

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

Council Chambers @ 6:00 P.M.

Monday, July 18, 2022

CALL TO ORDER

President of Council Brian Housh called the meeting to order at 6:00pm.

ROLL CALL

Present were President Brian Housh, Vice President Kevin Stokes and Council members Gavin DeVore Leonard and Marianne MacQueen. Also present was Village Manager Josue Salmeron. Carmen Brown arrived at 6:10pm.

EXECUTIVE SESSION (6:00)

At 6:07pm, Stokes MOVED and MacQueen SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of Discussing the Hiring of a Public Employee. The MOTION PASSED 4-0 on a ROLL CALL VOTE.

At 6:59 Stokes MOVED and Brown SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

SWEARINGS IN

There were no swearings-in.

ANNOUNCEMENTS

Salmeron asked Council whether he could permit the Solicitor the night off, since he did not see anything on the agenda requiring legal advice. Council agreed with the assessment, and Salmeron let Parcels, who was participating via Zoom, know that she would not be required for the meeting.

Salmeron noted a major power outage over the weekend, which originated outside of the Village.

Salmeron lauded the Gaunt Park Pool Team for five rescue actions in the last month.

Housh noted that there is no first Monday Council meeting in August.

Housh thanked Bryan Center youth for the “gay-prons” they made for Council members in celebration of Pride.

REVIEW OF AGENDA

Housh added two resolutions to the Consent Agenda. He moved the Manager’s Report to follow Special Reports.

CONSENT AGENDA

1. Minutes of July 5, 2022 Regular Session
2. Minutes of July 6, 2022 Special Session: Executive Session
3. **Resolution 2022-48** Authorizing the Village Manager to Prepare and Submit an Application to Participate in the Ohio Public Works Commission State Capital Improvement and /or Local Transportation Improvement Program(s) and to Execute Contracts as Required for Water Meter Replacement Project
4. **Resolution 2022-49** Authorizing the Village Manager to Prepare and Submit an Application to Participate in the Ohio Public Works Commission State Capital Improvement and/or Local

Transportation Improvement Program(s) and to Execute Contracts as Required for Roadway Maintenance

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

Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE MINUTES OF July 6, 2022. The MOTION PASSED 5-0 ON A VOICE VOTE.

MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE Resolution 2022-48. The MOTION PASSED 5-0 ON A VOICE VOTE.

Stokes MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE Resolution 2022-49. The MOTION PASSED 5-0 ON A VOICE VOTE.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Bette Kelley and Wayne Gulden re: Noise in Downtown District
GCCHD re: Covid Transmission Rate
Dirk Lackovich-Van Gorp re: Restructure Finance Department
Mayor's Clerk re: Monthly Report (3)
Lazar et al re: Roe Response from Medical Community
Laura Curliss re: Police Survey
Board of Elections re: Public Notice

Stokes reviewed the materials received.

Salmeron noted in response to Van Gorp's letter that he has authority to manage the budget per Charter, and the letter of the law is being followed.

Responses to the recent overturning of Roe as they relate to VYS employees were discussed generally.

PUBLIC HEARINGS/LEGISLATION

First Reading of Ordinance 2022-29 Approving a Use Policy for Municipal Broadband for the Village of Yellow Springs. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron provided a brief overview, noting the existence of a surveillance ordinance as critical in the formation of a robust broadband policy.

Ellis Jacobs thanked Tim Barhorst, with whom he worked on the policy. Jacobs noted that broadband technology can be used to surveil, which was the motivation for the specifics in the policy.

Barhorst added that the privacy and accepted use policies are standard for the industry.

Housh thanked the Springs-Net Team and suggested a Town Hall to disseminate information about local broadband opportunities for residents and business owners.

Stokes lauded the policy for its thoroughness.

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

Reading of Resolution 2022-45 Approving an MOU with Agraria for CASP Services. MacQueen MOVED and Brown SECONDED a MOTION TO APPROVE.

MacQueen noted that a group has met regularly to discuss climate actions.

Alex Klug presented a PowerPoint regarding the proposal, which would coordinate disparate action items into a coherent approach, ideally.

Devore Leonard inquired as to any other contributors.

Klug responded that there was no other outreach for sponsors.

Stokes asked whether the goal is to become self-sustaining for phase III, and Klug stated that this was a goal.

Salmeron noted that the MOU will require a legal review, and commented that the Village has long supported proactively addressing climate change issues, noting successes in reducing outflow and water intrusion.

MacQueen commented that there are two avenues for action, and PFCO relates more to government actions, while the CASP avenue relates more to community actions.

Housh commented that the communities who have partnered with PFCO thus far in Ohio are all large cities—and Yellow Springs.

