

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

**Virtual Meeting @ 7:00 P.M.**

**Monday, August 17, 2020**

**CALL TO ORDER**

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

**ROLL CALL**

Present via Zoom were President Housh and Council members Marianne MacQueen, Laura Curliss and Kevin Stokes. Also present via Zoom were Village Manager Josue Salmeron, Public Works Director Johnnie Burns, Finance Director Colleen Harris, Zoning Administrator Denise Swinger, Sergeant Naomi Watson and Solicitor Breanne Parcels. Council person Lisa Kreeger was absent due to a medical leave, and sent her regrets.

**ANNOUNCEMENTS**

Salmeron announced closing of the Gaunt Park Pool on August 30<sup>th</sup>. He thanked all pool staff and Samantha Stewart, Pool Manager for a safe season.

Housh announced that the Village has won the Sustainable Community of the Year Award from the Partners for the Environment, a Miami Valley collaborative. He announced the virtual ceremony for September 16<sup>th</sup> from 6-7:30.

Housh announced National Non-Profit Day and thanked area non-profits, the Morgan Family Foundation and the Yellow Springs Community Foundation.

Housh noted a Request for Designs for the BLM street mural has passed. After determining that there have been no formal submissions to date, he asked that the deadline be extended through September third and advertised widely.

Finally, Housh remembered Villager Brian Maughn, an area sculptor whose work is found in front of the Mills Park Hotel, and who was most recently working on the Wheeling Gaunt bronze sculpture. Housh showed several slides and memorialized Maughn as a “wonderful human being who brought so much to our community.”

**CONSENT AGENDA (7:10)**

1. Minutes of July 20, 2020 Regular Session
2. Minutes of August 3, 2020 Special Session

ROLL CALL VOTE. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

**REVIEW OF AGENDA**

Housh added to Special Reports the topic “Update on Council Response to Demonstrators”.

**PETITIONS/COMMUNICATIONS**

The Clerk will receive and file the following:

Mori Rothman re: BLM Banner Request  
Steve and Karen Current re: Food Trucks  
Marcia Wallgren re: Short Street Proposal  
Greene County Health Department re: Immunization Awareness Month  
MacQueen/Stokes Response to BLM Youth Demand Letter  
Youth Letter Demanding Action  
Julian Roberts re: Additional Demands to Council  
Lisa Kreeger re: Black Lives Matter Banner Update  
Kevin Stokes re: Support of YSPD  
Elise Burns re: Mayor’s Court Report and Stats  
Susan Stiles re: Protest and First Amendment Concerns

For the September 8 Packet: Received Sunday/Monday:  
Luisa Bieri re: Condemnation of Stokes/MacQueen Letter to Protestors  
Dawn Johnson re: Response to Stokes/MacQueen Letter  
Linda Rudawski re: Response to Stokes/MacQueen Letter  
Bomani Moyenda re: Response to Stokes/MacQueen Letter  
Shonda Sneed re: Response to Stokes/MacQueen Letter

Ezra/Gus Lydy re: Response to Stokes/MacQueen Letter  
Nya Brevik re: Response to Stokes/MacQueen Letter  
Yunus Brevik re: Response to Stokes/MacQueen Letter  
Libby Flanagan re: Response to Stokes/MacQueen Letter  
Karen McKee re: Response to Stokes/MacQueen Letter  
Cathy Roma re: Response to Stokes/MacQueen Letter  
Jen Boyer re: Response to Stokes/MacQueen Letter

MacQueen reviewed the communications received.

## **PUBLIC HEARINGS/LEGISLATION**

**First Reading of Ordinance 2020-15** Repealing Section 242.01 “Composition; Classification” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 242.01 “Composition; Classification”: (Community Outreach Specialist). MacQueen MOVED and Stokes SECONDED A MOTION TO APPROVE.

Salmeron stated that he and the YSPD are excited to bring the recommendation to Council, noting that Randolph has proven invaluable in general, and even more decidedly since the challenge of COVID-19.

Salmeron commented that the position is written as non-classified intentionally, noting that her role is different from that of a typical classified employee and meets all of the criteria under the Federal Labor Standards Act.

Curliss raised some objection to the non-classified status of the position and asked that the Solicitor review this for the next meeting.

Parcels commented that the position requires a high degree of discretion in areas not typically those pertaining to Law Enforcement.

Housh conveyed his approval of the action, noting it as one more step in implementing anti-racist actions.

