

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

Virtual Meeting @ 7:00 P.M.

Monday, June 1, 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 and Council members Laura Curliss, Kevin Stokes and Lisa Kreeger. Also present via Zoom were Village Manager Josue Salmeron, Public Works Director Johnnie Burns, Zoning Administrator Denise Swinger, YSPD Chief Brian Carlson and Village Solicitor Chris Conard. Vice President Marianne MacQueen was unable to attend the meeting due to a family emergency.

ANNOUNCEMENTS

Housh noted Village-themed gaiters for Village employees, which are currently on order and will be distributed soon. He asked that all Villagers “be kind and wear a mask”.

Housh noted that the “Be Kind/Wear a Mask” yard signs, initiated by Carol Young and supported by the YS Chamber, are being re-ordered since they have run out of the first batch.

Melody Kingsley, Greene County Public Health, provided COVID-19 updates from the Greene County Public Health Department in a number of areas. She commented that masks are an ongoing area of discussion, and that Yellow Springs is “setting a great example”.

Kingsley noted that the Health Department cannot enforce mask-wearing for other than employees of businesses at this point.

Kreeger introduced “Uplift Yellow Springs”, which is a new online vehicle to donate money to support struggling downtown businesses.

Kreeger acknowledged the “Justice for George Floyd” protest held in the Village on Saturday. She noted a comment made by Terrence Floyd encouraging peaceful protest and voting. She called for a moment of silence.

A moment of silence was held in honor of George Floyd.

Housh read Village Value #6: “Council and the Village will “intentionally promote anti-racism, inclusion, equity and accessibility through all policies, procedures and processes,” and referenced the Guidelines for Village Policing, which seek to action this value. He acknowledged the importance of the issue to the Village.

Salmeron noted fire pump testing set for June 8, which may result in discolored water.

Salmeron noted a problem with Villagers flushing non-flushable items and asked that this cease.

Salmeron expressed sadness regarding a drowning incident in the Glen Helen recently, noting that patrols in the area will be increased.

Housh thanked the Village Team for their assistance with the High School Graduation parade, and acknowledged a successful, distanced, 6th Grade clap-out.

Housh reiterated guidelines for citizen comments. He noted that You Tube is currently not live, but Facebook is.

CITIZEN CONCERNS

There were no Citizen Concerns.

CONSENT AGENDA (7:15)

1. Minutes of May 18, 2020 Regular Session

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

REVIEW OF AGENDA

Executive Session for the Purpose of Discussion of Potential Litigation was added to the end of the meeting.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

- Lori Askeland re: Pool Opening
- Pat Peters re: Pool Opening
- Liz and Dan Robertson re: Pool Opening
- Judith Hempfling re: Pool Opening
- Lance Hetzler re: Masks in YS
- Barb Stewart re: Pool Opening
- Linda Keaton re: Pool Opening
- Thea Tremain re: Pool Opening (Letter and Petition)
- Laura Curliss re: Solar United Neighbors
- Brian Housh re: Stay of Eviction Letter
- Mark Carr re: Pay to Stay
- Mayor Conine re: Mayor’s Report

The Clerk reviewed the communications received.

I. PUBLIC HEARINGS/LEGISLATION (7:30)

Reading of Resolution 2020-19 Determining the Necessity of Levying a Renewal of an Existing 8.4 Mill Property Tax Levy in Excess of the Ten-Mill Limitation for the Purpose of Paying for Current Operating Expenses of the Village to Run for Five (5) Years, Pursuant to Section 5705.19 as Amended, and Requesting the County Auditor to Certify Matters in Connection Therewith. Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Salmeron outlined the vital nature of the levy to Village operations and noted activities underway to bolster the budget.

Housh commented upon the necessity of the levy to maintain the current level of Village services.

Curliss asked how much 8.4 mils raises annually.

Salmeron responded that this is just over \$700,000.00.

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

First Reading of Ordinance 2020-07 Approving the Right of Village Renters to “Pay to Stay”. Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Housh characterized the resolution as a temporary response as renters await relief checks and other forms of assistance. He stressed that many landlords are being highly proactive in working with their renters to keep them in their homes during this crisis.

Housh noted that Debra Levay was again present to address questions.

Stokes asked whether the ordinance can remain in effect past the State of Emergency, since that may not be enough time for a renter having difficulty.

