

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

**Council Chambers @ 7:00 P.M.**

**Monday, October 17, 2022**

**CALL TO ORDER**

Vice President of Council Kevin Stokes called the meeting to order at 7:00pm. Stokes presided over the meeting because Housh was joining via Zoom.

**ROLL CALL**

Present were President Housh (via Zoom,), Vice President Kevin Stokes and Council members Gavin DeVore Leonard, Carmen Brown and Marianne MacQueen. Also present were Village Manager Josue Salmeron, Public Works Director Johnnie Burns and Village Solicitor Amy Blankenship.

**ANNOUNCEMENTS**

Housh announced the success of Street Fair, and thanked Village crews and staff for their work.

Mark Heise spoke to the success of Street Fair and thanked the many volunteers.

Salmeron announced a Youth Center trip to Kings Island set for October 29<sup>th</sup>. Beggars Night activities, including Village sponsored neighborhood bonfires will take place October 31.

Housh noted a robust Wheeling Gaunt Day celebration on the 15<sup>th</sup>, and thanked the 365 Project and volunteers.

Housh reminded all that Indigenous Peoples' Day was October 10<sup>th</sup>.

Housh noted the success of the Valet Bike Parking at Street Fair, which raised \$490 for downtown bicycle parking. He commented that he is determined to increase sustainability at future Street Fair and other events, noting that cups can be re-used and that food packaging could be improved.

Housh noted upcoming Budget sessions on 10/27 and 11/2, and invited the public to attend or view these sessions.

Finally, Housh spoke about Issue 2, stating that it is "about local control," and stating that "degradation of Home Rule is anti-Ohio".

**CONSENT AGENDA**

1. Minutes of September 29, 2022 Special Meeting: Joint Meeting
2. Minutes of October 3, 2022 Regular Session

MacQueen MOVED and Brown SECONDED a MOTION TO APPROVE THE MINUTES OF September 29, 2022. The MOTION PASSED 5-0 ON A VOICE VOTE.

Brown MOVED and MacQueen SECONDED a MOTION TO APPROVE THE MINUTES OF October 3, 2022. The MOTION PASSED 5-0 ON A VOICE VOTE.

**REVIEW OF AGENDA**

Brown asked that "Ellis Pond Clean Up" be added to Old Business.

**PETITIONS/COMMUNICATIONS**

The Clerk will receive and file:

GCPH re: Transmission Levels for Greene County  
Gyamfi Gyamerah re: Busking Ordinance  
Mayor's Clerk re: Mayor's Court Report (3)  
GCPH re: Teen Driving Safety Week  
Matt Raska re: Busking Ordinance  
Fritz Schuermeyer re: Noise Ordinance Addition  
Anne Randolph re: Opinion on Solar at Sutton Farm

MacQueen reviewed the materials received.

## **PUBLIC HEARINGS/LEGISLATION**

**Second Reading and Public Hearing of Ordinance 2022-34** Repealing and Replacing Chapter 634 "Noise" and Replacing It in Its Entirety. MacQueen MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE.

Salmeron pointed out that the ordinance greatly simplifies police ability to address noise complaints.

MacQueen commented on motorcycle noise, which is not addressed in this ordinance.

Housh commented that he has some ideas to address motorcycle noise when that issue is raised.

Housh suggested that the Noise Policy draft provided by Burge might benefit from a change to allow "an approved app" on any device to be valid for measurement of decibels.

Stokes OPENED THE PUBLIC HEARING.

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

**Emergency Reading of Ordinance 2022-35** Approving a Fourth Quarter Supplemental and Declaring an Emergency. MacQueen MOVED and Brown SECONDED a MOTION TO APPROVE.

Salmeron explained the items contained in the supplemental, primarily an amount for sewer relining.

Salmeron responded to a question from Housh, explaining that the amount for vehicle repair is for two vehicles.

