

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

**In Council Chambers @ 6:00 P.M.**

**Monday, October 7, 2019**

**CALL TO ORDER**

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

**ROLL CALL**

Present were President Housh, Vice President Marianne MacQueen and Council members Lisa Kreeger, Kevin Stokes and Kineta Sanford. Also present was Village Manager Josue Salmeron and Village Planning Official Denise Swinger.

**EXECUTIVE SESSION**

At 6:01, Kreeger MOVED and Stokes SECONDED a MOTION TO ENTER INTO EXECUTIVE SESSION for the Purpose of Discussion of the Potential Sale of Village Owned Property. Denise Swinger was present for the session.

At 7:01, MacQueen MOVED and Stokes SECONDED a MOTION TO EXIT EXECUTIVE SESSION.

**ANNOUNCEMENTS**

Devon Townsend presented his Community Service project to Council.

Housh announced that he had been dismayed to learn that the Village is not considered “dog friendly” and noted several dog-friendly efforts in surrounding municipalities.

Housh noted the upcoming events of Street Fair (October 12) and Trick-or-Treat (October 31).

Housh announced that he and MacQueen had toured the Renergy facility. This is the business that removes the sludge that is created by the Waste Water Treatment Plant and puts it through a digester and recycling it in a number of ways. He suggested a special report from Renergy in the future.

Housh read a statement of condemnation directed towards Dr. David Nibert for his actions around his “Save the Antioch Lambs” campaign and disinformation contained in his communications. He noted in part that a protest on the part of Dr. Nibert and his followers is planned for October 10<sup>th</sup>. Housh asked that his statement be sent to PETA, Change.org, and the President of Wittenberg.

**CONSENT AGENDA**

1. Minutes of September 16, 2019 Regular Session
2. Minutes of September 27, 2019 Budget Session
3. Minutes of September 28, 2019 Budget Session

MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE the CONSENT AGENDA. The MOTION PASSED ON A 5-0 VOICE VOTE.

**REVIEW OF AGENDA**

Housh added a letter from Richard Lapedes regarding a Yellow Springs Dog Park to New Business. Salmeron added legislation approving a grant submission to MVRPC to Legislation.

**PETITIONS/COMMUNICATIONS**

MacQueen reviewed communications received as follows:

Governor DeWine re: Response to Village Gun Legislation  
Brian Housh re: Article on Senator Craig’s Local Gun Control Legislation  
Joe Ayres re: Walnut/Short Street Temporary Transportation Project  
Luan Heit re: Walnut/Short Street Temporary Transportation Project  
Pomerantz/Anderson re: Walnut/Short Street Temporary Transportation Project  
Karen Wolford re: Senior Center Request for Funding (2 items)  
Macy Reynolds re: Senior Center Request for Funding  
Patti Bates re: Food Forest Planting  
Macy Reynolds re: AMP Award Support Letter  
Johnnie Burns re: AMP Award Nomination Form  
Johnnie Burns re: Nomination for Tree Award  
Macy Reynolds re: Support Letter for Tree Award

## **PUBLIC HEARINGS/LEGISLATION**

**Reading of Resolution 2019-43** Supporting Passage of House Bill 229. Stokes MOVED and Sanford SECONDED a MOTION TO APPROVE.

Stokes introduced the resolution, which calls for legislators to vote in favor of House Bill 229, which would prohibit discrimination in rental housing based upon lawful sources of income. Stokes noted that this action is in keeping with Village Values.

Stokes commented that he has spoken with Representative Perales about supporting the bill.

Housh suggested sending the resolution to Senator Hackett as well.

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

**Reading of Resolution 2019-44** Approving Membership for the Yellow Springs CDC. Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Kreeger expressed her enthusiasm that formation of a CDC is approaching its final phases. She noted that this represents solidification of collaboration between Village government, the school board, and Miami Township Trustees. She noted that the Code of Regulations will then come to Council for approval. A final piece of legislation identifying the YS CDC as an economic development agent of the Village will come to Council as the final necessary legislation to create the YS CDC.

Housh commented that this organization will have 40% elected officials, and that it will follow Sunshine Law with regard to notice of meetings. HE noted the relevance of the organization to the Comprehensive Land Use Plan.

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

**Reading of Resolution 2019-45** Authorizing the Submittal of Applications for Federal Fast Act Funds Through the Miami Valley Regional Planning Commission. Sanford MOVED and Stokes SECONDED a MOTION TO APPROVE.

Salmeron stated that an opportunity for a grant for a shared use path along Dayton Street from East Enon Road to Elm Street had been identified, and that this resolution would authorize the Village to submit for the grant funds. He noted four intersections that would receive traffic calming treatments as well.