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

**First Reading of Ordinance 2020-16** Decriminalizing Marijuana in the Village of Yellow Springs. Curliss MOVED and MacQueen SECONDED A MOTION TO APPROVE.

Parcels provided a demonstration of how much marijuana is a felony, noting that medical marijuana patients are permitted a 90-day supply, which could be a felony.

Parcels stated that a felony cannot be made into a misdemeanor under Ohio law or decriminalized, so Council’s request that the repercussions of possession be minimized are limited.

Parcels lauded efforts of the YSPD and Mayor’s Court, noting that ticketing has been reduced to nearly nothing and when misdemeanor charges have occurred, they are sent to Mayor’s Court.

In response to a question from MacQueen, Parcels confirmed that indeed, paraphernalia is still a misdemeanor, since it is impossible to know what the paraphernalia is used for until it is tested. She noted that the mandatory Driver’s License suspension for paraphernalia has been eliminated.

Curliss asked why there is still some fine attached to the ordinance. She asked why the fine was not eliminated.

Housh noted that the ordinance will contribute to anti-racist action. He noted the good work of the YSPD in limiting enforcement to this point, and codifying that will be meaningful.

Stokes asked whether education could be provided so that people do not “get too free”.

Parcels noted that Village ordinances are updated annually to reflect ORC.

The Mayor noted the importance of educating citizens on the topic, and read through a list of bullet points. She particularly noted that the ordinance will not impact impaired driving laws.

Parcels answered a question from Tim Shattuck, stating that medical marijuana users are required to carry their medical marijuana card with them if they are in possession of the drug.

Frank Jennings commented that marijuana “should be kept out of downtown and schools.”

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

**Reading of Resolution 2020-32** Authorizing the Village Manager to Enter into an Agreement with Arbor Care for 2020 Utility Line Clearance (Section 3) of the Village. Curliss MOVED and Stokes SECONDED A MOTION TO APPROVE.

Burns noted that Arbor Care’s proposal had been “lowest and best”, and described the parameters of Section 3.

Burns addressed a question from Stokes, stating that the Village changed its standard for trimming in 2019 to allow for trimming below communications lines.

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

**Reading of Resolution 2020-33** Authorizing the Village Manager to Enter into a Purchase Agreement with Piqua Lumber, LLC for a Pole Barn Assembly. Stokes MOVED and Curliss SECONDED A MOTION TO APPROVE.

Burns noted that the pole barn is needed to store the Village’s electric trucks, and will be an asset in preserving the integrity of Village equipment.

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

**Reading of Resolution 2020-34** Approving a Two-Year Extension of the Existing Contract with Rumpke Waste Services. MacQueen MOVED and Stokes SECONDED A MOTION TO APPROVE.

Salmeron noted that Rumpke is the key provider for recycling for this area, making them the best option currently. Salmeron noted that the service tiers will be consolidated, which will offer the same services for customers, who will have the option to increase pick up volume periodically.

Salmeron noted that a rate increase ordinance will follow, since rates will need to increase slightly. He made note of several other options available to customers.

Megan Bachman, Yellow Springs News, asked what the overall increase from Rumpke was, and Salmeron delineated those.

Donna Silvert commented upon the need to seek out Black-owned service provision companies.

Salmeron commented that Rumpke is the most competitive in terms of a turn-key solution. To find a minority owned business in this arena would mean multiple providers.

Kate Hamilton noted that Arbor Care is locally- and Black-owned.

In response to a question from Housh, Salmeron noted that solid waste volume in the Village has increased overall in the last two years.

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

**Reading of Resolution 2020-35** Establishing a Justice System Collaborative Committee for the Village of Yellow Springs. MacQueen MOVED and Curliss SECONDED A MOTION TO APPROVE.

Housh commented that establishment of this Committee is an important step in acting in an intentionally anti-racist manner. He noted two informal meetings of the proposed committee to date, one of which looked at and vetted the resolution. He asked that the group meet regularly “the Tuesday before Council meetings” so that Council can receive regular report-outs.

Megan Bachman asked whether the Committee will be an official commission of Council and follow Sunshine Law, and if not, why not?

Housh stated that the committee will follow Sunshine Law, but is set up differently so that it can be more flexible and more inclusive.

MacQueen asked how members are gathered and whether there are terms, whether persons are interviewed for membership.

Housh stated that there are “many who want to be actively involved” and that at a later point the group might become more specific in terms of the number of participants. He commented that if the Committee needs to “be tweaked”, he is open to that possibility.

