

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

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

**Monday, August 15, 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 and Public Works Director Johnnie Burns.

**ANNOUNCEMENTS**

Cris Barnett and Hope Taft presented a power point regarding the economic impact of the Little Miami River. They requested Council to consider impacts on the river in all actions, particularly planning and zoning.

Housh offered to work with the group to request ARP funds from Greene County.

Salmeron lauded Ben Sparks for induction into AMP's "Hall of Fame".

Salmeron announced a "Touch a Truck" event August 26th from 5-7pm at the High School.

Housh announced that the forms needed for Block Parties are on the yso.com website. He noted that each gathering is given a \$25 gift certificate to Toms to offset cost for paper plates, etc., for a total contribution from Council of \$875 to Block Parties.

Housh noted Trustee Mucher as having received the "Regional Steward" award from MVRPC. He thanked Judith Hempfling for motivating volunteers for the YS Schools Beautification Day, and thanked Mitzie Miller for an event highlighting sidewalk mobility issues.

**CONSENT AGENDA**

1. Minutes of July 18, 2022 Regular Session
2. Credit Card Transactions for July and August, 2022

Stokes MOVED and Brown SECONDED a MOTION TO APPROVE THE MINUTES OF July 18, 2022. The MOTION PASSED 5-0 ON A VOICE VOTE.

MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE Credit Card Transactions for July and August 2022.

MacQueen commented that the transaction information is "not meaningful" in that description of items purchased is not available. Riley Dixon, Yellow Springs News, stated that "you could be buying anything," and asked that the list be itemized.

Salmeron noted a robust system of checks and balances internally, and that the transactions are put before Council primarily to display transparency of process.

John Hempfling commented that requisitions are required for all purchases, so that any item can be tracked back to a requisition and a purchase order. He asked that requisitions be included.

Housh requested information regarding how other municipalities share transaction information and in what detail.

Despite the fact that the concept of a Consent Agenda had been abandoned, the MOTION PASSED 5-0 ON A VOICE VOTE.

## **REVIEW OF AGENDA**

Housh moved Resolution 2022-52 first in Legislation.

The Clerk added Ordinance 2022-30 to Legislation

MacQueen asked that the EC recommendations be added to New Business. Housh suggested these be incorporated into the Manager's Report instead.

MacQueen asked that times be returned to the agenda. The Clerk commented that she had removed times due to their not being followed. Various Council members commented that they wanted times and why, and discussed the need for a timekeeper. Stokes stated that he would serve as timekeeper moving forward.

## **PETITIONS/COMMUNICATIONS**

The Clerk will receive and file:

Housh/DeVore Leonard re: Letter of Support for YS "UBI" Project  
Pan Reich re: Covid Restrictions Needed  
Rebecca Kuder re: Masking Needed at Street Fair  
GCPHD re: Harm Reduction Workshop  
Mayor's Clerk re: Mayor's Monthly Report (2)  
Neighbors for More Neighbors re: Proposed Zoning Reforms  
Brian Housh re: CNN Report on New COVID Guidelines

Stokes reviewed the materials received.

Housh asked that Burns be prepared to speak to the Zoning Reform requests on the 6<sup>th</sup>, since infill is one of the requests, and infill has impact upon Village utilities and infrastructure.

## **PUBLIC HEARINGS/LEGISLATION**

**Reading of Resolution 2022-50** Approving a Contract with Amy Blankenship, Esq. of Frost Brown Todd for the Position of Village Solicitor. Stokes MOVED and Brown SECONDED a MOTION TO APPROVE.

MacQueen asked several questions regarding the contract, in part regarding what is "routine" and what is "non-routine" which were addressed by Blankenship.

Blankenship explained conflicts of representation.

Housh commented that Council has a policy regarding engagement of the solicitor, and most of those engagement decisions are determined at the Council table.

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

## **SWEARING IN**

Housh swore in Amy Blankenship of Frost Brown Todd as Village Solicitor.

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

Housh OPENED THE PUBLIC HEARING.

Salmeron provided a brief overview, noting the existence of a surveillance ordinance as critical in the formation of a robust broadband policy, and thanked Ellis Jacobs and Tim Barhorst for their work on this project.

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

**Emergency Reading of Ordinance 2022-31** Authorizing the Village of Yellow Springs to Execute a Mutual Aid Agreement with Municipal Energy Services Agency (MESA). Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Burns explained why the ordinance was being read as an emergency, stating that he has lost a lineman and requires this support in the event of an outage or other emergent event.

