

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

Virtual Meeting @ 7:00 P.M.

Monday, April 6, 2020

CALL TO ORDER

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

ROLL CALL

Present via Zoom were President Housh, Vice President Marianne MacQueen and Council members Laura Curliss, Lisa Kreeger and Kevin Stokes. Also present via Zoom were Village Manager Josue Salmeron, Village Solicitor Chris Conard, Finance Director Colleen Harris, and Public Works Director Johnnie Burns.

ANNOUNCEMENTS

Housh urged citizens to continue to keep up physical distancing, and encouraged all to continue to practice kindness.

Housh thanked the Community Leadership team for their hard work and collaboration, and thanked community members for all of their volunteer efforts and the Village Crew for their work.

Salmeron reviewed meeting protocol.

CONSENT AGENDA (7:15)

1. Minutes of March 2, 2020 Regular Session
2. Minutes of March 12, 2020 Emergency Meeting
3. Minutes of March 16, 2020 Regular Session

Curliss MOVED and MacQueen SECONDED a MOTION TO APPROVE. The MOTION PASSED 5-0 on a ROLL CALL VOTE.

REVIEW OF AGENDA

There were no changes made to the Agenda.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Lori Askeland re: Suggestions for Village Response to COVID-19
Erin Rodgers re: Limit Access to Village for Safety
Tanya Kimmet re: Limit Access to Village for Safety
Kate Hamilton re: Limit Access to Village for Safety
Katie Rose Wright re: Limiting Access to the Village Thank You
Regional Income Tax Authority re: Extension of Filing Deadline
Greene County Public Health re: First Greene Co. Death from COVID-19
Greene County Public Health re: Recreation Tips and Annual Report
Brian Housh re: Virtual Meeting Information
Brian Housh re: Explanation of Virtual Meetings
Local Resources List
Lisa Kreeger re: Contacts and Resource Information
Karen Wintrow re: Cancellation of June Street Fair

MacQueen reviewed the communications received.

Kreeger went through the Resources List she provided as a communication, noting that it does not list ongoing services. She proceeded to go through the list, noting each of the available services.

MacQueen asked that this be posted to the website.

I. PUBLIC HEARINGS/LEGISLATION (7:30)

Second Reading and Public Hearing of Ordinance 2020-03 Repealing Section 1046.01 "Connection Fees" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1046.01 "Connection Fees" (Water). MacQueen MOVED and Kreeger SECONDED a MOTION to APPROVE.

Housh OPENED THE PUBLIC HEARING.

The Clerk explained the ordinance as a housekeeping measure that does not affect rates.

Curliss wondered if there might be value in separating a commercial rate out from the residential rate

Burns noted that there would be no residential use over 1", and there is no separate residential rate for water, which makes the current ordinance consistent with the water rates.

Housh CLOSED THE PUBLIC HEARING.

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

Reading of Resolution 2020-12 Approving Purchase of a Replacement Pump for the Waste Water Reclamation Facility. MacQueen MOVED and Curliss SECONDED a MOTION TO APPROVE.

Salmeron noted that the Wastewater Treatment facility uses three pumps, and this pump is beginning to fail. All three pumps are necessary, he noted, whenever there is a rain event.

Burns commented that the rain event of two weeks prior resulted in over six million gallons of water inundating the plant. The average is about 300,000 gallons per day. This makes function of the back-up pump critical. Burns noted that once replaced, this pump will be used to back up the pump that runs 24-7.

Kreeger noted that this expense was already budgeted for 2020.

Burns noted that a second pump is slated for replacement in 2022.

Megan Bachman, Yellow Springs News, asked whether the new pump would reduce the odor sometimes emanating from the facility, and was told that it would not.

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

Reading of Resolution 2020-13 Authorizing Transfer of the Revolving Loan Fund Monies to the Yellow Springs Development Corporation. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Kreeger explained the resolution, noting that \$30,000.00 has been held for some time by the Village, and the YSDC is now ready to accept these funds for disbursement. She stressed that the YSDC is conducting meetings in accordance with Sunshine Law.

Housh asked that verbiage be added indicating that the monies are being donated to reestablish the Revolving Loan Fund to support local businesses. He asked that the language be added to the first "whereas" and to Section 1.

