

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

Virtual Meeting 6:30 P.M.

Monday, March 15, 2021

CALL TO ORDER

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

ROLL CALL

Present via Zoom were President Housh, and Council members Marianne MacQueen, Kevin Stokes, Lisa Kreeger, and Laura Curliss. Also present via Zoom were Village Manager Josue Salmeron, and Solicitor Breanne Parcels.

EXECUTIVE SESSION

At 6:31, MacQueen MOVED and Stokes SECONDED a MOTION TO ENTER EXECUTIVE SESSION For the Purpose of Discussion of a Complaint against a Village Official, pursuant to RC 121.22(g)(1). The MOTION PASSED 5-0 ON A ROLL CALL VOTE. Present in the session were the Village Manager, Solicitor, and Council Clerk.

At 7:02, Stokes MOVED and Kreeger SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

ANNOUNCEMENTS

Parcels noted that it is “Sunshine Week”, and the new Sunshine Manual is now available from the Ohio Attorney General’s office.

Salmeron announced that the Village will be deepening the relationship with Community Gardeners and improving that program.

Salmeron announced that Yellow Springs is entered in the “Strong Towns” contest, and encouraged all to vote.

Salmeron noted that the Village is expecting several hundred thousand dollars from the American Recovery Act, and more information will follow. He stated that he is working with Finance Director Matt Dillon as to the best uses for these funds.

KellyAnn Tracy announced that she is putting a new endeavor into action. The enterprise, called “Holding Space”, will begin with a community Easter egg hunt at Gaunt Park. She asked for funding from the Village.

Kreeger announced Bomani Moyenda’s play “What’s Done in the Dark” will premiere at Central State and on livestream on April 2nd and 3rd.

MacQueen thanked Raven Behrens for entering the Village into the “Strongest Towns” contest.

MacQueen noted a fundraiser for B W Greenway consisting of Easter baskets for sale at the Farmer’s Market and Senior Center.

Housh wished Josue Salmeron a Happy Birthday.

Housh asked for a “downtown signage refresh” for masking up and following safety protocols.

Housh asked Salmeron to consider a renewed push for safety protocols.

Housh commented that he and Salmeron had been asked to speak to the Youth Action Board, and that Board plans to come to Council with projects they would like to see put into action.

Salmeron explained that the virtual Town Hall on April 14th will provide information and seek input from citizens regarding the Limestone Street sidewalk project.

SWEARINGS-IN

Matthew Kirk, Planning Commission Alternate, was sworn in by President Housh.

CONSENT AGENDA

1. Minutes of March 1, 2021 Regular Session

Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE the minutes as presented. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

REVIEW OF AGENDA

Housh added the Fracking Sign-on letter and the request from Tracy to New Business.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Elise Burns re: Mayor's Court Reports (2)
GCPH re: Nutrition Month and Vaccine Registration Link
Gyamfi Gyamerah re: Juneteenth Holiday
Laura Curliss re: Public Broadband (2)
Mitzie Miller re: Proposed Agreement with Home, Inc.
Melissa Tinker re: Transient Guest Lodging
Laura Curliss re: Historical Reference to Housing Debate
Laura Curliss re: Power Siting Information (2)
Gyamfi Gyamerah re: Sub Group of 365 Communication
Marianne MacQueen re: Solar Farm Update
Marianne MacQueen re: Strong Town Seminar
Brian Housh re: Fracking Communication

MacQueen reviewed the materials received. Housh asked for a Special Report on municipal broadband, which has been a project in the works for the past seven years. Salmeron clarified that the expansion described in the included materials includes outlying rural areas and would not include the Village.

PUBLIC HEARINGS/LEGISLATION

Ordinance 2021-05 Repealing and Replacing Section 1064.02--Rates, Admissions and Season Hours of Chapter 1064--Municipal Swimming Pool of Part Ten--Streets, Utilities and Public Services of the Codified Ordinances of the Village of Yellow Springs, Ohio. Curliss MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron noted that the pool rate increase for 2020 had to adapt to pandemic safety protocols, and as a result very little income was derived. He noted consistently increasing costs for chemicals in supporting the need for a modest increase.

Salmeron introduced Parks and Recreation Supervisor Samantha Stewart by photo and job description, stating that it had been wrongly assumed during the previous meeting that the Village does

not have a Parks and Recreation supervisor position.

Salmeron stated that the pool is scheduled to open on May 29th with all CDC guidelines in place.

Salmeron asked that there not be days set aside for Villagers only, stating that these times had been underused in 2020.

In response to a question from Kreeger, Salmeron confirmed that there will be adult lap swim times provided.

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

CITIZEN CONCERNS

Megan Bachman, Yellow Springs News asked about the degree of softening currently provided through the Village system so that citizens know where to set their water softeners. Salmeron stated that he would follow up with this information.

Gyamfi Gyamerah stated his support for the Juneteenth Holiday, which will be on the agenda for April 5th as a current and historical event of importance. He spoke against using government funds for a Christmas holiday, stating that if all religious holidays are not acknowledged, none should be.