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

**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. MacQueen MOVED and Brown SECONDED a MOTION TO APPROVE.

Brown expressed satisfaction with the Scope of Work.

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

**Reading of Resolution 2022- 52** Approving a Solid Waste Contract Extension with Rumpke for Solid Waste Services through October 2022. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Salmeron noted that he will be working with Blankenship to engage a solid waste provider and contract long term.

Council held a general discussion regarding solid waste services.

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

**Reading of Resolution 2022-53** Approving a Contract with Fillmore Construction for Road Resurfacing. Stokes MOVED and Brown SECONDED a MOTION TO APPROVE.

Burns commented that this work is part of regular annual road repair, and noted several locations slated for resurfacing.

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

**Reading of Resolution 2022-54** Approving the Village Manager to Apply for a Grant for the Purchase of Body Worn Cameras. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron noted that the Village now has a robust body worn camera policy, enabling a grant application. He noted that the grant is laddered, and that the Village will need to provide funds for personnel and continuing equipment and technology maintenance going forward.

Chief Burge noted that the ask is “front-loaded” to enable the bulk of equipment and technology to be acquired through the grant. She explained the increase in the grant request as a steep increase in the cost of equipment in the last year. There is no match, she said, and the grant “steps down” each year.

Responding to a query from Devore Leonard, Salmeron stated that ongoing costs will be primarily in personnel, specifically the records professional.

Devore Leonard asked whether the COS will be equipped with a BWC.

Salmeron stated that this is not planned, and would require an amendment to the BWC Use Policy.

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

**Reading of Resolution 2022-55** Authorizing the Village Manager to Take All Necessary Steps to Acquire Real Estate Located At 545 Dayton Street Parcel ID # F19000100020005200. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron commented that the purchase seems prudent, since it abuts Duncan Park as well as a section of the Active Transportation Project.

Salmeron stated that the sale of property to Cresco makes this purchase possible from available funds.

Salmeron commented that there are “many options” for the property, which is accessible from two streets.

MacQueen commented that she would like to see a plan developed for use of the property.

Mitzie Miller asked whether there are any deed restrictions and was told there are not.

Burns commented that nothing can be done with the property to change its use until 2024, since it abuts properties which are receiving grant dollars for projects underway.

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

## **CITIZEN CONCERNS**

Mitzie Miller presented information regarding mobility issues on Village sidewalks. She asked that funds be pursued for improvements and requested a “media campaign” around sidewalk maintenance requirements.

Marcia Ridgely spoke in support of Miller's requests.

Mary Cargan stated her concern that trash bins are located too close to the curb on Xenia Avenue to allow mobility impaired persons to exit vehicles even in HC zones.

Mark Heise, Chamber President, expressed appreciation for the re-gravelling of parking areas around Mills Lawn and for starting on a parking area on Cemetery Street. He cautioned that there are multiple events that will draw visitors and drivers to town occurring at the end of September/early October.

Mary Cargan stated that during such events in the past, visitors have parked in Glen Forest Cemetery "on graves".

Heise stated that he is assisting with the Sunflower Field event and will work with the Greene County Sheriff to address this parking problem.-

John Hempfling noted inclusion of a zoning reform document in communications, and asked that Council hear a presentation from the "Neighbors for more Neighbors" group on September 6<sup>th</sup>.

Mitzie Miller asked Burns to edge the sidewalk from Rabbit Run to Vernay.

Brown noted that this is Vernay property and is their responsibility.

Burns asked that the presentation on zoning reform come on September 19<sup>th</sup> since he will be out of the office on the 6<sup>th</sup>.

Riley Dixon stated that "someone told me they saw a Village vehicle idling for like three hours," and stated that he "saw a cruiser" idling. He acknowledged that the cruisers have to idle to maintain computer feed, but requested a "no idling" ordinance.

Salmeron commented that the cruiser has to idle to keep the on board system synchronized.

Housh requested information in the next Manager's Report.

## **SPECIAL REPORTS**

There were no Special Reports.

## **MANAGER'S REPORT**

Salmeron reported the following:

The final plat hearing for the Kinney development will likely not be ready for the September Planning Commission meeting. This is to permit time to address wastewater and electric issues.

Salmeron noted that the re-grading of the parking areas around Mills Lawn was done in anticipation of the start of the school year. He added that the Village and YSPD are offering support to help Mills Lawn staff improve safety around school drop off.

Salmeron noted continued high transmission of COVID for Greene County, but commented that wastewater samples are showing decline for COVID presence.

