

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

**Council Chambers @ 6:30 P.M.**

**Tuesday, January 17, 2023**

**CALL TO ORDER**

President of Council Brian Housh called the meeting to order at 6:30pm.

**ROLL CALL**

Present were President Housh and Council members Marianne MacQueen, Gavin DeVore Leonard and Carmen Brown. Vice President Kevin Stokes joined Executive Session at 6:40pm.

**EXECUTIVE SESSION**

At 6:31pm, MacQueen MOVED and Brown SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of the Evaluation of a Public Employee. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

**REGULAR SESSION**

At 7:03, MacQueen MOVED TO REJOIN THE REGULAR MEETING. Stokes SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

**SWEARINGS IN (7:00)**

Public Arts and Culture Commission: President Housh swore in Ena Nearon.

Amy Wamsley and Michael Casselli were sworn in by President Housh at various times during the meeting due to late arrival.

**ANNOUNCEMENTS**

Salmeron, participating via Zoom, noted that a family member currently has covid, so he is distancing.

Housh lauded the MLK Jr. Day activities, highlighting a focus on Guaranteed Income he hopes will help residents to remain in the Village.

Housh noted the Town Hall held on January 11<sup>th</sup>, expressing appreciation for MacQueen's hosting abilities.

Housh noted ongoing work to improve Village sidewalks.

Finally, Housh recognized the scope of the work being done by COS Randolph.

**REVIEW OF AGENDA**

Housh noted that the utility ordinances are not on the agenda and will be brought to the table in February after another review of the increases based upon feedback received in the Town Hall.

Housh stated that he would like to withdraw Ordinance 2023-01 in order to revisit the proposed fee increases, stating that in comparing the proposed increases with rates in other communities he is convinced that the increases should be more substantial.

Stokes MOVED to withdraw Ordinance 2023-01. Brown SECONDED.

MacQueen asked where the additional information was located, stating that she had not been aware of any need to reexamine the rates based upon what was in the packet.

Housh responded that his concern is based upon the comparison chart included with the ordinance, and commented that he does not want the ordinance to have to come back to increase fees again.

MacQueen stated that while she does agree that she would like the fees increased, “this is what we are trying not to do,” noting that there had been no new information in the packet.

Housh responded that he had brought the issue up at the prior meeting, and offered some rationalizations for his position.

MacQueen asked to hear from Swinger.

Swinger stated that she had been informed of the desire to withdraw the ordinance in order to increase the proposed fees just that afternoon. She offered that she believed she had made her case clearly at the first reading and had not received any follow-up questions or concerns. “Just tell me what you want done and I will do it,” she said, indicating some frustration at the situation.

Housh CALLED THE VOTE, and the MOTION TO WITHDRAW ORDINANCE 2023-01 PASSED 4-0, with MacQueen abstaining.

#### **CONSENT AGENDA**

1. Minutes of January 3, 2023 Regular Session
2. Credit Card Statement for January, 2023

Stokes MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE THE MINUTES of January 3, 2023. The MOTION PASSED 5-0 ON A VOICE VOTE.

Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE THE JANUARY CREDIT CARD STATEMENT. The MOTION PASSED 5-0 ON A VOICE VOTE.

#### **REVIEW OF AGENDA**

MacQueen asked that time be added to the TLT report because she had information to add.

#### **PETITIONS/COMMUNICATIONS**

The Clerk will receive and file:

Mayor’s Court Clerk re: Monthly and Quarterly Reports (3)  
Foundation Newsletter re: YS Unhoused

Stokes reviewed the materials received.

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

**Reading of Resolution 2023-05** Authorizing the Village Manager to Accept a Grant Award from the Ohio Department of Public Safety for Year One Purchase of Equipment for Operationalization of Body Worn Cameras in the Yellow Springs Police Department. Stokes MOVED and Brown SECONDED a MOTION TO APPROVE.

Burge noted that the resolution allows the Village to accept the funds received from a grant application. The funds will cover the first year of the implementation roll out, and Burge stated that she

has been both applying for more grants and seeking opportunities for funding the BWC initiative past year one.

In response to a question from MacQueen, Burge stated that the State of Ohio is supporting the initiative at least in the first year.

Responding to questions from Housh, Burge stated first that yes, if funding is not obtained, the Village will be responsible for funding the initiative past year one. She stated that that while the vote on Andre's Law (which would mandate BWCs for all law enforcement entities across Ohio by 2024) will occur this summer, BWCs are the next step in transparency for law enforcement.

MacQueen suggested contacting the Ohio Municipal League to encourage them to lobby legislators to provide funding for the initiative statewide.