Curliss MOVED that the phrase “for non-payment of rent” be inserted in the second half of the sentence following each of the first three “whereases”. She stated her intent to clearly separate non-payment from any other reason for eviction. Stokes SECONDED.

Housh CALLED THE VOTE ON Curliss’s MOTION. The MOTION PASSED 4-0 on a ROLL CALL VOTE.

Curliss reiterated that the ordinance covers the State of Emergency.

Conard commented that the scope of law is likely only viable during this State of Emergency. He asked rhetorical questions regarding enforcement in demonstrating that “we don’t know how this will play out.”

Deb Levay opined that this ordinance would not interfere with the general law and would be viable “even outside of this pandemic.”

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

Emergency Reading of Ordinance 2020-08 Authorizing the Second Quarter Transfer of Funds and Declaring an Emergency. Curliss MOVED and Stokes SECONDED a MOTION TO APPROVE.

Harris introduced the ordinance, noting that this transfers funds back into the General Fund, which were previously moved out of the General Fund and into the noted budget lines during the approved original budget. These transfers are to maintain the budget balance during this loss of revenue period due to COVID-19.

Housh OPENED THE PUBLIC HEARING. There being no comment, Housh CLOSED THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Emergency Reading of Ordinance 2020-09 Approving Second Quarter Supplemental Appropriations and Declaring an Emergency. Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Harris noted that income tax as well as other revenues were significantly reduced beginning in April. The Supplemental shows the areas of budget reduction reflected in the Transfer.

The total reduction made is \$330,551.00.

Kreeger thanked the work of the team on the budget reduction.

Housh OPENED THE PUBLIC HEARING. There being no comment, Housh CLOSED THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

II. OLD BUSINESS

Discussion of Current Village Finances (including Utility Update) and Budget Management. Salmeron noted that there has not been any update from RITA as of yet, so the current budget, as just amended by Council in the supplemental and transfer ordinances, remains the most up-to-date response to ongoing monitoring of the Village's financial picture.

Transition to In-Person Meetings. Housh led the ongoing conversation regarding in-person meetings, and the group decided to continue with virtual meetings at least until the next meeting. Concern over Village Team members' safety was a primary consideration.

Salmeron addressed a question from Kreeger, noting that the Bryan Center Gym can be set up for in-person meetings, and cameras and sound systems are ready to go when Council decides to again meet in person. He noted that there is ample space in that setting.

Salmeron addressed a question from Stokes, noting that the set up can be put up and taken down readily.

Curliss commented that if masks are still recommended, she would not wish to participate in a lengthy meeting with a mask on, and that this would drive a decision to continue to meet virtually for her.

Council members discussed criteria they might want to consider for determining the appropriateness of an in-person meeting.

III. NEW BUSINESS

Millworks Request for Extension of Preliminary Development Plan. Swinger introduced the request as follows:

Swinger explained that per the zoning code, "one extension of the time period for submitting the final development plan may be granted by the Village Council for up to an additional 12 months, if a request is submitted by the applicant, in writing, prior to the expiration of the original 12-month approval period. If an application for final development plan approval has not been submitted prior to the expiration of the original 12 months or an approved extension, the preliminary development plan shall be null and void. In addition, the Planning Commission or Village Council may initiate a rezoning of the property to another zoning district."

Swinger commented that Yamamoto has submitted her request for an extension prior to the March deadline, but that Council's March 16th meeting had been held under the emergency restrictions then in place, and the hearing was officially tabled on the 16th to such time as restrictions were lifted.

Swinger stated that the final PUD plan should not differ significantly from the preliminary plan, and noted that since the request for an extension of time to submit the final plan was made, staff has been made aware of the following: a conditional use application was submitted to the zoning office for a new distillery to be located where the previous distillery was at Millworks. In the preliminary plan approved by the Planning Commission and Council, this location was proposed for the expansion of the Yellow Springs Brewery. The Yellow Springs Brewery planned to expand their operations with a larger tap room and outdoor patio area in the preliminary plan, but this plan will no longer be moving forward as proposed to the Planning Commission and Council.

Swinger expressed concern particularly for the “green corridors”, which were a key feature in the preliminary plan, providing corridors between the existing buildings that would have allowed for foot traffic from the bike path and for storm water runoff. Those corridors had also been calculated into the green space.

