

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

Council Chambers @ 6:00 P.M.

Monday, September 19, 2022

CALL TO ORDER

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

ROLL CALL

Present were President Housh, Vice President Kevin Stokes and Council members Carmen Brown, Gavin DeVore Leonard and Marianne MacQueen (virtually). Also present were Village Manager Josue Salmeron and Village Solicitor Amy Blankenship.

EXECUTIVE SESSION

At 6:02, Stokes MOVED and DeVore Leonard SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Discussion of the Employment of a Public Official. The MOTION PASSED 5-0 ON A ROLL CALL VOTE. The Solicitor was present for the session. Salmeron joined the session at 6:15.

At 7:00pm, Stokes MOVED and MacQueen SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

RESUME REGULAR MEETING

At 7:04, Housh MOVED to resume the Regular meeting, and the informal motion passed 5-0 on a voice vote.

SWEARING IN

Housh swore in Johanna Schultz Herman as a full member of the Environmental Commission.

ANNOUNCEMENTS

Brown reported donation of the HUMAN library on September 17th to the Coretta Scott King Center at Antioch College where it will now be housed.

Housh noted a successful Porchfest event, and commented on the annual 9/11 Stair Climb, encouraging participation for 2023.

Housh noted that MVRPC will be voting on an increase in dues on October 6th, and stated that he will provide “return on investment” documents for the next packet in support of the dues increase.

Housh announced the Joint Elected Bodies meeting set for September 29th.

Housh thanked participants for assisting in yard clean-ups on Sunday; lauded TLT and the Chamber for the return of the sunflower field; announced a special Council meeting on September 26th to discuss 2023 Village Goal priorities.

Housh suggested collaboration between Village and businesses around COVID support measures.

Salmeron announced that the Cemetery Street parking lot is complete and that the SRTS sidewalk will be completed this week.

CONSENT AGENDA

1. Minutes of September 6, 2022 Regular Session

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

REVIEW OF AGENDA

DeVore Leonard requested an additional 15 minutes be added to Legislation to allow for more discussion.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Mitzie Miller re: Council Goals
Mitzie Miller re: Zoning Comments
GCPH re: Monkeypox Vaccine Available
Kelley/Gulden re: No Amplification Downtown
Universal Basic Income Group re: Thank You
GCPH re: Covid Booster Available
Josue Salmeron re: Opposition to Financial Data Transparency Act in the NDAA
Mayor's Clerk re: Mayor's Court Report (2)

Stokes reviewed the materials received.

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2022-31 Establishing a Public Utility for Stormwater by Enacting New Chapter 1049 of the Village of Yellow Springs Codified Ordinances. Stokes MOVED and Brown SECONDED a MOTION TO APPROVE.

Salmeron addressed questions presented at the last meeting regarding rates in similar communities, and clarified that any disputes would go first to the Stormwater Utility Supervisor and then to the Utility Dispute Resolution Board. He will bring a policy for dispute resolution back to Council.

Stokes stated his agreement with the amount of the rates requested.

Housh OPENED the PUBLIC HEARING.

Pat Brown commented at length on the need for such a utility and for stormwater mitigation.

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

Emergency Reading of Ordinance 2022-33 Approving a Power Purchase Agreement with American Municipal Power for Locust Ridge Wind Power and Declaring an Emergency. Stokes MOVED and Brown SECONDED a MOTION TO APPROVE.

Salmeron explained the opportunity to buy into a renewable at a lower rate through September 30th. He commented that the contract would save around \$159,388.00 over the next three years over purchasing on the open market.

Housh OPENED THE PUBLIC HEARING.

MacQueen received clarification that the contract would raise the percentage of renewables in the portfolio to about 96%. She was reassured that any overproduction of energy would be traded off through AMP.

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

Reading of Resolution 2022-58 Authorizing the Village Manager to Enter into an Agreement with the Greene County Educational Services Center for Creation of a Resource Youth Outreach Officer Program. Stokes MOVED and Brown SECONDED a MOTION TO APPROVE.

Salmeron expressed his support for the resolution.

Chief Burge made note of her memo and noted that the goals of the program are positive relationship building and safety. She noted the national trend of increased gun violence in school settings and her desire to prevent any such occurrences in Village schools.

DeVore Leonard sought to frame the issue in a larger context, noting issues of mass incarceration and stating the lack of data indicating a positive relationship between SRO's and increased school safety. "How do more weapons in school create more safety?" he asked.

Burge agreed that more guns will not solve the larger problem but stressed that her concern is safety within the Village. Burge commented that successful SRO programs would be measured by lack of incidents and may not show up statistically. She pointed out that for any incident in the Village, YSPD will be the responders, and they will arrive with all requisite gear, per protocol.

DeVore Leonard argued that the vast majority of incidents do not require a gun in response, and stated that he does not like the implication of an armed officer for all incidents.

Brown stated her concern as part of a trajectory, saying "what if people then think an SRO is needed at YSHS or at Mills Lawn?" She commented that the YSPD should understand the potential triggering effect of a uniformed person on school grounds, stressing that "kids' relationships with police officers varies". She asked why there is an assumption that a YSPD officer would be inherently better than a Greene County Deputy.

