

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

Virtual Meeting @ 7:00 P.M.

Monday, July 20, 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, Lisa Kreeger and Kevin Stokes. Also present via Zoom were Village Manager Josue Salmeron and Solicitor Breanne Parcels.

ANNOUNCEMENTS

Housh announced that there is still time out fill out census information and urged citizens to do so.

Housh noted that there is no August 3, 2020 meeting.

Housh thanked the Mask Ambassadors for assisting in education and mask distribution.

Housh called out three groups of villagers who are resistant to masking, those being Dave Chappelle and his entourage; village youth; and visitors to the Spirited Goat.

CONSENT AGENDA (7:10)

1. Minutes of July 8, 2020 Council Emergency Session
2. Minutes of July 6, 2020 Regular Session

ROLL CALL VOTE. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

REVIEW OF AGENDA

MacQueen removed the letter from the Wildlife Habitat Community, and added the “Wayfinding Proposal” from Karen Wintrow. Housh added a discussion regarding a BLM street mural.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file the following letters received regarding facial covering and/or busking:

Jeanne Kay
Kate Mooneyham
Maria Booth
Kathryn Van der Heiden
Mary Alice Wilson
Susan Carr
Amy Wamsley
Diane Davis and Cindy Shaw
Nancy Mellon
Leslie Lippert
Margaret Koebernick
Ellen Hoover
Rebecca Kuder
Lindie Keaton
Christine Reedy
Karl Ransome
Melissa Howell GCCHD
Ursa Northstar re: Objection to Mask Ordinance

Other Communications Received:
Thomas Kellar re: Construction Complaint
Dino Pallotta re: Status of Senior Housing Project
Karen Wintrow re: Wayfinding Proposal
365 Project Affirmative Marketing Brochure
Emily Seibel re: Glen Cottages Project Update
Brian Housh re: BLM Mural—Cincinnati Example

MacQueen reviewed the communications received.

I. PUBLIC HEARINGS/LEGISLATION (7:25)

Emergency Reading of Ordinance 2020-14 Approving Third Quarter Supplemental Appropriations and Declaring an Emergency. MacQueen MOVED and Curliss SECONDED a MOTION TO APPROVE.

Harris described the items represented, those being land purchase, sewer relining, and an influx of reimbursement funds from the CARES Act.

Salmeron stated that the land purchase is to protect infrastructure.

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

Reading of Resolution 2020-30 Supporting Actions Towards the Village Becoming a National Wildlife Habitat Community. MacQueen MOVED and Curliss SECONDED a MOTION TO APPROVE.

MacQueen noted that this is a collaborative effort on the part of the Environmental Commission, Tecumseh Land Trust, Glen Helen and Community Solutions.

MacQueen noted that at present, the Glass Farm has qualified for this status. She suggested that the Bryan Center area might be a possibility.

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

Reading of Resolution 2020-31 Authorizing the Village Solicitor to File a Proof of Claim in the Perdue Pharma Bankruptcy Case, on Behalf of the Village of Yellow Springs, Ohio. MacQueen MOVED and Curliss SECONDED a MOTION TO APPROVE.

Parcels stated that the Village needs Council permission to be party to the lawsuit against Perdue Pharma. While receipt of a settlement is not highly likely, she stated, this allows for that possibility.

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

CITIZEN CONCERNS

Thomas Kellar expressed concerns and dissatisfaction regarding construction on a home adjacent to him. Housh commented that the matter will be followed up on by Village Staff.

The Clerk read a letter to Council from Ursa Northstar objecting to the mask ordinance and asking that Council cease enforcement and education activities regarding this ordinance.

SPECIAL REPORTS (7:45)

Comprehensive Land Use Plan Update. Aaron Sorrel of Community Planning Insights provided a powerpoint update to the process.

Housh asked Village staff to work with Sorrell to set up one more outreach effort to gather input.

Active Transportation Plan Update. Salmeron recognized the work of Denise Swinger and Johnnie Burns in obtaining a 1.6 million dollar grant to support implementation of the ATP. He presented a powerpoint explaining the phases of the proposed ATP projects. Funding will be received annually for each of three phases of the project.

OLD BUSINESS

Update on Meaningful Action re: Anti-Racism and Justice. Housh introduced the topic.

MacQueen read an opinion regarding overhauling public safety, suggesting the needs of the community be assessed and that the PD then be assessed for a fit and to see what policing activities should or could be passed on. She suggested disarming the police and having them not wear protective gear. She suggested that Council look at how they could act at the county or state level to affect political action in those arenas.

