

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

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

**Monday, December 19, 2022**

**CALL TO ORDER**

President of Council Brian Housh called the meeting to order at 7:00pm.

**ROLL CALL**

Present were President Housh, Vice President Kevin Stokes and Council members Marianne MacQueen and Gavin DeVore Leonard. Also present were Village Manager Josue Salmeron, Public Works Director Johnnie Burns, Finance Director Amy Kemper and Chief Paige Burge. Carmen Brown was unable to join the meeting due to illness.

**ANNOUNCEMENTS**

Salmeron announced that the New Year's Eve Ball Drop will take place this year.

MacQueen announced having participated in a Power Clean Future Ohio awards luncheon. She also noted that Bob Baldwin has received an award from the Yellow Springs Arts Council naming the Art Gallery for him.

Housh acknowledged Melody Kingsley for receipt of an award for "Outstanding Contributions to Health Education", noting her work on behalf of the Village.

Housh commented that the Active Transportation Committee is taking on school safety zones as a priority.

Housh noted another successful meeting with School Board and Township and let others know where to access those videos.

Housh noted a successful Village Holiday party with Brad Ault receiving his 15-year recognition, and Samantha Stewart her 20-year recognition.

Housh commented that he would like to see Council focus on substantive issues, particularly housing and infrastructure during 2023 meetings.

**CONSENT AGENDA**

1. Minutes of December 1, 2022 Work Session on Public Safety
2. Minutes of December 5, 2022 Regular Session
3. Minutes of December 7, 2022 Joint Meeting

Stokes MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE THE MINUTES of December 1, 2022. The MOTION PASSED 4-0 ON A VOICE VOTE.

Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE THE MINUTES OF December 5, 2022. The MOTION PASSED 4-0 ON A VOICE VOTE.

\*Clerk's note: The Clerk mis-identified the Minutes of December 7<sup>th</sup> as being those of December 1<sup>st</sup>. For this reason, Minutes of December 1, 2022 Work Session on Public Safety and Minutes of December 7, 2022 Joint Meeting, will be brought on January 3, 2023 for proper approval.

## **REVIEW OF AGENDA**

Stokes added a request for funding for the annual Kwanzaa celebration to New Business.

## **PETITIONS/COMMUNICATIONS**

The Clerk will receive and file:

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Matt Raska re: Police Budget Reduction Petition

Lori Askeland re: Police Budget

Bill Farrar re: Police Budget

Kevin Jennings re: Police Budget

Kimberly Kulasa re: Police Budget

Mary Gentile re: Police Budget

Rachael Chromec re: Police Budget

Rhonda Stricklett re: Police Budget

Donna Denman re: Police Budget

Erin Rodgers re: Police Budget

Ila Peck re: Police Budget

GCCHD re: Baby and Me Tobacco Free

GCCHD re: Test Kit Giveaway

GCCHD re: Flu Vaccination Week

Court Clerk re: Mayor's Court Report (2)

Marianne MacQueen re: Affordable Housing Fund

Stokes reviewed the materials received. He noted that all of the letters identified as "Police Budget" were in fact screen shots of the Police Budget Reduction Petition.

## **PUBLIC HEARINGS/LEGISLATION**

Stokes MOVED THAT BOTH ORDINANCES BE READ IN BY TITLE ONLY. DeVore Leonard SECONDED, and the MOTION PASSED 4-0 on a VOICE VOTE.

**Second Reading and Public Hearing of Ordinance 2022-41** Approving the 2023 Budget for the Village of Yellow Springs and Declaring an Emergency. Stokes MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE.

Housh introduced the ordinance, observing that this budget process was "the most thorough" in which he had participated. He noted Council's request to receive documents earlier for future reference.

Salmeron stated that the ordinance presented reflects the changes requested by Council during the December 9<sup>th</sup> Work Session, specifically removal of a police cruiser from the budget and reduction of the Planning and Zoning Assistant position from six months to two.

Salmeron noted that this remains a deficit budget.

Housh commented that removal of the cruiser from the Police Budget, addition of a wage adjustment for officers and addition of funds to support body worn cameras leaves the PD budget at an increase of about \$64,000.

Housh OPENED THE PUBLIC HEARING.

MacQueen asked that "for the future" a revenue source be identified to fund the Affordable Housing Fund.