Burge responded that YSPD officers are not inherently better, but that she holds her officers accountable to the Guidelines for Village Policing. This is significant, Burge stated, and she works hard on those community based elements with her officers. Rapport, she stated, is the greatest factor in making settings safer, and this is key for Village policing.

Housh asked Burge to elaborate on the coursework and preparation required.

Burge responded that Officer Kincaid who would be the YOO if the resolution passes, and commented that he served as an officer at the Juvenile Detention Center, has coached youth basketball for many years, and has completed CIT training in the past and is scheduled for another 40 hours of training upcoming. Burge noted that COS Randolph will also be providing Kincaid with trauma informed response training in the near future.

Stokes commented that he is "pro Yellow Springs police." He commented that YSPD has been trying to be proactive and responsive. He opined that "we are trying to fulfill a need," and if we do not fulfil that need it will be done by another entity. YSPD generally responds to calls now, he said, and we

serve those kids better if we provide the YOO. This is an opportunity to have a positive experience with police, he stated.

MacQueen stated her reservations and her general objection to guns in schools. She stated that she is glad that the measure will not increase the numbers or hours for YSPD.

Housh commented that he has trust that Superintendent Strieter knows her students and knows what she needs for that program, and stated his confidence in the YSPD to best provide services.

Jessica Thomas, Yellow Springs News, asked how many calls for service came in from the GCLC weekly and how many required a weapon.

Burge responded that for 2021-2022 to date there were 107 calls, some routine; 23 rising to the level of criminal and 5 in which charges could have been filed, in all but three the matters were referred to resources. There were 3 violent criminal acts in this period, she stated, which could not be referred.

Matt Raska stated his opposition to the resolution, commenting that “just because someone has to do it doesn’t mean it has to be us.”

DeVore Leonard expressed a desire to discuss the matter in more depth.

Burge and Salmeron encourage proceeding so that the GCLC is not held up further. Salmeron commented on the advantages of having a person on site who knows the kids well, and noted that some trauma issues around policing are “not in our control to resolve.”

Housh CALLED THE VOTE, and the MOTION PASSED 3-2, with DeVore Leonard and Brown voting against.

CITIZEN CONCERNS

Mark Heise thanked the Village for completing the parking lot on Cemetery Street. He commented on the successful partnership between the Chamber and Tecumseh Land Trust for the Sunflower Field event. Heise announced a film at the Little Art (Meandering Through).

Heise stated that he is working to bring Ahumanhikes, the first Black man to hike the “triple crown” through town as he hikes the Buckeye Trail.

Mitzie Miller commented on sidewalk clearing and thanked several entities.

Gyamfi Gyamora spoke in support of completing work to create a Citizen review Board.

John Hempfling expressed satisfaction with the new SRTS sidewalk. He commented on the need for a commission tasked with review of matters like that of the YOO. He concluded by stating that the stormwater utility would be more equitably funded through taxation.

Drake Highlander asked that the Village address the issue of a flock of buzzards who have moved to his and neighboring yards and are creating damage to homes and vehicles despite many efforts to dissuade them. He volunteered to assist in the effort.

Gyamfi Gyamora complained that a recent Chamber survey on busking had not been given to buskers.

Mark Heise responded to Gyamora, stating that the Chamber had not conducted any such survey.

SPECIAL REPORTS

Zoning Reform Presentation. “Neighbors for more Neighbors” comprised of Matt Raska, John Hempfling and Alex Melamed presented suggestions for zoning changes they believe will provide more and more affordable housing to the Village.

MacQueen expressed support for moving the matter on to Planning Commission for thorough review.

Burns commented on the presentation, stating that at present he is opposed to any infill development due to the plethora of infrastructure issues that need to be addressed before that level of capacity can be added. He noted the number of feet of sewer currently at near failure, the urgent need to repaint the interiors of the water towers, and rapidly increasing power demands which require upgrade of all 6” copper wire.

“We need to fix what we already have,” he stated, and added that lot splits “aren’t increasing affordability.”

Burns differentiated between infill and new development, noting that new development means new infrastructure in that area, as opposed to the situation with infill.

Housh commented that Council is open to hearing new ideas, and that those ideas will follow a process, primarily the vetting through Planning Commission. He commented further that this ties into budgeting and goal-setting efforts.

Council then voted 5-0 on a voice vote to send “Neighbors for More Neighbors” on to Planning Commission for that body’s consideration of their proposals.

Cost of Living Study. Jerry Sutton and Carol Murray presented the McKee Group’s Cost of Living study for Village residents. The report gathered demographic data and Village-specific cost data to compare Villagers and Village cost data with regional and national trends. The high-view message was that Villagers are statistically older than average with the population decreasing and housing values relatively high.

Housh asked that Oakwood be included in the comparison group if possible.

MANAGER’S REPORT

Salmeron reported the following:

EPA should have a statement of basis soon.

