

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

**Virtual Meeting @ 7:00 P.M.**

**Monday, November 16, 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, Lisa Kreeger, Laura Curliss and Kevin Stokes. Also present via Zoom were Village Manager Josue Salmeron, Sergeant Watson and Chief Carlson, Planning and Zoning Administrator Denise Swinger, Public Works Director Johnnie Burns and Solicitor Breanne Parcels.

**ANNOUNCEMENTS**

Housh recognized the passing of Robert (Bob) Devine, noting his passion for community and impact on the Antioch community.

Housh commented that he had been given the honor of speaking at the Speaking Up for Justice rally last Saturday, observing that that marked 25 weeks of this transformative series of events.

Housh noted the coordination and communication around the planned power outage, stating that this serves as a model for such occurrences.

Housh thanked the village for passage of the Levy, promising that the income will be carefully managed and noting upcoming budget hearings.

Salmeron noted that Governor DeWine's new orders require hand sanitizer availability inside of businesses, and promised that he Village will make these supplies available.

Salmeron noted that flour and sugar delivery will take place November 23<sup>rd</sup> through the 25<sup>th</sup>.

**CONSENT AGENDA**

1. Minutes of November 2, 2020 Regular Session
2. Minutes of November 3, 2020 Special Session Budget: Capital Fund

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

**REVIEW OF AGENDA**

Resolution 2020-49 was added to the agenda.

**PETITIONS/COMMUNICATIONS**

The Clerk will receive and file the following:

GCPH re: Holiday Safety  
Elise Burns re: Mayor's Court (2)  
Kevin Stokes re: Development Agreement Working Group  
Brian Housh re: Reference Item on Chapter 660 "Contagion"  
Roseann Anders re: Greene County COVID Count

MacQueen reviewed the communications.

**PUBLIC HEARINGS/LEGISLATION**

**Second Reading and Public Hearing of Ordinance 2020-30** Repealing Section 1224.01 "Application; Fee" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1224.01 "Application; Fee". MacQueen MOVED and Curliss SECONDED a MOTION TO APPROVE.

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

**Second Reading and Public Hearing of Ordinance 2020-31** Repealing Section 1248.03 "Spatial Requirements" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1248.03 "Spatial Requirements". Curliss MOVED and Kreeger SECONDED a MOTION

TO APPROVE.

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

**Second Reading and Public Hearing of Ordinance 2020-32** Repealing Section 1262.08 “Specific Requirements” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1262.08 “Specific Requirements”. Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Swinger highlighted that this ordinance requires wastewater filtration prior to its entering the sanitary system and requires a two-step hearing process for Pocket Neighborhood Developments.

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

**Second Reading and Public Hearing of Ordinance 2020-33** Repealing Section 1272.01 “Zoning Permit Required” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1272.01 “Zoning Permit Required”. Curliss MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Swinger noted that this affects an existing impervious area.

Housh OPENED THE PUBLIC HEARING.

MacQueen made a statement to the effect that she disagrees with the prohibition against accessory structures in the front yard, and offered rationale for this position.

MacQueen received clarification that accessory structures are permitted in the side yard.

Curliss opined that the homeowner could apply for a variance.

The Solicitor responded that this could qualify for a variance hearing.

Megan Bachman, Yellow Springs News, received the information that a chicken coop does qualify as an accessory structure.

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

**Second Reading and Public Hearing of Ordinance 2020-34** Repealing Appendix A “Fee Schedule” of the Codified Ordinances Part Twelve, Title Four - Zoning, of the Village of Yellow Springs, Ohio and Enacting New Appendix: “Fee Schedule”. Curliss MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING.

**Second Reading and Public Hearing of Ordinance 2020-35** Amending Section 1242.06 “Uses Not Listed” of the Codified Ordinances of the Village of Yellow Springs, Ohio. Curliss MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Swinger read through the revised language.

Culiss MOVED THAT THE ORDINANCE AS AMENDED BE APPROVED. Kreeger SECONDED.

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

**Emergency Reading of Ordinance 2020-36** Permitting the Continuation of Remote Meetings and Remote Public Hearings for All Municipal Bodies by Amending Chapter 220 of the Yellow Springs Code of Ordinances. MacQueen MOVED and Curliss SECONDED a MOTION TO APPROVE.

Housh OPENED A PUBLIC HEARING.

Parcels explained that the permission granted by House Bill 197 to hold virtual meetings is set to expire on December 1 2020 or when the Governor’s order is lifted. Although the Governor’s order

has not been lifted, the Village can, by Charter, enact its own set of requirements regarding meetings, within reason.