Any modifications to the preliminary plan approved by the Planning Commission, Swinger said, would need to have been made prior to submitting the preliminary plan to Council for their approval. It is staff’s opinion that the preliminary plan as originally approved is no longer moving forward and, due to the number of changes made, requires submittal of a new preliminary plan. Swinger recommended that for this reason Council not approve the extension. She did also recommend that Council not change the zoning from PUD at this time.

Swinger addressed a question from Kreeger, stating that had Yamamoto moved ahead with the new plans following approval of an extension, the final plan might well have been rejected by Planning Commission.

Jessica Yamamoto argued that she has no control over a renter changing its plans, asserting that this should not be reason to deny the extension. She then added that the original plan “doesn’t make much sense any more given the pandemic.”

Following dialogue between Swinger and Yamamoto, Housh brought the discussion back to Council.

Housh CALLED THE VOTE ON ACCEPTING THE STAFF RECOMMENDATION to DENY EXTENSION OF THE PRELIMINARY SITE PLAN BUT TO CONTINUE PUD ZONING. The VOTE PASSED 4-0 ON A ROLL CALL VOTE.

Creation of Council Subcommittee to Draft Emergency Policy to Address Landlord Responsibility for Tenant Utilities. Curliss raised the issue of aged accounts, stating that action needs to be taken to address these.

Kreeger identified two issues—one regarding policy around responsibility for utility debt with regard to landlords and tenants, and the other to do with the aged accounts.

Curliss stated that her concern was with the aged accounts. She offered to join the Village Manager, Harris and any citizens interested to propose a policy around the aged accounts.

Salmeron distinguished between the aged accounts and the collectible accounts, stating that the aged accounts can be simply written off.

Harris noted that since establishing the policy making landlords responsible for tenant utility debt, there is an excellent collection rate.

Council and the Village Manager discussed the topic, with Curliss asking for legislation at the next meeting to write off old debt.

Regarding landlord/tenant utilities, Salmeron stated that a policy is needed to keep those accounts current.

Housh asked for a temporary solution in the emergency COVID-19 situation.

Salmeron proposed that as soon as emergency orders are lifted, a six-month payment plan—approved by the landlord—be made available to tenants. He noted his duty to provide fiduciary responsibility in the matter.

Housh offered to work with Salmeron and Harris to put together information to aid in a Council decision on the matter.

Introduction to “Stop/Start/Continue”. Kreeger described the approach, noting that it is a team-building method as well as a method for devising strategies. She noted that the process is fairly

quick and readily implementable.

Stokes and Curliss expressed confidence in Kreeger's analysis.

MANAGER'S REPORT

Salmeron reported on the following:

- All essential services continue to be delivered to residents and businesses without interruption.
- Administration continues its communication strategy to inform residents of the latest COVID-19 developments and impact in this region. Strategy includes: (1) Wednesday Virtual Townhalls, (2) Weekly Community Leaders Call, (3) Improved Social Media and (4) Digital Signs at Main Entrances to Village.
- Public Restrooms are closed as the Village lacks staff to meet the cleaning recommendations set by the Greene County Public Health Department.
- All parking lots are open.
- The Pool is on schedule to open June 5th.
 - Pool passed inspection on May 26th
 - Additional barriers and signs installed
 - A new exit gate installed
 - Reviewed operating procedures (draft included in report)
 - Preliminary evaluation of financial impact of resident only days of Friday, Saturday and Sunday
 - Significant revenue losses due to reduced number of pool users
 - No need for 2-hour sessions

Statement Regarding Public Pool

Over the last few weeks, Salmeron stated, he has heard from residents and nonresidents citing concerns over opening the pool. Salmeron noted that his chief function as Village Manager is to serve the best interest of all of the people, to execute government services in the safest and most efficient matter and to provide Council with policy proposals that are based on facts and recommendations from experts and public health officials.

Public health authorities have provided guidelines on how to operate the pool. The Village Team has worked diligently to ensure that the Village will exceed the provided recommendations and guidelines.

There is an element to operating the pool, for a safer experience, that depends on the commitment of pool users to follow rules and recommendations. Salmeron acknowledged that enforcement of these rules may be difficult and that it may disproportionately affect younger patrons.