Salmeron noted that the raised tabletop crosswalks suggested in the Active Transportation Plan would not be included in the grant proposal due to concern over problems with emergency vehicles. He noted a proposal from MTRF to utilize cutouts that the wheels could pass through, stating that this and other ideas would be considered.

Salmeron estimated the cost of the project at about \$1,195,658.00, which, if funded, would require a match of \$331,000. He stated that there is a grant opportunity through OPWC which can be pursued to cover the match.

Salmeron noted that the funds would not be required/disbursed until 2025. He noted further that the Village would not have had the flexibility to compete for the FAST Act funds without having an approved ATP in place.

Housh explained the nature of the project, which is to combine a hike/bike trail with four different crossings which include either bump outs (curb extensions).

Housh noted that these are Transportation Alternative dollars, which normally contain a match requirement, and having a state-vetted plan makes the Village a competitive player in the mix of municipalities vying for these funds.

Salmeron noted that this is a first step, and enables the Village to apply for the grant.

Laura Curliss asked how cut-outs would be ADA compliant.

Salmeron stated that more research is needed.

Housh commented that he is not convinced that raised tabletop crossings will not work, since they are successful in other communities.

Megan Bachman, Yellow Springs News, asked whether the newly ramped corners would have to be re-done under this proposal. She inquired further as to whether aspect of the proposal would be “locked in.”

Housh responded that the ADA compliant ramps would not be affected. He noted that receipt of grant funding starts the clock on obtaining engineering studies, which are completed later. He stressed that the plan would receive discussion and public feedback.

Burns commented that it only because the ADA compliant ramps were in place was the Village eligible to submit for the grant funds. He noted that the grant is due October 9<sup>th</sup>.

Housh noted that one of the criterion for scoring is a complete streets policy, which provides the Village a great advantage in the application process.

Salmeron responded to Bachman’s question by stating that the plan can be changed during the engineering phase, and that is expected to happen as the process is vetted.

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

### **SPECIAL REPORTS**

YS Health Assessment Results Presentation. Dr. Sherlock presented the assessment, with input from Jonathan Phillip and Andrew Correl, who interned with the project and assisted in completion of the health assessment.

Kreeger suggested that the report offers the opportunity for collaboration with other stakeholders.

MacQueen asked that the Health Assessment be linked to the Comprehensive Land Use Plan.

Housh asked for details regarding the number of persons interviewed and demographics, if possible. He referenced the comments made by the assessment team regarding fluoridation and affordable senior housing and commented that it would be valuable to know how statistically significant these perspectives are.

### **CITIZEN CONCERNS**

Tom Manley, Antioch College President, noted the College’s Farm to table efforts and thanked Council for their support in this matter in speaking out against a recent protester whose objections have sparked a sometimes aggressive protest.

Faith Morgan spoke in favor of the Antioch Farm process and the humanity involved in the process. She spoke out against the protests as misguided and ill-informed.

Mitzie Miller thanked Council for “looking at changes to the zoning code.” She asked that Council require that the 54-unit senior housing project increase its parking capacity.

Kate Hamilton asked that Salmeron address the tree trimming at Ellis Park.

Salmeron showed a series of slides of the tree in question, the Dawn Redwood. The limbs show evidence of rotting and decay in the limbs trimmed. Out team did what they were asked to do in this case, Salmeron stated, to address the decay.

In response to a question from MacQueen, Burns stated that while the Tree Committee had not been consulted prior to the trimming, they expressed appreciation for the Village’s efforts to maintain Ellis Park and the trees around the village.

Burns noted that Arbor Care had been called in to make the final cuts because they are certified arborists. Burns noted that there are likely more cuts to be made.

MacQueen stated that there is a cedar tree “that looked slashed”.

Burns responded that he was unaware of any work on the cedar and would have to take a look.

MacQueen asked that if the Village plans work that will be “visually impactful” that it be noticed ahead of time.

Laura Curliss asked that Burns become a certified arborist. She accused “street staff” of hurting the tree through careless trimming. She commented that “it looks like they wanted to be able to mow around it.”

Mitzie Miller repeated Curliss' suggestion re: a certified arborist on staff.

## **OLD BUSINESS**

**Police Department Assessment Review/Action Plan.** MacQueen commented that the assessment had taken longer than anticipated. She characterized the assessment as having been done "in somewhat a state of desperation". She related concerns with the process of the assessment and with the draft received initially. She characterized the process as "flawed" but hoped that the results could be useful to the greatest extent possible. She expressed hope in moving forward.

Kreeger commented that, "perhaps we did not intersect with Mr. Wasserman at the best point in his career," citing lack of specificity in his protocols and delays in receipt of the draft document. She expressed concern at the selection of interviewees, since some significant individuals were not interviewed, including most members of the Police Department.