This ordinance permits all Village bodies to hold virtual meetings and hearings if a Local, State or National disaster is in effect that restricts the size of gatherings.

Megan Bachman asked that the numbers regarding participation levels in meetings be shared with her.

Kreeger expressed her regret at not being able to meet in person, but acknowledged the necessity of remaining virtual. She thanked those who participate virtually.

Housh CLOSED THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**Reading of Resolution 2020-46** Authorizing and Directing the Village Manager to Issue a Letter of Intent and Negotiate and Execute a Contract for Purchase of a Portion of Real Property Owned by the Board of Education of Yellow Springs Exempted Village Schools for the Agraria Trail. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Salmeron noted that the proposed purchase represents a good opportunity to enhance the Village bike access. He stated that the resolution will allow the Village to develop a letter of intent to present the School Board.

Housh opined that the effort is an important collaboration, and noted that over a 15-year period, Agraria will match \$30,000.00 of the total by leasing the land.

MacQueen stated that the property is part of the Jacoby Green Belt and marks the village boundary.

Stokes asked whether the \$60,000.00 is flexible.

Housh stated that the asking price is firm.

Salmeron stated that the schools have asked the Village to pick up the cost of the survey and legal fees, which is still under consideration and would represent an increase.

Housh CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**Reading of Resolution 2020-47** Committing to Provision of Municipal Broadband as a Means of Facilitating Access for Businesses, Residents and Visitors in the Village of Yellow Springs. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh noted that the initiative has been in motion since 2014, and noted that the work has taken six years to reach this point. Housh commented that he received frequent reminders that this is an opportune time to invest in municipal broadband.

Salmeron emphasized the need for inexpensive, reliable internet access during these pandemic times. He expressed his excitement and pride in the work of the Village team in working with MVECA to make the project a reality.

Stokes echoed Salmeron's excitement about this opportunity, commenting on the real need for citizens to have this access. He commented on the advantage of having MVECA present as a data center.

Salmeron presented a powerpoint presentation on the initiative.

Housh CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**Reading of Resolution 2020-48** Approving the Annual Distribution of Flour and Sugar to Village Widows and Widowers. Curliss MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Curliss commented that persons can donate their flour and sugar to a food bank.

Salmeron commented that several media organizations will be running stories on the annual tradition.

Kreeger suggested that another form of flour might be a possibility for those with allergies.

Housh CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Housh introduced the below resolution, noting that a group had been convened last week to discuss the increase in COVID cases in the area. He noted that the conversation centered around how to support local businesses so that another shut-down will not be needed.

Housh highlighted a list of procedures for both individuals and businesses which was developed through a group process.

Housh commented that the PD will be stricter about issuing citations moving forward.

Housh noted the updated Chamber signage regarding the mask mandate for all persons in all places of business.

Salmeron commented upon the seriousness of the epidemic and the increasing rise in hospitalizations in the region. He commented that the primary sources of spread need to be contained.

Sergeant Watson commented that the PD had conducted walk-throughs of every business and provided information and signage.

Chief Carlson noted that there are two proprietors in town who have been resistant to the efforts to promote safety protocols, and that these will be carefully watched.

Curliss commented upon the appropriateness of citations in these times, but noted that she does not think the resolution is needed, since measures for citation and enforcement are already in place.

Housh noted that the protocols for posting the masking signs are required for all businesses.

**Reading of Resolution 2020-49** Outlining Additional Public Health Emergency Protocols in the Village of Yellow Springs and Declaring an Emergency. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Parcels commented that the Governor's orders have been issued over several days, but she noted that the PD is able to enforce laws that the Village has already put on the books. The protocols make expectations for all clear. She noted that physical distancing in the downtown area will be strictly enforced in the case of any vendor who may set up a table, which creates congregation.

Curliss differentiated between vendors on private property vs public property.

Parcels responded that there is no differentiation since vendors must enforce physical distancing, and all vendors have customers who congregate. She noted that congregation on private property is not permissible at this time.

Curliss argued that if a vendor on private property is able to keep customers from congregating s/he should be permitted. She commented that seating in the right of way should be banned as well, if this is to be equitably enforced.

Kreeger echoed Curliss' concern regarding tables set up outside for customers for dining. She commented that this should be shut down in the current circumstances.

Sergeant Watson received confirmation that if a property owner is permitting a vendor on their property, or permitting dining outside on their property, they are the entity liable in the event of non-compliance, and would risk a 24-hour shut down.

Curliss urged that no citation greater than citation into Mayor's Court be permitted.

Carlson noted that the higher level of enforcement is a change in policing strategy generally.

Housh agreed that businesses should be told that there can be no outside seating.

