchase.

Salmeron and Housh noted a number of issues audited, from Shutterfly rewards to various purchases.

MacQueen commented that the discussion was inappropriate for a Council meeting, and that employee matters should not be handled in open meeting. She asked that a written report be issued.

Eggleton asserted that she should get to have information because “she is a taxpayer.” She expressed displeasure that “people are laughing about this.”

The Clerk forcefully clarified that she is not laughing about any aspect of the process.

Brown asserted that discourse is important.

Parcels commented that the Auditor will issue findings once the investigation is concluded.

Housh pointed out the difference between pointing out what is silly and petty vs. “laughing at” something.

Laura Curliss referenced the Resolution Approving the 2023 Tax Budget, stating that she was addressing “the new members of Council”. Curliss asked “whose budget is this when we have no

Finance Director?” She stated her lack of faith in the Village’s form of government. She noted that two Finance Directors have left in the last four years and alleged a systemic problem. Finally, she opined that the cash reserve should be a one-year reserve, not a three-month reserve.

Curliss then stated that Housh’s fall while in the JBC “should have been covered by Worker’s Compensation,” and asked why it was not.

Salmeron responded to a query from DeVore Leonard, stating that the Village’s reserve is at 51%, well above the State’s recommended 90 days (25%).

Sarah Sinclair Amend asserted that Council members should be receiving BWC benefits. She then demanded that “the reasons Council member Housh was terminated by YS Schools, then asked that Stokes clarify why he did not hold Housh accountable for posting an article regarding Oberer to his Facebook page.”

Stokes stated that he will not address the schools issue, as not a Council related matter, but that he would put something in the next packet regarding the Facebook matter.

Gyamfi Gyamerah held forth at length that Housh “needs help,” questioning Council members and the Manager rhetorically as to who would help (excluding Carmen and Gavin) and who would “continue to enable”. He opined that failure to act “makes all of you poor leaders.”

MacQueen attempted to intercede and was interrupted, finally managing to state that her support takes the form of serving alongside Housh.

Five minute break was called while PCFO presenters set up.

Salmeron asked for a moment to clarify regarding the Tax Budget. He stated that per Charter, the Village Manager oversees the budget and is a Finance Officer per Charter. Salmeron stated that he had consulted with Auditor Graham prior to publication of the announcement, and Graham had affirmed that Salmeron is authorized to prepare and present the tax budget.

Salmeron commented that two Finance Directors in four years does not indicate a systemic problem, noting that this is not an exceptional timeframe.

## **SPECIAL REPORTS**

**PCFO Presentation re: Services Available and REC Information.** Joe Flarida presented on the services and supports available to PCFO members.

Flarida’s colleague, John Paul d’Aversa presented information regarding what to expect locally from climate change in the next decade. He then presented information on Renewable Energy Credits, essentially calling RECs a “tool for a larger strategy.” He recommended that if RECs are leveraged, that the funds be used for local generation projects and/or to de-carbonize the grid.

DeVore Leonard asked for more information regarding how to develop a policy around REC retention or sale. He suggested that MacQueen direct a group to undertake this endeavor.

Housh suggested using Oberlin’s policy as a starting point.

## **MANAGER’S REPORT**

Salmeron noted that after successive large weekend events, there will be a break until Art on the Lawn in August.

Salmeron noted that Greene County has moved from low to medium transmission.

Lawson Place apartments now have more applicants than units. He commented that the vetting process is allowing guarantors for income in order to give greater latitude to potential renters.

A conversation ensued related to how renters are vetted and the platform the VYS is using to vet applications.

Salmeron commented that the YSPD survey is out, and encouraged participation.

Salmeron stated that he has reopened the Finance Director position with a higher base salary (85-95K), having realized that the previous salary was prohibitively low.

Salmeron recognized Dispatcher Ruth Peterson for going above and beyond in her service to citizens.

The Sutton Farm solar project proposal is back on the table with Tecumseh Land Trust.

Stokes asked how more rooftop solar can be encouraged locally.

Salmeron noted that he is soliciting donors to help fund the “swim for all” program at the pool.

#### **OLD BUSINESS**

There was no New Business.

#### **NEW BUSINESS**

**Finance Committee Follow Up: Inflation, Taxation and Affordability.** This was moved to a subsequent meeting.

**Request for Herbicide Policy for Village Properties.** MacQueen MOVED to Empower Environmental Commission to work with staff on a policy regulating pesticide use on Village owned property. Brown SECONDED.

A discussion regarding the evolution of Village pesticide use over the past 6-8 years ensued.