MacQueen MOVED TO ADD \$40,000 TO THE AFFORDABLE HOUSING FUND LINE.  
Stokes SECONDED.

Housh expressed support for the request. He suggested that the monies be taken from the Green Space Fund, which has not been used in several years. He stressed that the \$40,000 is not being allocated to any given group or project.

Discussion regarding how to fund the request ensued.

DeVore Leonard noted that while he is in support of Affordable Housing, the Village will not be able to deficit spend past 2023. He noted the need to identify a revenue source if funding for Affordable Housing is to continue.

Kemper responded to a question from the Clerk, noting that once money is moved into a specific fund, those monies cannot be transferred without permission from the Tax Commissioner.

Housh CALLED THE VOTE ON THE MOTION TO ADD \$40,000 TO THE AFFORDABLE HOUSING FUND FROM THE GENERAL FUND. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Kathryn LeVesconte expressed concern regarding any addition to the Police Department budget.

Tanya Maus expressed concern regarding any addition to the Police Department budget, suggesting that these funds be used for affordable housing.

John Hempfling asserted that the Police Department is overstaffed for the size of the Village and expressed concerns regarding any increase to the department budget.

Housh noted that these discussions have been taking place, and Council is committed to continuing the discussion moving forward. He asserted that the total increase to the PD budget is \$25,000, all of which is going towards salary adjustments, and an additional amount which is going to updating unsafe equipment and match funds for equipment needed to accept an awarded grant for body worn cameras. He observed that all departments are working to increase efficiencies.

MacQueen made comments related to increasing PD budgets occurring “in this century”, but added that during the budget process is not the best time for cutting the budget, and that these conversations are lined up for the coming months.

Stokes expressed a high level of confidence in the police department and agreement with the allocations as they stand. He noted the detailed numbers provided by Chief Burge as reassuring his concerns.

DeVore Leonard commented that he is planning conversation regarding the YSPD in the coming months. He pointed out that YSPD is operating with two officers on duty only 37% of the time, and that while there is an option to drop below this minimal level of staffing and rely on the Sheriff’s Department, he is doubtful that this approach would be favored by a majority. He commented that the people now serving in the YSPD are considered well suited to the community and to the job, and they should be paid fairly. That said, DeVore Leonard promised that the dialogue around department makeup and possible changes will begin in 2023.

DeVore Leonard commented upon the Dispatch issue brought up by Hempfling, stating that numbers presented by Burge indicated that it would not be cost-effective to go to County dispatch. He

stated that Council has received some new numbers from the Village Manager, but that he has not had time to review these and that, in any case, "Dispatch does a lot more than dispatch calls."

Salmeron commented that the PD is not growing, and in fact has increased services without increasing in personnel. He noted the community specific approach expected by Villagers, which is part of officers' training and expectation.

Finally, Salmeron referenced the updated numbers he had forwarded to Council regarding County Dispatch services. He cautioned that there were so many caveats required in the updated quote that he did not think the new numbers were applicable.

Housh asked that information on all aspects of the budgeting process, particularly the work sessions and Burge's PD budget presentation, be located in a readily accessible place on the Village website.

Housh CALLED THE VOTE, AND THE MOTION PASSED 4-0 ON A ROLL CALL VOTE.

**Emergency Reading of Ordinance 2022-42** Approving a Second Fourth Quarter Supplemental Appropriation for 2022. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron explained that reimbursements as well as expenses are now being booked, and will show up as supplementals per Auditors' advice. He noted that this supplemental reflects revenues for Planning and Zoning plan review, PD therapy dog, Mayor's Court and utility roundup.

**Reading of Resolution 2022-73** Amending the Employment Agreement with Paige Burge as Chief of Police. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron noted that this change brings Burge's contract in line with those of other contract employees.

DeVore Leonard commented that these measures, as well as those in the following resolutions, assure that managers and supervisors who may not have been able to take time off during COVID are able to either use or be paid out for those hours. He stated that he wishes to support all such measures.

Housh CALLED THE VOTE, and the MOTION PASSED 4-0 ON A VOICE VOTE.

**Reading of Resolution 2022-74** Approving a Second Then and Now for the Fourth Quarter of 2022. Stokes MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE.

Salmeron explained that this approves the second of three payments to the regular audit team of Julian and Grube.