Gyamerah stated, regarding the Citizen Review Board and striking use of the word “race”, that he is working through the 365 Group on these. He referenced demonstrators’ demands, noting that these are his guidelines.

Housh noted that these guidelines have been incorporated into the work of the Justice System Collaborative Committee.

SPECIAL REPORTS

Environmental Commission End of Year Report. Mark Ewalt provided a PowerPoint presentation describing the work of the EC over the last year, and previewing that group’s efforts for 2021, which are already underway.

MacQueen thanked members of the EC and thanked Nadia Malarkey and Tom Dietrich, who are resigning from the group, and have done a great deal.

MacQueen noted that the Climate Action Plan will serve as a driver for the group in 2021. She noted the importance of collaborating with other groups and with the Village Crew.

Housh praised the efficacy of the EC model, pointing out this group’s ability to add capacity to Village endeavors.

OLD BUSINESS

Climate Action Planning. MacQueen noted that she has been researching the topic and speaking with resources about this, including Salmeron.

Salmeron noted that the Village’s portfolio is made up primarily of renewables—more than 80%--and has, as a practice, engaged in sustainable practices. Memorializing this in a planning document, and strengthening these positions makes sense, he said.

Salmeron stated that he plans to connect the Climate Action Plan and the Village’s energy portfolio. He reviewed the number of Renewable Energy Credits earned by the Village last year, and

suggested that funds from the sale of these RECs could be used to support the Climate Action Plan, and he enumerated several of these possibilities.

MacQueen stated that the plan is for herself and Salmeron to work with the Environmental Commission to develop a preliminary Climate and Sustainability Action Plan that would then be brought to Council, probably for the first meeting in May.

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

*** Update on Decriminalizing Minor Misdemeanors Pilot Project.** Curliss stated that the proposal is meant to reduce pretextual stops, which can be used to target persons of color. Minor Moving Violations and Mechanical Failures are two of these, and Curliss stated that the YSPD has already begun implementing this reduction, which includes the sending of a letter informing the driver of the offense. She stated that statistics would be kept from April 1-August 1 by the PD, after which time the Subcommittee would review the information.

Salmeron stated his support for the endeavor, but noted that the agreed-upon protocol for bringing proposals to Council had not been followed in this case, that being for a written recommendation to be provided for feedback prior to any implementation. He stated that this step is important in assuring that the implementation is smooth, and that the project has wide approval.

Housh asked that the proposal be placed on the JSCC SharePoint site, and noted that the Clerk has now sent the document to all JSCC members for comment. He opined that the matter can now be brought back to Council for approval on April 5th, and can begin implementation as soon as Council approves.

Curliss commented that this project is already in place by the YSPD.

Carlson responded that while his officers are currently not stopping drivers for these misdemeanor offences, they have not been issuing letters to drivers, and have not been keeping statistics.

Curliss stated that the project has been vetted by a number of persons, including the Chief and Mayor, through the work of the subcommittee, and that in her estimation, the project has had the opportunity for input from all JSCC members.

Housh cited past problems that have arisen from projects that have not followed a thorough process. He confirmed that a final document had not come to the JSCC prior to the email that was sent out recently.

Curliss stated her belief that what she had presented to the group had been sufficient, but that she would follow procedure and bring the matter back to the JSCC.

Salmeron expressed support for the process, stating that as chief administrator, he needs to be fully aware of what his supervisees are being asked to do, and a thorough process assures that.

Kreeger clarified that what needs to be further discussed is the rest of the process—the letter follow-up and data collection. She asserted that perhaps the Village Team might be best to suggest how to achieve those objectives.

MacQueen commented that the project should have been discussed before it began to be implemented. She stated that she would object to including loud noise on the list of minor misdemeanors since, unlike a broken tail light, for example, noise is intentional.

Gyamfi Gyamerah commented that this situation is exactly why people become frustrated with Council, and expressed his confusion as to the process.

Housh clarified that once the proposal comes to Council, any changes are made during that Council meeting—there is no return to the Committee at that point.

Kreeger spoke to the matter of the proposed Citizen Review Board. She made reference to historical documents included in the packet. She pointed out the members of the 365 Project had been involved in the initial work of contemplating a Citizen Review Board and of revising the Guidelines for Village Policing, and that she was pleased to see some of those same members of the 365 Project again committing to work on these proposals. She noted that 365 would review the proposals and determine what, if anything, to send on to the JSCC, who would then further refine the proposals to send on to Council. Kreeger offered herself in the role of historian and fact-checker, to assure that accurate information is being conveyed throughout the process.

Housh noted the efficacy of the processes for decriminalizing marijuana possession, for the pilot for capturing encounter data, and the upcoming initiative for improving staff performance evaluations. Housh commented that a major difference can be made by evaluating officer interactions and performance in line with Village Values and the Guidelines for Village Policing.

Housh referred to the process for addressing the Guidelines for Village Policing, noting that people were led to believe that the Guidelines were implemented without community involvement. He disputed this as disinformation, noting that he had been instructed not to speak at a meeting convened by Gyamerah in which he could have clarified the matter, and that a letter from John Gudgel on the topic was ignored. Housh referred to the timeline in the packet, which details five years of discussion and collaboration in the development of and then revision of that document.