MacQueen then offered a suggestion for a restorative justice circle as a means to address disagreement between constituent groups involved in this work.

Curliss noted her draft letter to Governor DeWine, which groups actions into five areas, and asked that the letter be sent out promptly. Curliss cautioned against the impulse to criminalize actions, which is a national problem as well as a local one.

Kreeger remarked that she is focusing on the Citizen Review Board which she has been recommending be formed to review policing actions. She noted that the ACC has shifted in the last two years to promote public art as activism. Finally, she stressed the importance of the budgeting process, since this is where Council can assure that decriminalization and proper training and assessment measures are in place for officers. Kreeger recognized the work to date of the Police Department, but

commented that the time is right for more change in the area of policing.

Nya Brevik, a youth organizer with the local BLM movement, asked for more support from Village Council members, stating that “real actions” are needed. She commented that there are racist ideals still held here and that these need to be addressed. She asked that racism be treated like a crisis.

Julian Roberts read a statement denouncing the action of Chief Carlson in his recent call to a former KKK member who had threatened action against a Fourth of July parade. Roberts interpreted the recording of the call as having been sympathetic to the KKK member, and a “dismissal of the declaration of Racism as a Public Health Crisis” and asked that Council and the Chief respond to a list of demands, which Roberts then read. That letter is contained in the packet.

Julia Hoff addressed “white performative action” which she sees as rampant in the village. She stated that the same level of action be taking place against racism as is taking place against COVID-19. She stated that discomfort is to be expected when confronting or learning about racism, and should not constitute a reason to avoid the hard conversations or situations.

Basim Blunt thanked Council for their actions over the years. He thanked the youth and to the YSPD who are providing protection for the protesters. Blunt asked why there have not been black or brown people working on contract jobs in the village. He stated that “these are 100% white men working on these projects”. He asked how much of the ATP funding will be spent on “100% white men”. He asked that the Village work harder to get bids from contractors of color.

Jen Boyer commented her displeasure and perturbation at the interaction between Chief Carlson and the former KKK member. She expressed concern that as soon as the threat was made, the parade permit was pulled.

Housh clarified that the Village did not pull the permit. He commented that the goal of the phone call was de-escalation and community safety.

MacQueen she had been helping to organize the parade, and offered that the reason for pulling the parade permit was that the Fourth of July parade had been announced in several local papers. The organizers then felt that the parade would not be local or safe in terms of physical distancing.

Bomani Moyende expressed suspicion as to the motivation behind the restorative justice circle, stating his concern that there would be action taken against parade organizers. He stated that he will not participate in the process if it is called “Restorative Justice.”

MacQueen explained the idea behind restorative justice, commenting that in this iteration it is meant as a listening and healing process with facilitators.

Nya Brevik commented her concern that her reading of the phone call transcript sounded as if the former KKK member was being appeased.

Salmeron responded to the expressions of concern around the phone call, acknowledging that, out of context, the call could certainly be painful to hear. He stressed that Village administration acted as a team in their response, and that the primary goal was to de-escalate and assure community safety. He stressed that the Police Department had sufficient evidence to consider the individual a credible threat to community safety.

Salmeron stressed that the decision to cancel the Fourth of July parade was not made by Village government, and that the Village would have provided support in the event that it had gone forward. He acknowledged systemic racism and expressed willingness to join dialogue.

Housh acknowledged Brevik’s identification of the balance between de-escalation and making Village Values clear in the conversation between the Chief and the former KKK member. He promised statement to follow.

Housh addressed the issue of “what are you doing to address racism”, stating that he will be asking for action from Council on several matters, those being:

- Decriminalizing the possession of marijuana.
- Stop pulling over drivers for vehicular issues such as broken taillights.
- Change uniforms
- Finalize the Citizen Review Board
- Formalize the Justice System Advisory Board
 - *Evaluation of Officers
 - *Disarming the Police Team
 - *Focus on social services

Housh asked for Council comment on the suggestions made.

Stokes expressed favor with moving forward on all items.

Curliss expressed appreciation for all commenters. She asked that the Village Solicitor work in Mayor's Court and with the Police in part to train them on the rights of the first amendment rights of demonstrators. Curliss stated that the overtime needed to protect protestors is a necessary government function in protection of the First Amendment.

Housh added "reinvigorating community conversations" to his list, based upon previous input from Angela Allen.

Housh stated that he is committing to a monthly meeting of the Justice System Advisory Board, and promised to have the date and time out later in the week.

Discussion of Finances; Budget Management and Future Projects. Salmeron summarized the Village financials. Salmeron asked for a vote from Council regarding approval of the quarterly financials.