Stokes asked whether the Justice System Commission is still a player or whether this group supersedes it. He asked where the idea of a Citizen Review Board fits into this Committee.

Housh responded that a Citizen Review Board has not yet been formed, and that the Committee is not meant to take the place of such a board.

Curliss stated that she would be more comfortable with a Public Safety Committee, which would be open to the public. She suggested that this discussion could be held in more depth at a Council retreat. That said, Curliss stated that she is in favor of the Committee.

Housh responded that Council “can attend” but need to be mindful that recommendations will come to Council meetings.

The Clerk commented that the JSTF had been very inclusive of public participation, noting that a number should probably be determined for membership so that a quorum can be determined.

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

**Reading of Resolution 2020-36** Authorizing the Village Solicitor to Take Legal Action Defending Village Charter Section 6 Voter Qualifications. Curliss MOVED and MacQueen SECONDED A MOTION TO APPROVE.

Parcels stated that she would prefer to have all Council members weigh in on the decision, and was suggesting a special meeting for that reason. She noted that she would not be the attorney of record if the Village did decide to pursue the matter, but did have a strong recommendation as to a firm that would be qualified in election law.

Parcels noted that Council does now have time to weigh its options, since the Board of Elections has put off making a decision on its response to the Secretary of State until September 15<sup>th</sup>.

Housh noted that he, Salmeron, Parcels and Curliss had attended the Board of Elections meeting that occurred in August.

Housh MOVED TO TABLE THE RESOLUTION. MacQueen SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

The Clerk will schedule and notice the Special Meeting.

## **CITIZEN CONCERNS**

There were no Citizen Concerns.

## **SPECIAL REPORTS**

**Report from Yellow Springs Community Foundation:** COVID-19 Resources. Jeanamarie Cox noted the role of the Community Foundation over the last 45 years as a resource for charitable giving and grant-making. She thanked donors and volunteers and gave an overview of the resources made available for COVID relief.

**Update on Council Response to Demonstrators.** Housh read a statement from Chief Carlson, who had previously been scheduled for vacation time, who acknowledged what he had learned in conversation with BLM activists, and stated that he has changed his thinking and looks forward to continuing to work with this group.

Both MacQueen and Stokes read statements that they had written in response to reaction from many in the community regarding their letter to the BLM protestors. Those letters are contained in the record for the meeting.

MacQueen read through the list of demands made by BLM youth, responding to each of these.

From the government side, Salmeron stated that the request for further data contained in police and Mayor’s Court reports and performance data could be accommodated. He gave several examples of these.

Housh commented several times that the JSCC will be vetting this information and addressing all of the demands.

Housh noted making the COS position full time is a step towards funding a change.

Stokes responded to the demand regarding addressing bias, stating that he has been working with the Village Manager to implement regular staff trainings addressing bias. He noted that HRC

might be a resource for this.

Stokes noted that he has been working with the Village Manager to identify ways to prioritize more Black- and women-owned businesses as providers for Village needs.

Housh commented that now that the JSCC has been established, nearly all of the goals around anti-racist actions go through that body so that the process is consistent and community expertise and perspectives are incorporated in decision making.

Curliss stated that the details have yet to be worked out, and the list will change and grow.

Housh responded to a question from Linda Rudawski that he would pursue the possibility for citizens to participate in trainings.

Angela Allen commented that the topic of silencing the youth protestors has been under discussion for several weeks, and stated that she believes the group is ready to move forward at this point.

Megan Bachman expressed confusion that all anti-racism activities will be addressed under the “Justice System” umbrella.

Housh indicated that the new Committee will address anti-racist action.

Sergeant Watson indicated that all officers do have to complete 40 hours of CIT training, but that there is more training available to YSPD officers dealing with current issues such as implicit bias, and new officers are asked to take these additional trainings before completing their training period.

Julian Roberts stated that she will provide a list of updates to the BLM demands letter.

Bomani Moyenda received information as to how to join the JSCC. He expressed that he is encouraged and is proud of the youth leaders for working through difficulties.

Housh encouraged all interested persons to attend the JSCC meetings. Housh identified the next meeting as September 1<sup>st</sup> at 3pm, and indicated that an agenda would be sent ahead of time and that minutes would be taken and the meeting recorded.

## **OLD BUSINESS**

**Update on Meaningful Action re: Anti-Racism and Justice.** Housh identified a table he had provided with a list of actions to take both locally and regionally with the status of each of those actions. Housh noted that the JSCC will continue to address items on the list and to keep it updated. He stated that JSCC meetings will be one hour maximum, and that there will be a report-out at every Council meeting.