Housh CALLED THE VOTE, and the MOTION PASSED 4-0 ON A VOICE VOTE.

Housh commented on the four following resolutions, noting that they address vacation hours that staff were unable to use during the height of COVID, which is provided for in the employment contracts, and are being addressed by resolution to ensure transparency.

**Reading of Resolution 2022-75** Approving Carryover of Vacation Hours for Village Manager. Stokes MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE.

Housh CALLED THE VOTE, and the MOTION PASSED 4-0 ON A VOICE VOTE.

Housh noted that Salmeron is permitted to cash out any unused hours, per his contract.

**Reading of Resolution 2022-76** Approving Payout of Vacation Hours for Village Manager. Stokes MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE.

Housh CALLED THE VOTE, and the MOTION PASSED 4-0 ON A VOICE VOTE.

**Reading of Resolution 2022-77** Approving Carryover of Vacation Hours for Public Works Director. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Housh CALLED THE VOTE, and the MOTION PASSED 4-0 ON A VOICE VOTE.

**Reading of Resolution 2022-78** Approving Payout of Vacation Hours for Public Works Director. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Housh CALLED THE VOTE, and the MOTION PASSED 4-0 ON A VOICE VOTE.

**Reading of Resolution 2022-79** Approving Carryover of Vacation Hours for Planning & Zoning Inspector/Economic Development Liaison. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Housh CALLED THE VOTE, and the MOTION PASSED 4-0 ON A VOICE VOTE.

#### **CITIZEN CONCERNS**

Teresa Gill commented via Zoom. Gill stated that she identifies with the hardship of housing instability, and she spoke on behalf of two residents of Lawson Place whose lease is not being renewed by the Village. Gill stressed the importance of relationships and support networks, which will be lost to these individuals if they have to leave the area. Gill asked that the Village “reconsider its approach when dealing with the elderly or disabled.”

Michael Ardich urged the Village not to “put them out in the cold”.

“Charles,” whose lease is not being renewed, stated that he has lived in the apartment for 12 years, that he is “mentally and physically disabled.” He challenged the Village’s use of the term affordable housing, complaining that the rental amount had been increased.

Cecil Prine expressed bafflement and disgust at the Village’s actions.

Housh commented that Council has no direct involvement with Lawson Place, and asked the Village Manager to follow up.

Salmeron commented that 60-day notice had been given, and that the Village is in a difficult position, and that there is “more to the story.”

MacQueen asked for further information from the Village Manager, as did Stokes.

Housh appreciated the citizens for speaking up and stated that the matter would be followed up on.

#### **SPECIAL REPORTS**

**There were no Special Reports.**

## **MANAGER'S REPORT**

Salmeron commented on a potential land donation from a local individual. The land is outside of the Village limits, and would require an ordinance to be passed to accept such a donation. Given the timing, he said, he will have to follow up with the potential donor to determine if they still wish to make the offer in 2023.

Salmeron noted ongoing stormwater rerouting.

Salmeron stated that the individual who had been contacted regarding a legal review of the CRB proposal has not responded to several requests for follow up. For this reason, he will unencumber those funds for 2022. And, he asked that funds be requested for 2023 if Council wishes to follow up.

Salmeron noted an offer from SBA to purchase a perpetual agreement for the cell tower for \$305,000. He suggested several options for approaching the offer.

Stokes commented that he would like more information, but that he is generally not inclined to accept such an offer.

Salmeron will provide more information in the next Manager's Report.

MacQueen asked that the percentage of water loss be included in the Manager's reports.

MacQueen restated her desire for a bound copy of the Village's annual report.

Salmeron noted that all such information is presented in an annual report to Council and made available online. He stated that there will be print and layout costs. He noted that this could be done by the YS News as well, again with costs associated.

Salmeron cautioned that the Village is currently understaffed going into a predicted snow event at the end of the week.

## **OLD BUSINESS**

**Public Safety Work Session Debrief.** DeVore Leonard commented that a committee may be required to most effectively address Public Safety. He asked for time on the next agenda for this.

Stokes offered to participate in such a committee.

Housh expressed support for a committee to add efficiency.

MacQueen expressed interest in serving on the committee.

Housh commented that the particulars can be worked out at the next meeting.