Housh MOVED and Stokes SECONDED a MOTION TO APPROVE THE SECOND QUARTER FINANCIALS. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Salmeron noted that the budget projection regarding COVID-19 revenue adjustments is holding steady.

Salmeron explained that the Village has a request in currently for the Law Enforcement grant, and will wait for word on that before submitting to FEMA for reimbursement. The LE grant covers 100%, while FEMA covers 75%, hence the timing on the requests, since the Village is not permitted to "double dip".

Salmeron commented that the CARES Act funds have been received, but the Village is attempting to find funds wherever possible.

Treasurer's Report. This was covered by the Village Manager during his Manager's Report.

II. NEW BUSINESS

Letter to Governor DeWine. Housh suggested several minor changes. Stokes MOVED and Kreeger SECONDED a MOTION TO SEND THE LETTER to DeWine and public officials. Council voted 5-0 on a ROLL CALL VOTE to send the letter

Wayfinding Proposal. Karen Wintrow, Director of the Chamber of Commerce, presented a request for \$11,000.00 from Council to assist in obtaining "Wayfinding Signage" for the downtown area. She noted that the signage would help visitors more readily locate businesses, which she pointed out as important during the COVID pandemic. The signage takes the form of map stations. Other organizations will be contributing to the project.

Housh stated that it is clear to him that downtown businesses need this tool, commenting that the app piece available with the maps will interact well with the wifi now available downtown. He stated that there is funding remaining in the Board and Commission line, or, potentially, through CARES Act funding or the Economic Development Fund.

MacQueen expressed approval.

Curliss MOVED to APPROVE Funding of Wayfinding Signage.

The Clerk expressed concern that the motion was made prior to any staff input, particularly that of the Finance Director.

Salmeron commented that the COVID expenses have been pulled from any number of budget lines, and asked for the flexibility to take the funds from wherever is needed if there is not funding available.

MacQueen SECONDED the MOTION. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Proposal for Renaming Short Street as Freedom Way. Kreeger apologized for any confusion about her proposal, stating that she had combined it with another proposal for street closure on weekends, and that combination had created a distraction.

Kreeger stated that while there is certainly nothing wrong with the name “Short Street”, there is also a rich history of contribution to the Village by African Americans. She stated that an installation could be placed on Short Street which will contain a QR code for the “Blacks in Yellow Springs” book. This would create three QR sites along that route.

Kreeger stated that the 365 Group had suggested the name “Freedom Way”, but that in response to heated discourse around that choice, another educational and discussion forum is planned.

Stokes commented upon the importance of sufficient input from groups in town regarding the name.

Other Council members expressed approval for the idea.

Black Lives Matter Street Mural Proposal. Kreeger explained that the Arts and Culture Commission has reached out to the Village Manager regarding creation of a street mural as well as a BLM banner to hang at the south end of town. Those proposals have met with approval, and the ACC is working to obtain the artwork to put the projects in motion.

Housh commented that Cheryl Durgans, who has a background in leading these kinds of projects, has agreed to lead this effort.

Housh responded to a question from Stokes, stating that both Short Street and Corry Street between Xenia Avenue and Dayton Streets.

Council expressed approval for the proposals.

Proposal for Food Truck Parking at Railroad Street Lot. Salmeron noted a request that food trucks be permitted on the Railroad Street Village lot, and presented the following report:

Salmeron was asked by a local resident about operating a food truck on the street in front of the Railroad Street parking lot, and a petition was received. Staff reviewed the zoning code’s mobile vending requirements and found that food trucks cannot operate on public streets but can in an approved off-street parking lot as long as the food truck does not displace any required parking spaces. There is no distinction between a private or public parking lot in the zoning code.

Salmeron commented that it is worth listening to the opportunity to diversify options for food in the downtown area.

Salmeron commented upon the conditions that the Village would like to see implemented if the Planning Commission were to agree to this use in the Village’s public parking area:

- Any food truck operator wishing to use this space must first seek conditional use approval through the Planning Commission.
- The food truck operator must follow all other requirements under 1262.08 Mobile Vending that apply.
- The food truck may not be parked overnight.
- Specific days and times a food truck may operate at this location to be set by the Village and may be subject to change.
- A zoning permit to be issued following approval of the Conditional Use. The zoning permit will allow the permit holder to reserve the space through the Parks and Recreation Coordinator’s office.
- The fee per day for use of the space will be \$50, which includes use of an 110V electric meter provided by the Village.
- No generators to operate the food truck will be allowed.
- The \$50 fee collected for each day the space is rented to go into the Village’s Economic Development fund
- Proof of liability insurance with a hold harmless agreement provided for the Village, Council and employees
- Proof of ODH food license
- Proof of MTFR fire inspection

Housh asked Council to share comments they would like to see passed along to Planning Commission on the topic.