Burns stated that he has been working with the EC since 2014. He stated that EC twice said “no” to any pole treatment on two occasions. He stated that he took the problem of algal bloom at Ellis Pond to EC over a year ago, EC sent him to “an expert” who advised herbicide treatment. Since 2014, he said, only two items have ever come to Council. This is creating a policy and requesting consultation with EC when EC is already being consulted and pesticides use is actively avoided wherever possible, and is not needed, Burns stated.

Brown stated, “this is the reason we need policy.”

Housh expressed concern that EC has a final say and that the issue of treating poles never came to Council.

Responding to concern from Salmeron, MacQueen MADE A FRIENDLY AMENDMENT THAT THE VOTE REGARDING POLICY DOES NOT AFFECT THE ELLIS POND MATTER.

The Clerk CALLED THE VOTE ON THE MOTION, and the MOTION PASSED 5-0 on a roll call vote.

**Request to Delay Herbicide Application at Ellis Pond.** MacQueen MOVED TO DELAY USE OF HERBICIDE AT ELLIS POND TO ALLOW COMPLETION OF THE PROCESS PROPOSED BY ENVIRONMENTAL COMMISSION. Brown SECONDED.

MacQueen acknowledged that Burns had sent communication to EC asking for input regarding treatment of Ellis Pond's severe algae bloom, but that "we didn't have an expert on EC at that time," and Burns was advised to find an expert. Now that "an expert" has joined EC, MacQueen said, EC can tackle the issue.

Salmeron interjected that the Village has been aggressively employing non-chemical methods for over the last three years, including barley bales and aeration pumps. He communicated with Council the possible need for chemical intervention a number of months ago. Salmeron commented that dredging is acknowledged as the best option, but costs over \$250,000 to accomplish. The pond now requires chemical intervention as the best option.

Rebecca Potter argued that there are other options available and that she is "in the process of identifying grants" for possible dredging. She characterized allowing EC to dictate the process as "collaboration with citizens."

Salmeron pointed out that the pond would be dammed off while being treated, resulting in zero outflow downstream of any active herbicide. He stated that the DeWine property would not therefore be affected by herbicide.

Burns noted that the chemicals have already been ordered, and that the applicator will treat the pond progressively so that oxygen levels are maintained, and will wait for a dry period so that there is no outflow during treatment.

Salmeron commented that the Village has lost a two thousand dollar pump due to clogging from the invasives.

DeVore Leonard noted previously expressed staff concern regarding being overworked and underappreciated, and noted also the concern of citizens regarding Ellis Pond. He expressed his reluctance to disrespect staff opinion on this issue, and a desire not to have to act reactively to situations.

MacQueen alleged that Council "does not have open communication with staff" and that she "does not like it," but is therefore forced to act unilaterally.

Burns responded to a query from the Clerk, stating that the \$14,000 expenditure for herbicide and application will be lost if the application is delayed or stopped.

Stokes noted that the expressed concerns from the property owner downstream would seem to have been effectively addressed by damming the pond for treatment.

Brown commented that the proposed method should mitigate problems. She then stated that the issue should have been addressed before it became critical, and suggested "pond rakes and sticks". She asked that a pond clean-up day be scheduled, and characterized the process as "deteriorating".

DeVore Leonard characterized the problem as a "staffing issue," that there "are not enough staff to meet with citizens on issues.

Brown stated that citizens should provide not just ideas but labor.

Rebecca Potter asked that the Village “go with that labor” before using chemicals.

Burns stated that plants killed with herbicide will be absorbed. He strongly urged that no one go into the pond, citing liability issues.

MacQueen asked for a vote on her original motion.

The Clerk CALLED A VOTE ON THE MOTION, and the MOTION PASSED 4-1, with Stokes voting against.

Stokes acknowledged a member of the audience, Larita Alexander, who is a regular viewer of meetings and former Villager.

#### **FUTURE AGENDA ITEMS**

**July 18:** Storm Water Utility Discussion  
REC Policy  
Vendor Registration Discussion  
Resolution Approving an MOU with Agraria for CASP Services  
Consideration of Further Abortion Access Support Measures  
**August 15:** Ordinance Establishing a Storm Water Utility  
Busking Guidelines  
Little Miami River Economic Study (Hope Taft and Cris Barnett 10 min.)

#### **ADJOURNMENT**

Stokes MOVED TO ADJOURN. MacQueen SECONDED, and the MOTION PASSED ON A VOICE VOTE at 10:08pm.

---

Brian Housh, Council President

---

Attest: Judy Kintner, Clerk of Council