In response to a question from Stokes, Housh suggested that businesses with questions should contact Watson or Carlson in the YSPD.

Housh CALLED THE VOTE, and the MOTION PASSED 4-1 ON A ROLL CALL VOTE, with Curliss voting against.

#### **CITIZEN CONCERNS**

The Clerk read in a letter from Ursa Northstar regarding concern about traffic speed and pandemic restrictions.

## SPECIAL REPORTS

There were no Special reports.

## OLD BUSINESS

**Budget Process Debrief.** Salmeron noted that Council and Staff have had three extensive discussions regarding the budget, involving future projects, priorities and strategies.

Salmeron commented on the YS News article regarding “spending down the reserves”, stating that the Village inherited many years of deferred infrastructure maintenance which is a priority for Public Works and for himself, commenting that this is in no way capricious, but is a needed investment. He explained that his intent is to proceed with infrastructure upgrades aggressively while seeking sources of funding until the operating reserves are spent down, and then pull back on the pace and continue to seek funding and resources to continue the work as possible.

Salmeron noted the work that has been done to assess infrastructure so that projects can be carefully prioritized and planned.

Housh noted that the Village has always been very conservative about keeping funds in reserve.

Curliss commented that it takes a long time to build up reserves, and opined that if the levy had, for example, failed to pass, the Village might not have enough funds to operate for a year had it spent down the reserves. Ninety days is “too short” in my opinion, she said.

Curliss referred to the “cursory second readings” and asked for a “robust public hearing on the budget” at the December 7<sup>th</sup> meeting.

Housh commented that the budget would be the topic of extensive discussion at the Town Hall on December 2<sup>nd</sup>.

Kreeger expressed that there are critical infrastructure investments that past Councils failed to make and which have to be made up for. She expressed her concern, however, stating that another look needs to be taken at what it is critical to accomplish at this time, with COVID in the picture, and with other uncertainty.

MacQueen stated that she is not worried by the current fiscal situation, but agreed that along with spending down, the Village needs to be planning forward.

Stokes expressed confidence in the Village Manager’s approach and in the work of the Public Works Department.

Housh stated that he would work with Matt Dillon and Josue in preparing for the December 2<sup>nd</sup> Town Hall.

Housh stated that the budget has been thoroughly scrutinized every year, and this year more than ever, and that he has no concerns about the thorough nature of this project.

Housh stressed that he plans to follow up on his notion regarding paid parking, which has “fallen by the wayside” and which he believes is a real revenue generation possibility.

Salmeron stated that he is working closely with his leadership team to identify what service levels are driving the deficit so that all options can be assessed.

**Update on Meaningful Action re: Anti-Racism and Justice.** Housh noted that regarding diversity and Implicit Bias Training is now available to all staff and any citizens who may wish to participate.

Housh noted that the Community Sit Downs are ready to be scheduled.

Housh stated that the next meeting of the JSCC will be December first, and will focus in part on diversity in vendor selection for the Village and in vendors supporting village values with regard to anti-racism.

## NEW BUSINESS

There was no New Business

## MANAGER’S REPORT

- The State of Ohio and Greene County has seen the highest COVID-19 cases since the

Pandemic. The County remains at level 3 public health emergency. Potential closing ahead, per Governor DeWine.

- Administration continues its communication strategy to inform residents of the latest COVID-19 developments and impact in our region. Strategy includes 1) Virtual Town Halls; 2) Weekly Leaders Call; 3) Improved Social Media;
  - Digital signs at main entrances have been removed
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- Total to 30 hand sanitizer stations strategically placed around the Village. New sites include Glen Helen Parking Lots.
- VYS was awarded \$12k from the Ohio Office of Criminal Justice Services for COVID-19 related services.
- VYS was award \$ \$195,326.33 in COVID19 relief funds from the CARES Act.
  - Initial award of \$130,217.54 , supplemental award of \$65,108.79.
  - Received third distribution of \$134,917.83, bring total to \$330K
- Submitted grant request/applications to Greene County Government and YS Community Foundation for financial support for projects presented to Council.

Meeting with US EPA held on November 12, 2020. We have received the updated the Soil removal proposal and are evaluating the expanded soil excavation areas. We are still waiting on additional information on parameters used for the updated 3D particle-tracking model.

The VYS Administration has met with Ohio EPA and Bennett and Williams, to discuss an update to the Water Source Delineation Map. Ohio EPA has agreed to assist with a new Delineation. A thorough Time of Travel analysis and map will be conducted as a separate project. UPDATE: Ohio EPA has scheduled the delineation project for VYS. Expect completion around Summer of 2021.