MacQueen expressed approval to send the matter on to PC.

Salmeron clarified that the petition is from a local long-time resident, and that a second inquiry has been noted from another local food truck entrepreneur. He clarified that there is one location for one food truck at a time.

Stokes expressed that the fee seemed low to him, and was told that this could be adjusted.

Kreeger asked whether the use could be restricted to a local resident, and expressed concern about the use in general in the climate of economic instability.

Curliss opposed bringing in competition to local restaurants.

Salmeron commented that Planning Commission would vet the request fully.

Curliss challenged Salmeron's ability to bring the matter to Planning Commission and MOVED that the REQUEST NOT GO TO PLANNING COMMISSION. Kreeger SECONDED, and the MOTION PASSED 4-1, with MacQueen voting against.

Report and Recommendations from Board/Commission Restructuring Committee. Curliss introduced the topic, stating that it has been "pushed to the bottom of the list" repeatedly, and that this would not occur if Council organized their work around committees that correspond to Village departments. She stated that "one reason we have four-hour meetings is because we do not have committees."

Curliss acknowledged the work of the committee in the process and final proposal. She suggested putting a final decision off until a retreat can be held to discuss the matter fully.

Patti Bates commented that the proposal has merit, but she has two reservations. Those were first, the Public Works Committee. Bates noted that Salmeron had broken the proposed Council committees into two categories: those associated with the Enterprise Fund and the other with non-Enterprise Fund activities. Bates stated that any Village Manager needs to have flexibility and purview over Enterprise Fund activities. Bates identified her second concern as a strong objection to Curliss' position that only Council members of the committee could vote.

Kreeger expressed concern regarding the vote issue as well, noting that if the Restructuring Committee had had one vote per member it would be bringing a proposal to Council that would have passed 4-1. Instead, she said, she and Curliss disagreed on two points, and as the two Council representatives this then created a situation where the perspectives of the three other group members were disregarded. Kreeger stated that under this model, Council members would spend more time instead of less (due to the requirement that both representatives attend all meetings) in meetings. She commented that the reason for lengthy meetings was not the structure but the result of rich and full citizen input. Kreeger then expressed agreement with Bates' point regarding the Public Works Committee as needed only on an ad hoc basis.

Curliss responded that this is "a report with a minority and majority perspective reported". She commented that Kreeger had created her own ad hoc committee to address the renaming of Short Street, and that the voting structure of that group is undefined. Curliss pointed out that the committee level decision is to move something to the Council agenda, where, if added, it will then be discussed fully and voted upon. This is about moving things forward in a more fully formed manner, she said.

Salmeron commented his agreement with Kreeger and Bates. He noted that there needs to be a level of trust in the professionals who are doing the work. Salmeron asked for a vote from Council as to which direction they wish to go on the matter.

Kreeger cautioned against voting the matter down entirely, noting that "there are a lot of good ideas here".

Housh stated that he is happy with the work of the committee and would like to more fully process the ideas presented.

III. MANAGER'S REPORT

Salmeron presented the Treasurer's Report as a brief summary, noting the negative effects of the pandemic.

IV. FUTURE AGENDA ITEMS*

Aug. 17: First Reading of Ordinance 2020-15 Repealing Section 242.01 "Composition; Classification" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 242.01 "Composition; Classification": (Community Outreach Specialist)

First Reading of Ordinance 2020-16 Decriminalizing Marijuana in the Village of Yellow Springs

Reading of Resolution 2020-32 Authorizing the Village Manager to Enter into an Agreement with Arbor Care for 2020 Utility Line Clearance (Section 3) of the Village

Reading of Resolution 2020-33 Authorizing the Village Manager to Enter into a Purchase Agreement with Piqua Lumber, LLC for a Pole Barn Assembly

Reading of Resolution 2020-34 Approving A Two-Year Extension of the Existing Contract with Rumpke Waste Services

Reading of Resolution 2020-35 Establishing a Justice System Collaborative Committee for the Village of Yellow Springs

Reading of Resolution 2020-36 Authorizing the Village Solicitor to Take Legal Action Defending Village Charter Article II, Section 6 Voter Qualifications

Finance Committee recommendations re: CARES Act Funds

Report from Community Foundation: COVID-19 Resources (Cox)

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

ADJOURNMENT

At 10:23pm, Curliss MOVED and MacQueen SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 on a voice vote.

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council