Burge responded to a question from Stokes, stating that because the cameras are sold in batches of eight, the Village will purchase two batches and have four cameras as backups.

Salmeron stated that he is concerned about ongoing funding for the program and offered to reach out to OML.

Housh CALLED THE VOTE, and the MOTION PASSED 5-0 on a VOICE VOTE.

**Reading of Resolution 2023-06** Authorizing the Village Manager to Enter into a Contract with JNT Excavating, LLC for King Street Water Main Extension. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron explained the project briefly, noting that the bid is considerably less than originally proposed.

Housh CALLED THE VOTE, and the MOTION PASSED 5-0 on a VOICE VOTE.

**Reading of Resolution 2023-07** Authorizing the Village Manager to Enter Into Bike Path Tie-In Agreements with Interested Property Owners. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron noted that the resolution will create a legal route for abutting property owners to connect to the trail system, which is desired as a way to promote connectivity overall.

Housh CALLED THE VOTE, and the MOTION PASSED 5-0 on a VOICE VOTE.

**Reading of Resolution 2023-08** Approving a Then and Now for the First Quarter of 2023. Stokes MOVED and Brown SECONDED a MOTION TO APPROVE.

Salmeron explained that this will cover an increase in cost for permit processing due to an increase in permit requests.

Housh CALLED THE VOTE, and the MOTION PASSED 5-0 on a VOICE VOTE.

**Reading of Resolution 2023-09** Approving a Salary Adjustment for Judith O. Kintner for Continued Service as the Clerk of Council. Stokes MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE.

Council members made heartfelt and kind compliments regarding the Clerk's performance.

Housh MOVED TO add to the resolution a 2% merit increase and a 4% COLA increase. MacQueen SECONDED, and the MOTION PASSED 5-0 on a VOICE VOTE.

Housh CALLED THE VOTE ON THE AMENDED RESOLUTION, and the MOTION PASSED 5-0 on a VOICE VOTE.

### **CITIZEN CONCERNS**

There were no Citizen Concerns.

### **SPECIAL REPORTS**

**Police Department Annual Report.** Burge presented highlights from the annual report from the YSPD. The data-dense 45 page report is thorough, and is available at [www.ysp.com](http://www.ysp.com).

Following the report, Stokes received confirmation that YSPD received no formal complaints during the entirety of 2022.

DeVore Leonard received confirmation that none of the entities that hold public events in the Village pay for any police services for those events.

DeVore Leonard expressed admiration for the array of providers with whom COS Randolph works, noting that she is a "major resource".

MacQueen received confirmation that not all of the listed traffic stops result in anything further than a verbal warning.

Burge noted that she is working to reduce the number of calls listed as "miscellaneous" so that the data is clearer and more accurate.

**Tecumseh Land Trust Report.** Executive Director Michele Burns presented an update, noting that the Country Commons and Jacoby Greenbelt areas are those prioritized by Council as critical to protection of the Village watershed.

Burns emphasized the importance of the support of the Village to purchase of conservation easements and in obtaining grant funds.

Burns noted that the Village is a partner in TLT's receipt of grant funds from the USDA, and as their partner had pledged the availability of \$250,000 in the Village Greenspace Fund for potential purchase of easements through the end of the grant period. Due to delay in obtaining the grant funds, Burns said, the grant started in 2018 (rather than in 2017 as the Village had assumed when pledging the availability of funds through Resolution 2017-43) and runs through August 31, 2023. Burns noted that TLT intends to file for a one-year extension of the grant, which would presumably require that the Village hold the funds available through August 31, 2024.

Burns asserted that there is a narrative that the Greenbelt contributes to lack of available housing and high home costs. She disputed this, pointing out that housing must be built within the urban service boundary, and TLT does not recommend to the Village the conservation of land inside of the urban service boundary (USB).

Burns commented further that TLT abstained from any conversation or opinion regarding the Oberer development because it lies within the USB.

Burns asked that the Village continue to work with TLT beyond the grant commitment period to continue to identify key properties for conservation and plan together.

Burns responded to a question from MacQueen, noting that only the Jacoby Greenbelt and Country Commons areas on the map are identified as priorities for the Village due to impact on the watershed.

DeVore Leonard noted budget concerns for the Village and asked for a response.

Burns responded that the Village has a prior commitment “for five years” through the grant previously identified.

Burns noted the importance of matching funds in leveraging grants.

MacQueen noted that TLT and the Village had agreed together regarding the importance of the identified areas in preventing sprawl encroachment.

Housh expressed appreciation for the collaboration between TLT and the Village. He compared the relationship with TLT to that with Home, Inc. as an ongoing collaboration.

Stokes asked what amount TLT would like to see in an ongoing Greenspace Fund.