Kreeger stated that improvements have been made in the last two years and will continue to be made. She thanked the PD team for their candid responses to the assessment as well.

Housh stressed the importance of transparency and open-ness to new ideas in the process.

Megan Bachman asked what the final cost of the assessment was, and was told that the invoice had been received this week, and that the number would be provided to her.

Salmeron stated that despite some skepticism regarding the method and content of the assessment, four overarching areas have been identified by both the PD team and by the assessors. Salmeron noted that these are areas that PD has been prepared to move forward in, but needed some support and a process. He identified the four areas as: Community Engagement; Transparency; Team Building and Organizational Development, and Policies and Procedures.

Salmeron noted that one of the areas identified early on was that of updating emergency policies and procedures. He commented that this is being proactively addressed by the team, and that work is underway.

**Justice System Commission Recommendation.** Sanford addressed the issue of the lack of response to the call for members for the commission. She identified the phenomenon of "social justice fatigue", and suggested that a way to address this would be to let people work in shorter bursts on clearly identified tasks. She advocated for a Village Manager led committee to start the process, and noted the advantage inherent in this model that staff are engaged at the outset and can weigh in on process and ideas.

Salmeron reiterated the four areas identified in the Police Assessment (above) as areas in which a Manager's committee will immediately begin work.

Salmeron noted that there are citizens who have publically taken a stand for a particular officer against other officers. And this has "created an internal divide", citing this as a form of tension that needs to be addressed.

Housh noted that Council is also looking at the citizen review board as a possibility for reviewing complaints.

Housh commented that Council will be specifically reaching out to residents who hold expertise in these areas. He asked that a recommendation identifying the focus of the committee be brought to the next meeting.

MacQueen brought up the notion of a community meeting on the topic.

Salmeron suggested that the advisory board be in place first so that any recommendations and discussion go through that group.

**Proposal for Active Transportation Committee.** Housh introduced the conversation, noting his overview of the purpose and function of the group. Housh noted the following individuals who are suggested members of the committee: Laura Curliss, Eric Oberg, Chris Bongorno; Eric Clark, Paul Abendroth, Barbara Mann and Gary Zaremsky. Denise Swinger will act as an ex officio member.

MacQueen asked that each of the members of the committee write up a statement of interest listing their expertise. She also asked for a statement of function for the group with regard to transportation within the Village.

Matthew Kirk commented that he is not sure it is the best approach to be “too expert heavy”, which he identified as a problem in the ATP. We have a vibrant, walkable as it stands, he commented. He criticized the solutions suggested in the ATP as too heavy-handed and elaborate.

**Temporary Transportation Plan (Short/Walnut Streets) Update.** Salmeron reviewed the traffic pattern changes proposed for the temporary change set for the Walnut/Limestone/Short Streets area, noting new signs indicating the changes in use which will be in place.

Salmeron responded to a question from Stokes, stating that input has been received from Mills Lawn School personnel.

Salmeron clarified that the conversations held with school personnel have been in regard to the temporary plan, and have not been about a permanent solution.

Salmeron responded to a question from Kreeger, explaining that parking for the hardware store has in fact been increased, and delivery trucks will continue to deliver in exactly the same manner as previously under the temporary plan.

Salmeron commented that there will be temporary barriers and paint to indicate where the bump outs would be.

MacQueen expressed support for the idea of the bump outs.

Stokes asked how the success of the pilot would be assessed.

Salmeron stated that vehicle counters and observation will be used.

Kreeger noted the importance of gaining feedback from stakeholders, naming the school team, affected business owners and the Yellow Springs PD. She noted the importance of accommodating the hardware store.

Salmeron noted other key businesses potentially affected, indicating that he has taken these businesses into consideration.

To a suggestion from Stokes that the traffic pattern change twice daily rather than permanently, Salmeron responded that this is not currently being considered.

Salmeron and Housh asked for open minds to the pilot.

Housh reminded those present that one of the goals of the ATP is to increase other forms of non-automobile traffic.

Laura Curliss stated that Council is not hearing the analysis of the down side of the project, which will be to increase the congestion downtown and on some of the side streets. She also commented that the schools should perhaps be responsible for creating a drop off zone.

Richard Lapedes noted that he lives across from the school, and so has a vested interest in the plan. He commented that there is an area ripe for a drop off located on school property, but that this would be a matter for the school. He conveyed his general support for a plan that seems workable and overdue and “need not be a federal case.”

Megan Bachman opined that she sees a defensiveness from Council around the proposal which leads her to question the ability of that body to be truly open minded to responses. She asked what the budget is and what the amount of staff time might be to fulfil the project.

Salmeron stated that he would be the first to accept his role in any failure of the project, and that intentions are positive. Staff are here and are here to fulfill Village projects, he noted. Salmeron commented that the schools have been trying to address the issue for over 10 years.