Stokes asked for assurance that funds are available for this commitment, and Salmeron stated in the affirmative.

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

Housh prefaced the reading of Resolution 2022-47 with an explanation of the process and noting that the interviews were scheduled as Parcels' contract was ending, and that Parcels was one of the interviewees, along with candidates from Bricker and Eckler and Frost Brown Todd.

Housh noted the increasing complexity of municipal law, commenting that a "one-stop shop" has value given the scope of issues encountered.

Devore Leonard commented that all of the candidates interviewed remarked that the Village does "way more" than municipalities of comparable size, and he observed that these various projects and engagements all cost money in their need for legal support.

Brown stated her focus on the primacy of the Charter in terms of how each candidate responded to the Village's Charter.

MacQueen MOVED TO CONTRACT WITH FROST BROWN TODD and AMY BLANKENSHIP. Stokes SECONDED, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

Reading of Resolution 2022-47 Authorizing the Village Manager to Negotiate a Contract with Amelia Blankenship of Frost Brown Todd for Legal Services.

Housh CALLED A VOTE ON THE RESOLUTION. The MOTION PASSED 5-0 on a voice vote.

CITIZEN CONCERNS

Housh reiterated the rules for participation. There were no Citizen Concerns.

SPECIAL REPORTS

Yellow Springs Equity. Angie Hsu presented a comprehensive program for Universal Basic Income for Villagers, which has been developed over the past several years by a DEI (Diversity, Equity and Inclusion) committee under the auspices of the YSCF (Yellow Springs Community Foundation).

Len Kramer noted that the DEI group is working with the YSPD—specifically with Florence Randolph, Miami Township and the VYS to find a location for lockers and possibly showers for homeless persons in the Village. A “resource card” is also being developed, which will clearly lay out options for local resources.

Any funds that might be left at the end of the year would be channeled into an emergency fund for distribution.

Hsu stated that the program will be the second such program in Ohio, and the only one developed by a Village.

Hsu noted that there is currently funding to support 10 families at an amount of \$300.00/month. She noted that there are currently 330 families in the Village who are living at an income below the poverty line.

Kramer presented data from other communities that support the model as an effective one.

Devore Leonard stated that the issue of affordability is critical and vehicles for contribution for those who can contribute are needed, and this proposal puts money “into people’s pockets” which will improve the community overall.

Housh MOVED that all Council members agree to a support letter being written by Housh and Devore Leonard. MacQueen SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

OLD BUSINESS

Finance Committee Follow Up: Inflation, Taxation and Affordability. Housh noted that there are a number of challenges to growth and affordability in the Village, stating that addressing these challenges and opportunities holistically is a goal of the Finance Committee.

Devore Leonard stated that Villagers have high expectations for services, and these cost money. If there is no offset to these expenses, he said, the Village becomes more expensive and therefore more exclusive. Affordability needs to be strategically addressed as a community, he stressed.

Housh responded that Council is sensitive to the needs of the YS Schools and the Township, and these discussions are meant to be collaborative.

Salmeron presented a PowerPoint, and noted that wages have to increase to meet inflation, which stresses resources. He made note of a number of revenue resources, all of which will place some additional burden on some Villagers. He named the following options: implementation of a reciprocal income tax, storm water utility fee, increase to planning and zoning fees, Parks levy, and shift of sidewalk maintenance responsibility back to property owners. Housh also added that other initiatives such as paid parking should still be considered.

MacQueen commented on the need for a system to enable retired Villagers with means to donate funds.

Devore Leonard cautioned against failing to address these issues meaningfully, pointing out that delayed action is part of the reason for the current situation.

John Hempfling asked whether the Village is considering moving to County Dispatch services, and Housh responded that this isn’t currently being considered.

MANAGER'S REPORT

Salmeron stated that the settlement from OCRC regarding the Hamby lawsuit requires that the Village Manager attend Anti-discrimination Law training by August 24th. He asked that Council approve funds for his attendance at training, which Council and Village Team members could also attend. Salmeron also stated that he will be bringing an update to the Personnel Policy Manual to the August meeting, since anti-discrimination language mandated by OCRC is also required for this document.

MacQueen MOVED TO APPROVE A PURCHASE ORDER to FUND REQUIRED ANTI-DISCRIMINATION TRAINING FOR THE VILLAGE MANAGER. Stokes SECONDED and the MOTION PASSED 5-0 ON A VOICE VOTE.

Salmeron noted that Greene County is entering the second week of high COVID transmission.

Stokes asked whether Council might want to return to Zoom meeting format for the August 15th meeting, and was told this is an option, and could be considered at a later date.