Burns demurred, stating that grant match amounts differ, but that any amount would be helpful.

MacQueen brought up a program that identifies watershed areas for potential grant funds.

Susan Jennings from Agraria spoke about the need to conserve natural resources and upcoming efforts in this direction.

## **MANAGER’S REPORT**

Salmeron reported that the Village EV chargers are now working and noted future efforts to expand these.

Salmeron announced April 8 as “Shred It Day” at the Bryan Center, with free shredding services available to all. Housh added that Earth Day and Celebrate Trails Day will be coming up that month as well.

## **OLD BUSINESS**

**Proposal for a Council Committee on Public Safety.** Housh acknowledged the document submitted to the packet by DeVore Leonard and commented that it seems ready for next steps.

Council discussed the proposal and their interests in participating in the committee.

DeVore Leonard promoted the notion of different members of Council participating in different ways and coming together at Council table to discuss impressions and findings.

Housh suggested following the Committee structure set forth by the Finance Committee.

Burge asked for clarification as to the end goal of the proposed committee.

DeVore Leonard responded that the purpose is the answer the question as to whether or not there should be a change in the size of the department, as well as other ideas such as merging police and fire services, etc.

Burge addressed this, stating that as she has made clear in her reports to Council, the PD is currently at minimal staffing, meaning that if the conversation to reduce the size of the department is to continue it will mean not providing 24/7 police coverage. She stated that she is happy to contribute to discussion around expansion of the social worker role and volunteer social workers.

Salmeron commented that the last five years in particular have been spent building a police department modeled around Village values and priorities.

DeVore Leonard responded by suggesting that if the department is now at minimum staffing, perhaps the first task of the committee is to understand operations.

Housh observed that Burge had clearly made the case regarding staffing needs, stating that the committee may be considering a different model as the hard look at the budget evolves.

Swinger asked that Council not lose sight of the fact that the Village is a destination and attracts a high number of visitors and hosts many events, all of which require an increased police presence.

DeVore Leonard stressed that “given the current budget situation, everything is on the table.”

MacQueen commented that if “everything is on the table” than “everything really should be on the table, including the pool, the Youth Center, etc.”

Housh suggested making a final decision regarding the proposed committee at the Goals Retreat.

## **NEW BUSINESS**

**Retreat Agenda and Review Expectations.** Housh referenced the draft retreat agenda, and Council members noted their particular areas of interest vis a vis Village goals. He encouraged meeting participants to provide action plans and feedback regarding the goals as they are currently outlined.

## **BOARD AND COMMISSION REPORTS**

DeVore Leonard NOMINATED Scott Osterholm as a full member of Planning Commission, noting that Frank Doden has chosen to step back into an alternate role for the present. Stokes SECONDED, and the NOMINATION PASSED 5-0 ON A VOICE VOTE.

DeVore Leonard reported on Planning Commission activities, noting that PC discussed goals and decided to focus on hearing the “Neighbors for More Neighbors” group and responding before determining other 2023 goals.

Brown reported that PACC has welcomed its new members, and that in 2023 plans to develop a busking card and to replace the now-worn BLM banner. She added that language for the VIDA award will be expanded to include all art forms.

Brown noted that PACC is working with Glen Helen Archivist Bill Kent to honor Helen Louise Birch Bartlett by working to obtain one of the original art works she had acquired for display in the Village.

MacQueen reported a successful EC goals retreat held the previous Saturday.

## **FUTURE AGENDA ITEMS**

- Feb. 7:**       **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  
              **Ordinance 2023-05** Amending Chapter 432.45 Concerning Regulation of Text Based Communication While Driving of the Codified Ordinances of the Village of Yellow Springs  
              **Ordinance 2023-06** Repealing and Replacing Appendix A to Section 1272.04 of the Yellow Springs Zoning Code Establishing Permit Fees  
              CASP Report  
              Fourth Quarter Financials  
              Treasurer's Report  
              Planning Commission End of Year Report
- Feb. 17:**       **Council Work Session: Housing, 4-6pm**
- Feb. 21:**       **Second Reading and Public Hearing of Ordinance 2023-02**  
              **Second Reading and Public Hearing of Ordinance 2023-03**  
              **Second Reading and Public Hearing of Ordinance 2023-04**  
              **Second Reading and Public Hearing of Ordinance 2023-05**  
              **Ordinance 2023-0X** Amending the Personnel Policy Manual to Incorporate Anti-Discrimination Language per OCRC Settlement  
              Committee Structure Proposal Update

## **ADJOURNMENT**

At 9:20pm, Stokes MOVED TO ADJOURN. DeVore Leonard 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