

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

Virtual Meeting @ 7:00 P.M.

Monday, June 15, 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, Kevin Stokes and Lisa Kreeger. Also present via Zoom were Village Manager Josue Salmeron, Public Works Director Johnnie Burns, YSPD Chief Brian Carlson and Village Solicitor Chris Conard.

SWEARINGS-IN

Dino Pallotta and Stephen Green were sworn in as full members of Planning Commission, and Sarah Sinclair Amend and Susan Stiles were sworn in as alternate Planning Commission members by President Housh.

ANNOUNCEMENTS

MacQueen read a statement lauding Dan Beverly upon retirement from the YS Tree Committee.

MacQueen announced the YS Pride Parade set for June 27th, noting that it will be a car parade with a home decoration contest.

Salmeron stated that the Fourth of July parade is under review by the Greene County Public Health Department, and that the Village should know by Wednesday.

Stokes noted JuneTeenth celebration will take place on Friday.

Curliss announced the US Supreme Court's upholding of Title Seven as protecting the employment rights of LGBTQ+ people.

Salmeron thanked the HRC for helping with Saturday's protest march.

Housh thanked the VYS for helping to staff the protests on subsequent Saturdays, which he characterized as safe and well handled.

Housh noted the new bridge at Ellis Pond.

Housh announced that on June 17th, Salmeron will celebrate one full year at the Village. He expressed gratitude for Salmeron's excellent work over the past year.

Salmeron thanked Council and his team.

Housh recognized Matt Housh as he leaves Mills Lawn as Principal after ten years of service. Housh noted that Matt has been a collaborative community leader in that time.

Housh thanked all who participated in the Friday work session.

Housh noted that a front yard decoration contest is a key component of the 2020 YS Pride celebration.

CONSENT AGENDA (7:15)

1. Minutes of June 1, 2020 Regular Session

Curliss MOVED and Stokes SECONDED a MOTION TO APPROVE. The MOTION PASSED 4-0 on a ROLL CALL VOTE. MacQueen abstained due to missing that meeting.

REVIEW OF AGENDA

There were no changes made.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

- Greene County Public Health re: Food Training Courses and Staying Healthy
- Laura Curliss re: Solar United
- Brian Housh re: Letter to Governor DeWine

Brian Housh re: Clean Ohio (Plus Signature Page)
Carl Champney re: Masks
Jane Hockensmith-Reich re: Masks
Charlene Prestopino re: Masks
Kathryn Hitchcock re: Masks and Resolution re: Racism
Moirra Laughlin re: Masks and Resolution re: Racism
Marnie from Starflower re: Masks
Nancy Mellon re: Masks
Pan Reich re: Masks
Chris Powell re: Resolution re: Racism
Emily Seibel re: Rental Assistance Funds Available
Emily Seibel re: Tenant Rights
Emily Seibel re: YS Home, Inc. Annual Report and Meeting Invitation
Emily Seibel re: Resolution re: Racism
Shanah Hammock re: Masks and Resolution re: Racism
Rebecca Kuder re: Resolution re: Racism
Susan Alberter re: Masks
Karen Wintrow re: Masks
Cindy Oleynik re: Masks
Susan Burgos re: Masks
Kineta Sanford re: Requesting the COS Position Be Full Time and Masks
Kate Hamilton re: Requesting the COS Position Be Full Time
Judith Hempfling re: Police Policies and Defunding Discussion
Mayor Conine re: Statement and Proclamation for Dan Beverly
Amy Wamsley re: Proposed Pride Schedule and Yard Contest
Housh and Kreeger re: Letter Addressing Racism
Kim Rohman re: Masks
Melissa Howell re: Masks and Addressing Racism

MacQueen reviewed the communications received.

I. PUBLIC HEARINGS/LEGISLATION (7:30)

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

Housh OPENED THE PUBLIC HEARING.

Housh explained the parameters laid out by the ordinance, noting that this is a housing insecurity response to the COVID-19 pandemic. He commented that this may be contemplated as a response to the criminalization of poverty at a later point.

Housh thanked Debra Levay of ABLE Law for bringing the measure to Council for consideration.