Housh addressed the call from several citizens for renewed mask mandates, stating that the Village would have to declare a State of Emergency to re-enact a mask mandate. He stressed that the

Village will support any business that wants to have a mask requirement. He noted openness to ongoing discussion of the issue.

MacQueen commented that she would not support an outdoor mask mandate such as that suggested for Street Fair. She asked for clarification regarding the masking ordinance and what triggers its implementation.

Blankenship advised that she would need to confirm in the ordinance what the trigger point for reinstating the masking ordinance, and noted that there is likely to be little outside guidance, requiring the Village to implement the State of Emergency.

MacQueen stated that she is not inclined to declare a State of Emergency, and asked other Council members to comment.

Devore Leonard responded that while he is not currently convinced of the need to implement a mandate, he would be open to monitoring the situation.

Brown indicated that she questions how a mandate would or could be enforced, asking, “what would the role of the police be in this?”

Stokes commented that it makes more sense for the Village to respond to a larger state of emergency rather than trying to make that declaration outside of state or federal support.

Salmeron stated that the Village will be implementing donation policies. Those will be brought to Council as they are written.

Salmeron stated that the Village’s cumbersome noise ordinance will be re-written in the coming months, and will come to Council for approval.

Lawson Place apartments are now all spoken for, Salmeron said.

Work on the parking area on Cemetery Street is underway, Salmeron stated, as is the Safe Routes to Schools project along Limestone Street.

In response to a question from Devore Leonard, Salmeron stated that there is no wastewater monitoring for polio.

MacQueen commented that the EPA had promised to provide a Statement of Basis regarding the Vernay contamination. She registered her disgust at this lapse, and asked that Salmeron convey her concern to the EPA and request the Statement of Basis.

The matter was discussed for several minutes. Salmeron promised to follow up with the USEPA.

MacQueen brought up recent information gathered by Environmental Commission regarding Ellis Pond. She commented that “there are a lot of volunteers willing to help clean and maintain that area.” She stated that “EC needs to be able to talk to staff.” She asked for Council approval for volunteers for this effort.

Brown spoke to the efficacy of volunteers, stating that enabling volunteer efforts should be prioritized by the Village. She cited a resource that she believes could cover volunteers.

MacQueen asked for legal advice regarding volunteers. She stated that there should be a plan for volunteer removal of invasives.

Brown stated that EC should be able to come up with a plan by the next Council meeting.

Devore Leonard asked whether the expenditure for the herbicide can be recouped.

Salmeron responded that the costs included not just herbicide but damming, removal of dead plant material, treatment with pro-biotics, etc.

Salmeron commented that Village staff “are in a different place with what needs to be done,” and cautioned against use of volunteers in that particular environment.

Brown objected to this comment, stating, “this is not impossible,” noting that “we have gotten the advice of two PhD’s for free.” She stated that there are too many resources available not to take advantage of this resource.

Housh noted that volunteers require investment and supervision, which adds complexity to the matter.

Devore Leonard asked for an update regarding local solar projects in the next meeting, including possibilities for aggregated solar.

Housh asked that Salmeron report out on affordable housing projects in the Village at the next meeting.

## **OLD BUSINESS**

**Finance Committee Follow Up: Inflation, Taxation and Affordability.** Housh stated that coordination among the taxing entities has been a goal of Council for some time. He noted that Trustee Moir, School Board member Hempfling and Housh have spoken about the need to coordinate regarding their needs. This resulted in an agreement among the three to petition their colleagues for a joint meeting of School Board, Council and Township.

Housh asked that this be set up for September if possible. He noted that the agenda would be a simple one, with each entity sharing key financial issues and then a discussion of shared services potential and grant opportunities.

Housh responded with clarification that the initial meeting would include all elected officials, and that Council would be the convener.

Devore Leonard noted the levy vote will take place in November and urged that the meeting take place as soon as possible. HE stressed the importance of coordination before the 2023 budgeting process.

## **NEW BUSINESS**

There was no New Business.

## **BOARD AND COMMISSION REPORTS**

There were no verbal Commission reports.

## **FUTURE AGENDA ITEMS**

**Sept. 6: First Reading of Ordinance 2022-31** Establishing a Public Utility for Stormwater by Enacting New Chapter 1049 of the Village of Yellow Springs Codified Ordinances and

**First Reading of Ordinance 2022-32** Approving Creation of a Utility Fund for  
Stormwater Capital Improvements  
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**

Stokes MOVED TO ADJOURN. MacQueen SECONDED, and the MOTION PASSED ON A  
VOICE VOTE at 9:40pm.

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Brian Housh, Council President

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Attest: Judy Kintner, Clerk of Council