Housh reinforced his idea that high-level topics be prioritized, noting that this is one way to improve the quality of discussion.

Housh asked that this be covered in the Council Retreat on January 26<sup>th</sup>.

**Finance Committee Ongoing Conversation: Inflation, Taxation and Affordability: Joint Meeting Debrief and 2023 Funding Strategies.** Housh related a productive meeting with the School Board and Township representatives, noting discussion of utility rate increases and the reciprocal tax

adjustment. He commented that representatives will likely meet between the larger group sessions to keep dialogue going.

## **NEW BUSINESS**

**Request for Kwanzaa Funding.** Housh commented that the request is from The 365 Project. He commented that responses to these kinds of requests will likely be far more limited for 2023, due to budget tightening.

Housh cautioned that food cannot be funded, per the auditors, and asked that only the non-food items in the request be funded, for a total of \$365 of the \$500 request.

Stokes asked that \$465 be funded.

DeVore Leonard received feedback to his query, with information that allocations to events will be discussed during the retreat.

Jessica Thomas, Yellow Springs News, asked how many events did receive sponsorship including food, opining that Pride did receive food donation.

Salmeron responded that he had in fact purchased the food for the Pride event himself, and that no event received funds directed towards food purchases.

Housh commented that Council's budget for events has been 1/3 of 1%, and that is has been a goal to keep this amount under 1% of the total Council budget.

MacQueen MOVED TO GIVE THE 365 PROJECT \$465 FOR KWANZAA ACTIVITIES. Stokes SECONDED, and the MOTION PASSED 4-0 ON A VOICE VOTE.

## **BOARD AND COMMISSION REPORTS**

MacQueen announced that Agraria is in the process of selecting candidates for the Climate Action Sustainability Program Coordinator, and that she will bring further information to Council as it becomes available.

## **FUTURE AGENDA ITEMS**

Housh noted that progress is underway for the Clerk's annual review, which should occur in January. The Village Manager's review is being pushed ahead to February or March.

- Jan. 3:**        **Resolution 2023-01** Authorizing the Sale During Calendar Year 2022 of Municipally Owned Personal Property which is Not Needed for Public Use, or Which is Obsolete or Unfit for the Use for Which it was Acquired, by Internet Auction, Pursuant to Ohio Revised Code Section 721.15(D)  
                 **Resolution 2023-02** Adjusting Village Employee Wage Scales  
                 **First Reading of Ordinance 2022-01** Repealing and Replacing Appendix A to Section 1272.04 of the Yellow Springs Zoning Code Establishing Permit Fees  
                 Executive Session  
                 2023 Village Goals Discussion
- Jan. 11:**      **Town Hall on Utility Rate Increases: 7pm. (This is not a Council Meeting)**
- Jan. 17:**      **Second Reading and Public Hearing of Ordinance 2022-01** Repealing and Replacing Appendix A to Section 1272.04 of the Yellow Springs Zoning Code Establishing Permit Fees

**First Reading of Ordinance 2023-02** Repealing and Replacing Section 1048.05 Service Charges of Chapter 1048 Sewers and Sewage of Title Four Public Utilities of Part Ten Streets, Utilities and Public Services of the Codified Ordinances of the Village of Yellow Springs, Ohio

**First Reading of Ordinance 2023-03** Repealing and Replacing Section 1046.02 Service Charges; Exemption of Chapter 1046 Water of Title Four Public Utilities of Part Ten Streets, Utilities and Public Services of the Codified Ordinances of the Village of Yellow Springs, Ohio

**First Reading of Ordinance 2023-04** Repealing and Replacing Section 1042.01 Electric Service Charges of Chapter 1042 Electricity; Municipal Light and Power of Title Four Public Utilities of Part Ten Streets, Utilities and Public Services Code of the Codified Ordinances of the Village of Yellow Springs, Ohio

Fourth Quarter Financials

Treasurer's Report

Annual Tecumseh Land Trust Report

**First Reading of Ordinance 2023-XX** Amending the Personnel Policy Manual to Incorporate Anti-Discrimination Language per OCRC Settlement

**Annual Village of Yellow Springs Report**

#### **ADJOURNMENT**

At 9:02pm, Stokes MOVED TO ADJOURN. MacQueen SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

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Brian Housh, Council President

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Attest: Judy Kintner, Clerk of Council