The Village experienced an unplanned power outage last week, on the AES side. Salmeron commented that this highlights potential vulnerabilities. A second power outage which lasted about three minutes was to repair equipment damaged in the first power outage.

Salmeron stated that he has reopened the search for a Finance Director.

Hydrant flushing is set for next week.

Salmeron referenced a plan for “an amenities station” for hikers and bikers but offered no details.

Salmeron stated that he will be bringing a request for funding for sewer relining to Council soon.

OLD BUSINESS

Noise Ordinance Discussion. Salmeron commented that there has been a transformation in the downtown area with more outdoor events and services. This has increased the overall noise in that area, which does need to be addressed. Salmeron noted that amplification and vehicular noise are not specifically addressed in the draft ordinance.

Chief Burge pointed out the pitfalls of the current ordinance, stating that she had reached out to peers around this matter, resulting in the current draft. She noted that there are elements in the draft that will allow officers to be responsive and able to pursue enforcement.

Jerry Papania spoke at length regarding his negative experiences with noise and noise enforcement—or lack thereof—which he stated was not enforced due to the current noise ordinance. He complained about motorcycle noise and asked how this would be dealt with.

Bette Kelley stated that current enforcement is “inconsistent”. She stated her primary concern to be with Miguel’s Restaurant. She asked that amplification in the downtown area be prohibited. She commented that vehicular noise would be difficult to enforce due to its normally fleeting nature.

Wayne Gulden commented that as he reads the draft ordinance “no enforcement would be possible during the day.”

Ellen Hoover stated that the current level of noise is much higher than in years past. She stated that within her home with windows closed she can still hear loud music. This is day and night, she said, and there should be specifics spelled out so that enforcement is possible.

Mark Heise commented that the owner of Miguel’s has responded to concerns, and has instructed employees to take noise readings from the edge of the property. He commented that to disallow amplification in the downtown area would be detrimental given the direction that local businesses are and/or need to go to remain profitable. He asked that resident and business needs be balanced.

Lisa Wolters, Yellow Springs Brewery, asked for clear rules, and asked that Council allow some flexibility to respond to business owners’ needs.

Bette Kelley stated objection to what she perceived as “Mr. Heise telling us we just have to suck it up.”

Scheduling Work Session. DeVore Leonard requested a work session to discuss Public Safety. Housh asked that this be addressed at the Council Goal Prioritization Meeting on the 26th.

Joint Meeting with YS School Board, Miami Township Trustees and Village Council:
Agenda. Housh commented that the meeting is centered around each entity stating its needs, operating expenses and upcoming levies, followed by a conversation geared toward potential collaboration. The hope is that this becomes the first of many such meetings.

Finance Committee Ongoing Conversation: Inflation, Taxation and Affordability. Housh stated that the committee meets this week, so there is no report out.

NEW BUSINESS

Policy for Volunteers Discussion. Brown spoke generally about the role volunteers play in general and in other communities specifically. She described it as a capacity building effort. Housh stated that he will work with Brown on a volunteer policy.

Council Work Session Agenda. Housh went over the proposed agenda for Council's Goal Prioritization Work Session.

House Bill 563 Update. Housh noted that the bill is unlikely to pass, but that the moderate Republicans have asked Village representatives to suggest modifications to the bill. Housh stated that a Village team is working on a letter and packet of information to get to this group, and the final letter will appear in the Council packet.

BOARD AND COMMISSION REPORTS

DeVore Leonard NOMINATED Frank Doden to a second five year term on Planning Commission. Stokes SECONDED, and the NOMINATION passed 5-0 on a voice vote.

DeVore Leonard then reported several light agendas in the last PC meetings, but that the Commission will hear the DDC final plat on October 11, which will result in a recommendation to Council.

Stokes stated that he will have a YSDC update in October.

Salmeron announced that Village Mediation has hired Diane Diller as the Mediation Coordinator.

Brown announced that the likely recipient of the Fall VIDA award from PACC will be the constructors of the Little Free Library at Gaunt Park. She noted that Napoleon Maddox, Hip Hop/Jazz artist will be in residency in the Village in October, and that events will be announced.

Brown stated that PACC is working to bring pieces from the Helen Birch Bartlett collection to the Village for viewing.

FUTURE AGENDA ITEMS

- Oct. 3:** Busking Guidelines Discussion
Home, Inc. Annual Report
Ordinance 2022-34 Repealing and Replacing Chapter 634 "Noise"
Resolution 2022-XX Authorizing the Yellow Springs Police Department to Develop and Administer a Therapy Dog Program
Vendor Registration Proposal
- 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:** Draft: Amending the Personnel Policy Manual to Incorporate Anti-Discrimination Language per OCRC Settlement
Ordinance Approving Final Plat for DDC Development
- Nov. 21:** First Reading of 2023 Budget Ordinance
- Dec. 5:** Second Reading/Public Hearing of 2023 Budget Ordinance

ADJOURNMENT

Stokes MOVED TO ADJOURN. DeVore Leonard SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE at 9:51pm.

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council