**Update Regarding Village Charter Amendment Ballot Issue.** Housh noted that this had been covered earlier in the agenda. He did ask any Village resident who has been disenfranchised by the Secretary of State’s directive to contact the Village if they feel comfortable doing so.

## **NEW BUSINESS**

**Finance Committee Recommendations re: CARES Act Funds.** Salmeron presented a PowerPoint presentation summarizing the funds received and how those break down within the budget. He noted an Ohio Office of Criminal Justice award of \$12,000.00 received in addition to the CARES Act funds.

Salmeron detailed the expenditures that are being reimbursed.

Salmeron provided a list of recommendations the Village is making in terms of proactive responses to the COVID crisis, such as wireless mesh, school support at the JBC, and ongoing provision of hand sanitizer and signage.

Salmeron stated that the money should be allocated by the end of September.

Curliss suggested that Council approve the recommendations made by Salmeron except for that of the school support, for which more information is needed.

Housh appreciated that Salmeron is reaching out to a variety of resources to access funding.

Council gave general support for Salmeron’s recommendations, and asked that he bring further information to the September 8<sup>th</sup> meeting.

**MANAGER’S REPORT**

Salmeron asked for Council approval to remove the digital messaging boards located at Village entry points since the mask mandate is now state-wide. This received approval.

Salmeron noted that the wifi at the Train Station is working well.

Salmeron stated that the last day for the Gaunt Park Pool will be August 30.

Salmeron noted that a new time of travel map will need to be provided for the Vernay clean up effort, but the current update has been accepted by the Ohio EPA.

Salmeron thanked Colleen Harris for her service to the Village and wished her well in her new position in another community.

Danielle Harris will return to the YSPD as a part time dispatcher as-needed.

Salmeron reviewed PD updates, noting ongoing support for the weekly BLM protests. He noted training on “Duty to Intercede” provided by the YSPD.

Sidewalk repairs are ongoing, and a sink hole on Corry Street is scheduled for mitigation.

The Lift Station pump has arrived and will be installed soon.

The Comprehensive Land Use Plan goes to Planning Commission for a final review on September 15<sup>th</sup>, and will come to Council upon PC recommendation.

**BOARD AND COMMISSION REPORTS**

MacQueen asked Council to direct PC to review their parking regulation. She will bring a recommendation to the next Council meeting.

Stokes NOMINATED Carmen Lee to the Human Relations Commission. Housh SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

**FUTURE AGENDA ITEMS\***

- Sept. 8:

**Second Reading of and Public Hearing of Ordinance 2020-15** Repealing Section 242.01 “Composition; Classification” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 242.01 “Composition; Classification”:  
(Community Outreach Specialist)

**Second Reading of and Public Hearing of Ordinance 2020-16** Decriminalizing Marijuana in the Village of Yellow Springs

**Reading of Resolution 2020-37** Adopting a Resolution of Services to be Provided for Proposed Strewing Annexation

**First Reading of Ordinance 2020-17** Amending the Zoning Code Map

**Emergency Reading of Ordinance 2020-18** Amending Section 1060.06 Service Charges of; Chapter 1060-Storage and Collection of Garbage and Other Services; of Title Six-Other Public Services; of Part Ten-Streets, Utilities and Public Services of the Codified Ordinances of the Village of Yellow Springs, Ohio and Declaring an Emergency

**Reading of Resolution 2020-37** Adopting a Resolution of Services to be Provided for Proposed Annexation of Approximately 33 Acres North of East Hyde Road and West of Spillan Road

Update on Meaningful Action re: Anti-Racism and Justice
- Sept. 21:

**Second Reading and Public Hearing of Ordinance 2020-17** Amending the Zoning Code Map

**Resolution 2020-38** Adoption of 2020 Comprehensive Land Use Plan
- Oct. 5:

**Ordinance 2020-XX** Approving Subdivision Regulations for the Village Zoning Code Regarding Stormwater Management

**Ordinance 2020-XX** Approving Proposed Text Amendments to the Village Zoning Code

\*Future Agenda items are noted for planning purposes only and are subject to change.

**ADJOURNMENT**

At 9:39pm, MacQueen MOVED and Stokes SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 on a voice vote.

\_\_\_\_\_  
Brian Housh, Council President

Passed:

\_\_\_\_\_  
Attest: Judy Kintner, Clerk of Council