There being no further comment, Housh CLOSED THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

First Reading of Ordinance 2020-10 Authorizing the Cancellation of Utility Debt Owed to the Village of Yellow Springs Which Originates Prior to Calendar Year 2015. Curliss MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron noted that this ordinance covers the \$433,000.00 of utility debt that is over six years old and cannot, therefore, be collected upon.

Stokes asked about the debt that is fewer than six years old and how that can be collected.

Salmeron noted that the Finance Director and her team have an efficient system for collection now in place, and the older debt represents utility debt from a time prior to passage of the ordinance making property owners responsible for overdue tenant utility bills. He commented that a collection agency could be engaged to collect these amounts, but that he is recommending against this given the current situation.

Harris commented that the overdue amount has stayed consistent since about 2013, and that this amount needs to be administratively written off as uncollectible.

Housh did not call a vote on the first reading.

Reading of Resolution 2020-20 Official Question and Issue Ballot-General Election-November 3, 2020 Proposed Tax Levy (Renewal). MacQueen MOVED and Curliss SECONDED a MOTION TO APPROVE.

The Clerk explained the resolution as the second step in getting the property tax levy renewal on the November ballot for voters to vote on another five-year levy. It is accompanied by the County Auditor's certification of the need for the renewal.

Salmeron commented that the levy funds non-mandated services essential to the function of the Village, and represents no increase in taxes.

Housh commented that a Levy Committee will be formed to offer education around the renewal.

There being no comments, Housh CALLED THE VOTE, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Reading of Resolution 2020-21 Approving a Request for Funds from the County Coronavirus Relief Distribution Fund and Affirming that All Expenditures Therefrom Will be in Compliance with the Requirements of Section 5001 of the CARES Act. MacQueen MOVED and Curliss SECONDED a MOTION TO APPROVE.

Conard referenced an update to the resolution in terms of the citation numbering.

The Clerk noted that the resolution online and before Council has been updated and is correct.

Salmeron noted that the resolution is proactive in lining the Village up to receive reimbursement for expenses related to the pandemic which were not budgeted for, noting hand sanitizer purchase, signage, increased wifi coverage and some staffing as areas for funding.

There being no further comments, Housh CALLED THE VOTE, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Reading of Resolution 2020-22 Declaring Racism a Public Health Emergency. Curliss MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Stokes commented that "all the things that are wrong have been wrong all along," but that there is now momentum for significant change. He stated that it is time to take advantage of the momentum.

Curliss urged citizens to come to a demonstration led by young activists locally. She noted that reforms are being proposed by community leaders. In this vein, Curliss asked that Council look again at the recommendations made by the Justice System Task Force, some of which were and some were not adopted by Council. She noted that she is crafting a letter with actions and best practices that have been proposed by a number of different activists recently, condensing those in a letter of request addressed to the Governor. That letter will be in the next packet.

MacQueen stated that she will be submitting ideas for radical changes to the YSPD for the next Council packet. She asked Council to consider whether they would be willing to engage in activities for change outside of the Village.

Kreeger stated that the work that comes next is what matters, noting her agreement with Curliss that JSTF recommendations should be reviewed, and adding that recommendations from the Hilliard Heintze study should also be reviewed. Kreeger commented that systemic racism hides in places I might not recognize, stating that awareness of these and examining funding and policies for the YSPD should be part of this work. I want our PD to "serve and protect, not hunt and punish".

Kreeger commented that the protests were collaborative and peaceful, and that the YSPD did not need to be thanked for "handling" them, but that all should be thanked for their collaborative participation.

Salmeron stated that he is encouraged to see these conversations occurring, and is encouraged that he has a great team to work with in implementing change. He stated that "Brian Carlson is unlike any other police chief I know" and that he is committed to creating the peace department of the future. Salmeron voiced his commitment to creating change, and noted some of the steps taken to date.

Carlson stated his support for the resolution, commenting that he feels good about the changes made to date and is prepared to enact change moving forward.

Housh observed that resolutions are sometimes considered "the trendy thing to do", but that Council has shown hard work and commitment on these issues to date, and intends to continue meaningful action. Housh stated that he is willing to take on the role of Council Liaison to the Justice System Advisory Committee. He stated that Kreeger has agreed to take on the role of the alternate. Housh commented that the Commission needs to move forward.