Salmeron stated that a date is being selected for a Town Hall meeting regarding Village broadband.

Applications for Lawson Place are now closed.

The search for a Finance Director is being extended with an increased salary range.

Salmeron noted that he has brought in a firm to aid in preparation for the audit preparation that begins August 8th.

Salmeron reported that work on the trailhead on Cemetery Street has now begun.

Citizen Review Board. Brown read from her memo, which provided some background information on the CRB, and re-submitted the request from a year ago. She asked that funding for a CRB be incorporated into the 2023 Village budget, and that she and a "citizen committee" work with the Finance Director to develop this budget. She did comment that she did not see it as appropriate that Village Mediation be involved with a CRB in any manner.

Brown referenced materials regarding Attorney John Waddy, which had been sent by her about an hour before the meeting only to other Council members, and stated that she wants this attorney hired for the review.

Brown MOVED to hire John Waddy to review the CRB as it is currently written. MacQueen SECONDED.

Salmeron sought clarification as to the scope of the review being requested.

Stokes asked whether a Scope of Work would be provided.

Housh stated that his understanding is that a contract would come back to Council for approval.

Salmeron stated that he would circulate his communication and responses to and from Waddy to Council members.

Brown clarified that her motion is to hire Waddy, and her understanding is that the matter would not need to return to Council.

Salmeron stated that the usual process would require that he negotiate a contract (or scope of work) and bring that document before Council for approval to hire/execute the contract.

Stokes expressed reluctance to hire without a scope of work in place.

Brown reiterated her motion.

Stokes expressed reluctance to approve a hire without a scope of work.

The Clerk noted that a resolution can be requested for the 15th to hire Attorney Waddy, and that Salmeron would then do all of the legwork to lock in the scope of work to be in place for that date. This was agreed to after some discussion.

NEW BUSINESS

Storm Water Utility Discussion. Salmeron made note of a 2020 study conducted by Choice One, which makes clear that the Village storm system is in need of a great deal of updating and maintenance.

Devore Leonard commented that some of the issue is due to mis-management in addition to lack of prioritization.

Salmeron noted the need for public-private partnership in addressing the storm water issue.

Salmeron noted that the advantage of creating a storm water utility is guaranteeing a source of funding for projects.

Salmeron stated that he is suggesting a small flat fee for this utility as a starting point, and that more involved ways of determining fees can be considered at a later time.

Housh asked Council whether they are ready to see the topic come back for further discussion, and there was agreement on that point.

Jessica Thomas, Yellow Springs News asked how flat fees will be assessed for a number of entities.

Salmeron noted that he will follow up both at the next meeting and with Thomas.

2023 Budget Schedule. Salmeron presented the tentative budget schedule for producing and completing the 2023 Village budget.

Housh noted that Salmeron will also provide a Town Hall session on the Budget.

BOARD AND COMMISSION REPORTS

There were no verbal Commission reports.

FUTURE AGENDA ITEMS

August 15: Second Reading and Public Hearing of Ordinance 2022-29 Approving a Use Policy for Municipal Broadband for the Village of Yellow Springs

First Reading of Ordinance 2022-30 Creating Section XXX and Establishing a Stormwater Utility for the Village of Yellow Springs

First Reading of Ordinance 2022-31 Amending the Personnel Policy Manual to Incorporate Anti-Discrimination Language per OCRC Settlement

Reading of Resolution 2022-50 Approving a Contract with Amy Blankenship, Esq. of Frost Brown Todd for the Position of Village Solicitor

Reading of Resolution 2022-51 Authorizing the Village Manager to Enter into a Contract with Attorney John Waddy for Review of Citizen Review Board Proposal Little Miami River Economic Study (Hope Taft and Cris Barnett 10 min.)
Resolution Approving a Solid Waste Contract

Sept. 6: Ordinance Adjusting Solid Waste Rates
Busking Guidelines
Vendor Registration

Sept. 19:

Sept 26: Council Work Session: Goals and Priorities for 2023 Budget (6-8:30pm)

Oct. 3:

Oct: 10: Council Work Session: 2023 Budget Session #1 (5:30-8pm)

Oct. 17:

Oct. 27: Council Work Session: 2023 Budget Session #2 (6-8:30pm)

Nov. 2: Council Work Session: 2023 Budget Session #3 (5:30-8pm)

Nov. 7:

Nov. 21: First Reading of 2023 Budget Ordinance

Dec. 5: Second Reading/Public Hearing of 2023 Budget Ordinance

ADJOURNMENT

Housh MOVED TO ADJOURN. Brown SECONDED, and the MOTION PASSED ON A VOICE VOTE at 9:23pm.

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council