Burns commented that he had needed to invest a total of about \$4,200.00 in signage.

Matthew Kirk commented that “political capital is being extended” and asked how Council will move forward if the plan does not work. He commented that parents of students at Mills Lawn have not yet been informed of the plan.

MacQueen commented that her investment is in regard to safety, and she is committed to the experiment. She chastised those who claim to be overly inconvenienced by a temporary project.

Kreeger commented that she is defensive only to the suggestion that she has already made up her mind.

Dean Pallotta commented that business owners have been contacted and their concerns heard. He acknowledged that there may be issues, but that he expects the plan to result in some sort of hybrid after comment is gathered.

Matthew Kirk opined that too many things are being tried out at once to assess which aspects of the plan are successful.

Faith Morgan commented favorably regarding the project, stating that “it just makes sense to me.”

Housh commented that his facebook responses have been around assuring accurate information in the face of what he has viewed as persistent disinformation.

## **NEW BUSINESS**

**Dog Park.** Richard Lapedes presented a proposal for a Village dog park to be located just outside the water towers at Gaunt Park. I’d like to be able to let my dog run without breaking the law, he said. He opined that there would be a number of citizens who are likely to want to assist in raising funds.

Johnnie Burns commented that the plan seems sound and that he would like to work with Lapedes on the proposal.

Housh expressed support for the idea and asked for a plan to be brought to Council.

**YS CDC Bylaws Review.** Kreeger noted the draft bylaws, asking Council whether they had any input or critique. She noted that of the 40% elected officials required, only Miami Township Trustees and Council members count towards that total.

Housh noted the value of the YS CDC, and stressed that meetings will be open and noticed, and that transparency will be paramount.

In answer to a question from Kirk, Kreeger noted several sources of funding, with more sources being explored.

## **MANAGER’S REPORT**

Salmeron reported on the following:

Regarding the storm drain line underneath Nippers Corner: One of the Village’s primary storm drain lines, located underneath the lot known as Nippers Corner, collapsed and required immediate and significant repairs. During the execution of repairs, two undisclosed, and unknown to current owners, underground tanks were discovered. Removal was required in order to properly make repairs to the storm drain lines. The underground tanks have been removed, and the soil samples surrounding the tanks and storm line were sent to a laboratory for analysis. Test results are expected during week of October 7th.

Council held two work session, totaling seven hours, in preparation for the 2020 budget submittal.

Staff are in the process of updating the 2020 budget with feedback from Council. The following is the proposed timeline for submission to Council for approval:

- November 4: First Reading of Ordinance Approving the 2020 Budget for the Village of Yellow Springs
- November 18: Second Reading of Ordinance Approving the 2020 Budget for the Village of Yellow Springs

Budget work sessions by date and topic:

Sept. 27th - General Fund

Sept. 28th – Enterprise Fund, Special Revenue and Capital Funds.

Vernay Laboratories has submitted a 140-page final remediation plan. Because the Vernay clean-up is of extreme importance to the Village of Yellow Springs and its residents, two meetings are being coordinated to provide an orientation to VYS staff, Council and residents on the topic and Vernay’s remediation plan for the site. Salmeron commented that the Village will be providing feedback to the EPA. He noted the dates as follows:

EPA session with Plaintiff/ Attorney and Company  
John Bryan Community Center – Rooms A & B  
October 24: 10:45 a.m. to 12:00 p.m.

EPA update session with the Village of Yellow Springs Government  
John Bryan Community Center – Rooms A & B  
October 24: 2:30 p.m. to 4:30 p.m.

EPA Public Information Session  
John Bryan Community Center – Gym  
October 24: 5:00pm to 7:00pm

## CLERK’S REPORT

### FUTURE AGENDA ITEMS

- Oct. 21: Draft 2020 Village Budget  
Resolution Approving YS CDC Bylaws  
**Ordinance 2019-34** Approving Third Quarter Supplemental Appropriations for 2019 and Declaring an Emergency  
Renergy Presentation  
Dog Park Proposal
- Nov. 4: First Reading of Ordinance Approving the 2020 Budget for the Village of Yellow Springs  
**Ordinance 2019-XX** re: Revolving Loan Fund  
Justice System Manager’s Committee Proposal
- Nov. 18: Second Reading and Public Hearing of Ordinance Approving the 2020 Budget for the Village of Yellow Springs
- Dec. 2:
- Dec. 16:

## ADJOURNMENT

At 10:01pm, MacQueen MOVED and Sanford SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

*Please note: These notes are not verbatim. A DVD copy of the meeting is available for viewing in the Clerk of Council’s office between 9am and 3pm Monday through Friday or any time via youtube link from the Village website:*

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Brian Housh, Council President

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Attest: Judy Kintner, Clerk of Council