Timeline for project has been adjusted. Statement of Basis and community engagement is expected Q1-Q2 of 2021. Next Meeting scheduled for December 17, 2020.

#### Administration Updates

- Prepared initial draft of the 2021 budget.
- Audit Reports have been completed and submitted to the state. Audit conference held with staff.
- Council Members and Mayor have been added to the VYS Training Platform (PEP Sponsored) and courses have been assigned.
- JSCC work continues on new data reporting model, engagement feedback and performance evaluation. Information is being share with JSCC. A SharePoint site has been created to store and share documents.
- Police Department:
  - The Police Department had 291 CFS with 0 critical incidents.
  - The Police Department administered 0 Naloxone (Narcan)
  - Released 0 new policies this week bringing our total to date to 78
  - 4 new DRAFT policies for review.
    - An estimate for updated policies remaining to completion is 35
      - Added eight new policies per state mandate.
    - Estimated completion date for the YSPD Policy Manual 10-04-2021
  - Chief Carlson continues with virtual updates through the Law Enforcement network, Emergency Services, the Public Health Department, the Greene County Sheriff's Office and Yellow Springs Town hall meetings, JSCC meetings and three JSCC workgroups.
  - Officers and Dispatchers are continuing to receive daily training bulletins (DTB's) for policy compliance within the Ohio Collaborative. Department is completing Phase 2 for accreditation with the AGOC.
  - Officers have distributed over 3,300 masks to citizens.
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- Public Works
  - Tree Trimming work through Arbor Care begins Sept 21st
  - Electric
    - GIS for power poles continues
    - Electric Study final draft is complete, will report and presentation included in this council packet
    - Ongoing Pole change outs
    - Tree Trimming by Arbor Care started Sept 21st –on-going
  - Water

- Started turning Valves and GIS locations
- Hydrant flushing completed successfully
- Installing the new fence at the water tower—work Continues
- Cleaning of WATER WELLS TWO and FIVE Completed, discovered damage to well #2
- Waste Water Plant
  - We negotiated a rental agreement for a sludge press machine. Press Machine is on-site.
  - New security cameras installed.
  - Replacement of Lift station pump complete.
  - Flooring installation completed.
  - Gullet Sanitation remove pressed sludge and delivered to landfill.
  - VYS team pressed and remove another 130,000 gallons of biosolids

Well #2 Damaged requires immediate repairs. Camera-ing has detected significant damage to sidewall of Well #2 at the water wellfield, which requires immediate repairs. The video inspection captured video showing missing sections of pipe, allowing soil and rock erosion into the well. This discovery was not unexpected as the well was installed over 50 years ago (1963-1964). The well is 16 inches in diameter. The solution is to re-sleeve the well with a 12 inch diameter pipe. This will repair will restore functionality and structure integrity of the well. The Ohio EPA has approved the measure.

Salmeron noted a letter from Governor DeWine informing the Village of savings generated through safe working conditions, which are being refunded to Ohio municipalities. In the letter, DeWine urges municipal leaders to use some of the funds to reward their most valuable assets, their employees. Salmeron asked Council for permission to bring a resolution to this effect to the next meeting.

Housh asked Salmeron to bring this resolution to the next meeting.

Salmeron asked Council whether they are willing to address a policy change requested by Council member Curliss regarding Council member eligibility for Village health insurance.

Housh declined interest in the policy issue, but stated that he is willing to place such an item on the agenda if the particulars are put in writing for thorough review.

## **BOARD AND COMMISSION REPORTS**

Kreeger congratulated Shep and Gilah and the Baldwin Family in collaborating with the People’s Banner Project to showcase the banner project on the south wall of their building.

Kreeger noted a new angle in participating in the ACC, stating that they have taken on Michael Casseli as a “Town-Gown” cultural liaison to the ACC.

## **FUTURE AGENDA ITEMS\***

- Dec. 7**            **First Reading of Ordinance 2020-37** Approving the 2021 Budget for the Village of Yellow Springs  
**First Reading of Ordinance 2020-38** Prohibiting Engine Brake Use Within Village Limits in Chapters 634 and 440 of the Yellow Springs Code of Ordinances  
 Ordinance re: Fourth Quarter Supplemental  
 Resolution re: One Time Bonus to Employees  
 Dog Park Update
- Dec. 21**           **Second Reading and Public Hearing of Ordinance** Approving the 2021 Budget for the Village of Yellow Springs  
 Preliminary Goal Setting  
 Inclusive and Resilient Yellow Springs Update

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

## **ADJOURNMENT**

At 9:32pm, Curliss MOVED and Kreeger SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 on a voice vote.

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Brian Housh, Council President

Passed:

Attest: Judy Kintner, Clerk of Council