MacQueen expressed her appreciation for the YSPD, but noted that police departments have in recent years been used to deal with social problems that have been left unaddressed by other areas of society, and that this needs to change.

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

II. CITIZEN CONCERNS

The Clerk read a statement written by Dave Boglees regarding his frustration regarding resident-only days at the Village pool.

Housh commented on several items in the Chat, without identifying the authors.

III. 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. Salmeron should have an update for the July 6th packet.

Transition to In-Person Meetings. Council discussed a potential hybrid meeting, in which Council is present together with any staff who choose to be present, and the meeting is then streamed and available on Zoom.

Salmeron stated that the Village is prepared to handle all of the variables from a technology standpoint. He commented that he will not minimize staff concerns regarding in-person meetings.

Following discussion, Council decided to hold the July 6th meeting as a hybrid meeting.

Recommendation re: Landlord Responsibility Plan for Utility Non-Payment. Salmeron stated that the Village has been following the PUCO guidelines regarding collections and shutoffs for the COVID-19 emergency for municipal utilities. PUCO is now permitting utilities to proceed with aggressive collections. The Governor's orders halting water shutoffs will lift on July 10. This is important, Salmeron stated, because there has to be a distinction regarding where the Village has placed responsibility upon landlords as a result of state policy, and where the municipality places the burden on landlords due to local policy.

Salmeron stated that beginning in July, all utility customers who are in arrears will be offered a payment plan. This plan will be taken to landlords for their feedback, since in the past, landlords have been given a say as to whether or not to permit their tenants to engage in payment plans.

IV. NEW BUSINESS

Discussion of Mask Enforcement in the Village. Housh introduced the topic.

Kreeger stated that the topic is the most serious issue she has weighed in on in her tenure on Council. Kreeger cited the science behind mask wearing as well as the clear permission given by the Governor for local government to write ordinances regarding mask requirements as a clear directive to act locally for the safety of the municipality. She asked that an ordinance be passed requiring masks in the downtown business district. This area would be clearly marked with signage. She stated that she envisioned some sort of tiered system for enforcement. The philosophy of kindness "is not working for us", she stated. As a doctorally prepared nurse, she stated, I cannot live within my ethics without calling out this issue to Council.

Curliss commented that she brings a prosecutorial background to the matter, stating that she sees a lot of difficulty with enforcement. She stated that she has been struggling to understand what the science means. She stated that she contacted the Ohio Department of Health with several questions as to why the Village has not seen a spike despite the good weather and reopening, and "got no answer". Curliss stated that the Ohio Department of Health still recommends that those with vulnerabilities stay home. She noted that the Chamber survey indicates that 70% of business owners want to control the matter themselves.

Stokes commented that the issue is easier to address as a resolution rather than as an ordinance. He asked that the requirement be on the street, but not enforced inside stores, and leave that to the business owner.

MacQueen expressed the that the "be kind" message is "clearly not being received", and opined that most Villagers want people to wear masks. She commented that the risk of contraction outside is minimal, and that it is possible to be safe. She expressed discomfort at having the police enforce any part of mask legislation. She stated that she is unaware of any other municipality that has passed mask legislation. She pointed out resentment on the part of Villagers against tourists, noting that this seems to be a contributing factor.

Housh commented that he has done a good deal of research. Many communities that did have facial covering requirements are now moving to voluntary compliance, he said, and other legislation has been voted down.

Housh identified the pressing problems as first, that the crowding in the downtown area has been the focal point of concern for citizen complaints and second, that not only masks but also distancing and hand cleansing should be targeted. Housh suggested a resolution with a formal statement of expectations.

Housh stated that he does believe that the messaging has been effective, but that if compliance is going to go to the next step, the community as a whole needs to be involved, and the messaging needs to be more broadly disseminated.

Housh noted his agreement with the common sense approach to safety that avoids extremes. He stated a definition of “downtown”, stating that this area targeted for compliance should be easy to identify.

Karen Wintrow, Executive Director of YS Chamber of Commerce, commented that her position is to support Chamber members. To this end, she said, she put out a survey to downtown Village businesses asking them about mask compliance. The results were that about 70% of people are complying, and that business owners prefer to set their own policies.