Gyamerah asked to comment at this point. Housh indicated that the period for comment was done, and asked that he respect Council's need to move the agenda forward.

*** Status of JSCC.** Housh expressed enthusiasm for the number of groups stepping up to become involved in the JSCC initiatives, including 365 Project and YS Speaking Up for Justice and he pointed out that it had been the intention of the JSCC from the outset to act as a catalyst.

Housh stated that e-mail and SharePoint could be used to share information and ideas with JSCC members moving forward now that subcommittees and other groups are actively meeting re: initiatives.

NEW BUSINESS

Nomination of Citizen to Utility Dispute Resolution Board. The Clerk asked that Gary Zaremsky be nominated to the Utility Dispute Resolution Board to replace Dino Pallotta, and that Jane Scott be nominated for another five-year term, since her term has expired.

MacQueen NOMINATED Gary Zaremsky to the UDRB. Kreeger SECONDED, and the NOMINATION PASSED 5-0 ON A ROLL CALL VOTE.

MacQueen NOMINATED Jane Scott to a second term on the UDRB. Stokes SECONDED, and the NOMINATION PASSED 5-0 ON A ROLL CALL VOTE.

Consideration of Sale of Renewable Energy Credits. Salmeron gave a presentation, offering three options: sell all RECs and keep the \$148,323 profit, sell all RECs and buy the same number of RECs at lower value for a profit of \$112,000, or sell none of the RECs. Salmeron recommended the second option and enumerated ways in which the profit could be used to effect climate action activities.

Council members made noted of the same dilemma faced in 2020—that of benefitting a polluter by selling Village RECs to that entity. They debated the merits of purchasing cheaper RECs with some of the proceeds from selling the high value RECs owned by the Village.

MacQueen expressed objection to purchase of RECs, stating that this would be essentially just for show, and that the funds would be better used to fund sustainability and climate action activities.

Salmeron responded to a question from Stokes, stating that the RECs from the Village would be sold in the compliance market, and the RECs purchased would not be purchased from the compliance market.

Curliss asked whether Salmeron would be satisfied with the non-compliance credits purchased.

Salmeron stated that he would, since the Village does not require any compliance credits.

Curliss commented that this practice seems to enable polluters.

Housh asked that the matter be brought back for a final Council decision on April 5th.

Anti-Fracking Letter Sign-on. Council agreed informally to have Housh sign on to the online letter for Council as a body.

Request for Funding for Easter Egg Hunt. Housh stated his preference that the request go to a Council Commission, but noted that there may not be enough time for that to happen.

Kreeger agreed that the ACC will not be meeting soon enough to consider the request, and commented that ACC plans to use its budget almost entirely on mural projects for 2021.

Housh asked whether any Council person wished to propose an amount.

MacQueen proposed \$1,000.00.

Kreeger commented upon a comment in the Zoom chat made by Gyamerah, who objected to government funding of a religious event, stating that she had not considered this, and that perhaps the Village should not fund the event.

Curliss concurred.

Stokes stated his support for the event, and the need to change the name if possible.

Housh commented again that these are all reasons that requests should be made in advance of a Council meeting and publicly noticed, but stated that he had heard enough to conclude that there was not unanimous support for funding the event.

MacQueen commented that an Easter Egg hunt is not a religious event, but is more a Spring celebration to which Housh concurred.

MANAGER'S REPORT

Salmeron commented that he and Finance Director Dillon are working together to identify projects for American Recovery Act funds, and are reaching out to county treasurers to fully understand proper use and management of the funds. ARA funds will be disbursed in two sets, he commented.

Salmeron announced that Clerk of Court Elise Burns has been hired as a full-time Utility Clerk, and that the Mayor will be advertising for the Clerk position imminently.

Salmeron noted pool opening set for May 29th, and announced that the Bryan Center will be opening to the public again under COVID protocols beginning June 1st.

BOARD AND COMMISSION REPORTS

MacQueen NOMINATED Riley Dixon to the Environmental Commission. Curliss seconded, and the NOMINATION PASSED 5-0 ON A ROLL CALL VOTE.

MacQueen NOMINATED Alex Klug to the Environmental Commission. Curliss seconded, and the NOMINATION PASSED 5-0 ON A ROLL CALL VOTE.

FUTURE AGENDA ITEMS

April 5: Juneteenth Holiday Proposal
Minor Misdemeanor Pilot Project
Cemetery Street Village Owned Property Discussion
Weeds Ordinance
Sidewalk Tables During COVID/Restriction Roll back
Reciprocal Taxation Model Presentation (Angela Veazey, RITA Account Manager)

April 19: Parking Minimums Ordinance
DORA Discussion

Housh asked whether Curliss wanted to bring anything forward from the last PC meeting as a topic for Council.

Curliss noted that she would like a formal Ethics Commission opinion on whether PC members who are owners of rentals needed to recuse from the TGL discussions on PC.

ADJOURNMENT

At 9:15pm, Stokes MOVED, and Curliss SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 on a voice vote.

Brian Housh, Council President

Passed:

Attest: Judy Kintner, Clerk of Council