Salmeron stated that if enforcement of rules or operating the pool in a safer manner becomes impractical, he will close the facility. He stressed that there is no financial incentive to open the pool. He stressed his and his staff's commitment to exceeding health recommendations for the pool and his willingness to close the facility if safety cannot be maintained.

Salmeron described deep cleaning of the pool restrooms every two hours and noted that the pool bathrooms can, if need be, be hosed down.

Burns stated that only two persons will be permitted in the restrooms at a time.

Salmeron read the following Vernay site update:

The VYS administration and members of the environmental commission met with US EPA on May 27th. Results/Conclusion are as follows:

- US EPA evaluated water source protection data and determined that contamination at Vernay does not pose a risk to our drinking water source.
- An update to the time of travel map would benefit the Village as the water plant has upgraded its pumps to produce 350-400 gallons per minute. Our pumps are producing, on average, 615 gallons per minute, with daily productions of 350K-400K Gallons per day.
- Soil testing results indicate that contamination around our utility lines does not exceed the csat standard that would pose a risk to utility resources and workers, with the exception of the known hotspot that is scheduled for removal.
- Timeline for the statement of basis has shifted to later in the year.

Administration Updates

- Staff transition: Ruthe Ann Lillich is no longer an employee.
- HR Program and Services are being redesigned to meet the needs of our staff

and organizational objectives.

- The Village has hired HR Elements to provide HR admin, compliance and performance management support.
- Police Department Updates:
 - Challenging incidents at the Glen Helen during this reporting period, including a suicide and the drowning of an 18-year-old.
 - Police will increase enforcement of trespassing on the property and of criminal activity
- Facilities
 - Non-operational Fire Panel, causing delay in opening the JBC until further notice.
- Partnerships
 - YS Schools
 - Assisted with coordination of High School Graduation and Parade.
- Proposed ATP Crosswalks Design for Xenia and Short Street is included in this report.

Curliss expressed objection to more bright signs in the downtown area.

Stokes asked about the possibility of an annual pass for the pool and was told that this is being considered, along with a lap swim pass.

Salmeron stated that his team is looking at a hybrid model for the pool passes.

Salmeron responded to questions posed, stating that gate attendants have been hired and that these persons are being well trained. There is benefit to local youth in being able to apply for and hold these positions.

Salmeron responded to the opening of public restrooms, stating that he is working on various proposals for this possibility.

Salmeron noted that unlike other municipalities, which have opened their public restrooms, the Village is committed to opening only when this can be done in full compliance with health department guidelines.

A question was raised as to whether the Village was getting the opinion of the Environmental Commission subcommittee experts on the Vernay guidelines.

Salmeron stated that the subcommittee has been involved.

Housh asked Chief Carlson to address recent incidents involving topless women present in front of a local business.

Carlson noted that the business does not open until tomorrow, that breasts are not required to be covered in the state of Ohio, so there was no action to be taken on the matter.

Housh commented that he saw good compliance with mask-wearing downtown over the weekend, and that positivity and calm as well as good messaging and signage are the most effective tools. Housh emphasized responsiveness and kindness. He stated that the situation will continue to be monitored.

Curliss commented that the young women were “exercising their legal rights.” She commented that Dispatch should be instructed to educate callers about what are legal activities rather than dispatching officers whenever there is a call.

Salmeron noted that dispatchers are in fact helping to educate callers around legal activities.

IV. FUTURE AGENDA ITEMS*

- June 15: **Resolution 2020-22** Official Question and Issue Ballot-General Election-November 3, 2020 Proposed Tax Levy (Renewal)
 Resolution 2020-20 Authorizing Village Manager to enter into a Purchase Agreement with “Helping Governments Across the Country Buy (HGACBuy)” for Infrastructure Improvements Goods and Services
 Resolution 2020-21 Approving Contract with Insight Pipe Contracting for \$160,000 for Relining of Select Sanitary Lines for the Village of Yellow Springs
 Village Financial Snapshot
 Storm Water and Sanitary Line Update
 Discussion of Landlord Accountability for Tenant Utilities Under COVID-19
 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 (Sorrell)
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.

EXECUTIVE SESSION

At 9:26 Housh MOVED and Stokes SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of the Discussion of Potential Litigation. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

At 10:13pm, Curliss MOVED and Kreeger SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 4-0 ON A VOICE VOTE.

ADJOURNMENT

At 10:14pm, Stokes MOVED and Curliss SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 on a voice vote.

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council