Wintrow addressed the resentment many Villagers have towards tourists, but noted that business owners support the community and have put their investment into the community. She commented that tourists are here to enjoy the amenities, not to make Villagers uncomfortable. She noted the loss of tens of thousands of dollars due to the loss of Street Fair, and noted ways to support local businesses.

Sarah Sinclair Amend described herself as a parent of a child with sensory processing disorder, noting that this makes mask-wearing very challenging for him. She asked that Council address ADA concerns in crafting any legislation.

Dave Bogrees commented that outdoor transmission is rare and asked that the requirement address indoor spaces.

Kate Hamilton commented that this is a pandemic and people are dying.

MacQueen commented that an effective public information campaign will be needed to gain compliance.

Kreeger commented that she has been working tirelessly to support YS businesses in her role on the YSDC and on Council, but this, she said, is a non-negotiable. 70% compliance is not meaningful when not social-distancing, she said. We have to strive for 100% compliance. We need to identify the downtown district and clearly identify the requirements within this district. Kreeger stated that she is not interested in enforcement within establishments, since consumers can choose not to enter, but that the public areas should strongly encourage 100% compliance.

Stokes suggested ambassadors to hand out masks so that people who might not have one can get one. He asked how the Village might support mask purchasing.

Curliss stated that Village staff are stretched thin at this time. She opposed the Village handing out masks or enforcing.

Housh shared (through screen-sharing) a resolution he had drafted entitled “Requiring Physical Distancing, Facial Covering and Hand Sanitizing/Washing when in the Central Business District Within the Village of Yellow Springs, Ohio”.

Lorrie Sparrow Knapp spoke in favor of passing legislation, citing rising virus levels. She noted the positive message sent by stressing following the science.

Karen Wintrow commented that she would be happy to improve the mask-wearing messaging.

Housh asked Council if they were ready to move forward with the draft resolution he had provided. He noted that the resolution asks for self-compliance, but that it may have to change if people are not self-compliant.

MacQueen requested a change to exempt those with a medical exemption.

Kreeger asked for an exemption for children under a certain age.

Curliss stated that the resolution has no force of law and is therefore confusing.

MacQueen MOVED TO APPROVE the resolution as amended. Housh SECONDED, and the MOTION PASSED 4-1 with Curliss voting against.

MANAGER'S REPORT

Salmeron reported on the following:

Public restrooms are now open from 10am to 8pm and are being cleaned every two hours. Playgrounds and basketball courts are now open.

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.
- **Next meeting with US EPA scheduled for June 24, 2020.**

Administration Updates

- HR Assessment is underway. Attached is our Risk resolution and Strategic Plan for improving our HR Program and Services to VYS employees.
- URUP Program is included: Ending Balance \$8,355, assisted 4 clients in May, totaling \$715
- Boards and Commission expense report attached.
- Solid Waste Management contract - in discussions with Solid Waste Company to review services for our community.
- Police Department Updates:
 - The Police Department had 1,243 CFS with 2 critical incidents.
 - The Police Department assisted 2 persons that had overdosed.
 - The Police Department administered Naloxone (Narcan) with positive reaction.
 - Both persons were transported and treated by medical personnel.
- Facilities
 - Fire Panel has been replaced, building is now open to select business activities, such as meetings.
- iWorQ Citizen platform, the Village is launching a digital platform to manage public works service requests from constituents. Features include:
 - Central tracking location for citizen's requests
 - Connected to iWorQ's other applications such as Work Management, Code Enforcement, and Permit Management
 - Capable of attaching pictures and location coordinates
 - Allows for two-way communication

MacQueen asked for and received information regarding the HR assessment, including the information that all the services noted are included in the contract.

V. FUTURE AGENDA ITEMS*

July 6: Possibilities for Donation Line (Jeannamarie Cox)
Dog Park Plan Update (Burns/Lapedes)
Block Parties
Report and Recommendations from Board/Commission Restructuring Committee
Resolution Approving a Contract with XXX for Services as Village Solicitor
Storm Water and Sanitary Line Update
Report and Recommendations from Board/Commission Restructuring Committee
Comprehensive Land Use Plan Update (Sorrell)

July 20:

No First Meeting in August

Aug. 17:

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

EXECUTIVE SESSION

There was no Executive Session

ADJOURNMENT

At 9:49pm, MacQueen 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