Housh noted that the funds might be able to assist businesses currently struggling with the effects of the stay-at-home order.

Salmeron commented that there is now \$35,000.00 in the fund, and asked whether that amount was the amount Council would like to see reflected in the resolution.

Council discussed the change in the language, and the Clerk noted the changes to the resolution.

Megan Bachman asked whether the guidelines established by the Economic Sustainability Commission for vetting which businesses would receive loans would carry over to the YSDC.

Kreeger explained that the YSDC would use some of those established criteria along with some of its own to create a rubric that will follow its own values statement, which does mirror the Village Values in many aspects.

Housh CALLED THE VOTE, and the MOTION PASSED AS AMENDED, 5-0 on a ROLL CALL VOTE.

II. NEW BUSINESS

Discussion of the need to declare a State of Emergency in the Village of Yellow Springs, Ohio. Conard led the discussion, suggesting that the declaration of emergency would not necessarily place the Village in a better position to receive Federal funding.

Housh related that during a teleconference on the topic there had been one “vague, anecdotal” suggestion that “it would be useful to be able to point to a resolution” when attempting to access federal disaster funds.

MacQueen stated that she would be opposed to the declaration unless there is more clarity as to the reason for it.

Curliss commented that such a declaration “couldn’t hurt.” She made a comment related to “taking public assets away from the public” and that when this is done, there should be compelling reasons for this.

Stokes asked for comment from Chief Carlson and Salmeron as to the need for such a declaration. He asked for guidance as to when it is appropriate to call the police when citizens are violating the stay at home order.

Salmeron stated that the Yellow Springs Police Department now has the authority to enforce the Governor’s stay at home order. There is no need for a Village declaration of emergency in order to do this. He did comment that “it is good to check off that box”, but then commented that the Village could likely replace its own declaration with that of the County or the State.

Chief Carlson commented that there is a “fine balance” between being welcoming and being safe. He noted that if there is a call/complaint, the YSPD has to respond. He stated that he is trying to reduce the number of visitors to the Village in a non-aggressive manner.

Conard added that the Charter does not grant the power to declare a state of emergency. He suggested a potential change to the Charter or an ordinance enabling that power at some point in the future.

Curliss agreed with this, noting that the Charter is unclear as to the seat of power in an emergency situation.

Curliss stated that the Governor’s definition of “family” seems arbitrary and non-inclusive of non-traditional social connections, which is problematic to her.

Housh asked for a sample resolution for the next meeting.

Discussion regarding keeping public parking lots, parks and other areas open during COVID-19 crisis. Housh handed the topic to Curliss, who had introduced the topic as a discussion.

Curliss stated that she simply wants the discussion to stay on the radar, noting that there will need to be an exit strategy at some point. She noted that she wants the discussion to be ongoing.

Salmeron noted that counties are moving beyond Dr. Acton and Governor Dewine’s orders and are now closing public parks because of the public shift to these areas. We have to do all that we can to save lives, he stated, and we must prevent large numbers of people in any area.

Conard commented that police powers are not subjective, that there are legal standards for these enforcements, and he assured Council that the decisions being made are a part of a thoughtful process in the interest of public safety.

Housh commented that he has been impressed with the Village’s response to this point.

Salmeron noted that the Village is adhering to the spirit of the law and has been working with Conard in making the decisions around closures.

III. FUTURE AGENDA ITEMS*

- Millworks Request for Extension of Preliminary Development Plan
- Finance Department Quarterly Report
- Budget Recommendations in Light of Economic Downturn
- Supplemental Ordinance
- Storm Water Management Update
- Possibilities for Donation Line (Jeannamarie Cox)
- Executive Session for the Purpose of Interviewing Solicitor Candidates
- Dog Park Plan Update (Burns/Lapedes)
- Report and Recommendations from Board/Commission Restructuring Committee
- End of Year Report: Human Relations Commission
- Comprehensive Land Use Plan Update (Sorrel)
- Treasurer’s Report

Resolution Approving a Contract with XXX for Services as Village Solicitor

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

ADJOURNMENT

At 8:06pm, Stokes MOVED and Curliss SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 on a voice vote.

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council