DeVore Leonard commented that vehicle maintenance should be added for the 2023 budget, since that need is fairly predictable.

Salmeron agreed, stating that this had been an oversight in the 2022 budget.

Housh commented that funds for the Youth Center were raised from parking fees charged during Street Fair for parking at the Cemetery Street lot.

Stokes OPENED THE PUBLIC HEARING.

There being no comment made, Stokes CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**First Reading of Ordinance 2022-36** Creating Chapter 635 and Regulating Busking in the Village of Yellow Springs. MacQueen MOVED and Brown SECONDED a MOTION TO APPROVE.

The Clerk explained that the ordinance originated with suggestions from PACC, when staff reviewed the suggestions and broke them into those that can be addressed legislatively and those that can be addressed by updating the Performer's Agreement.

MacQueen commented that she would change the ordinance to permit "some amplification".

Housh stated that PACC were clear in recommending no amplification, and observed that the current ordinance does address a number of the issues raised by PACC.

Brown commented that she does not like the potential for YSPD to become involved in the busking process. She opined that buskers are generally respectful when asked to turn down their amplification.

DeVore Leonard stated that he is "ok with amplification unless it is too loud." He observed that it "should not be complicated to ask for a reasonable degree of amplification." He stated that he is opposed to a police presence for something he does not believe is a problem.

Brown reiterated that when members of the public or shop owners ask, sound is turned down, characterizing the situation as "self-regulating."

Heise generally agreed with the characterization of the situation as self-regulating, but noted one performer who regularly amplifies to a disruptive level. He commented that sound can travel readily down Xenia Avenue. Heise offered his services to business owners looking for ways to mitigate the sound footprint.

Gyamfi Gyamerah stated his objection to the no amplification caveat, and spoke against "busking areas" as antithetical to the goal of making money. He then accused Salmeron of conducting the busking survey without including buskers, resulting in flawed information.

Gary Zaremsky observed that the busking situation is not self-regulating in that it requires intervention to address a noise issue. He commented that he is loath to approach a busker and so moves to another area where he can converse when there are overly loud buskers. He commented that he would "never address a stranger with a noise complaint," and so simply relocates, even when this is somewhat inconvenient. He suggested that the survey be conducted again to include not only buskers but pedestrians and shoppers.

Brown stated that she would never suggest that a member of the public approach a busker, and that this should be done by shop owners.

Housh pointed out that noise can be addressed separately from busking, and pointed out that the impetus for PACC involvement in the busking issue was a petition presented to Council several years ago in which shop owners complained forcefully about busking activities in the downtown area. He added that the permitting piece is key to levying income tax on those performers who are regularly busking as a source of income.

Housh stressed that while busking is largely not problematic, the legislation enables the PD to take action on complaint calls if "something does not go well".

MacQueen asked that the ordinance be amended "to allow amplification sometimes."

Stokes declined to call the vote.

**Reading of Resolution 2022-60** Authorizing the Village Manager to Enter into a Contract with Rumpke, Inc. for Solid Waste Management. MacQueen MOVED and Brown SECONDED a MOTION TO APPROVE.

Salmeron explained the need for a contract and recommended the five-year option as the most advantageous financially.

Salmeron noted that an ordinance outlining rates will be brought before Council at the next meeting.

MacQueen commented that she supports the resolution as “the best we’re going to get,” and noted the possibility of requesting more customer education information from Rumpke.

Housh asked why recycling for office and apartments was not being enforced.

Salmeron stated that there are other providers for many of these entities, and outside of offering to provide the service through Rumpke he has little leverage, since other providers will charge more to provide recycling to those customers.

Housh commented that the Village needs to move towards enforcement of recycling at office and apartment facilities.

Salmeron commented that there may be ways to consolidate some downtown trash and recycling services to offer lower cost options.

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

## **CITIZEN CONCERNS**

Mitzie Miller commented on the activities of the sidewalk clearing volunteers.

Gyamfi Gyamolah asserted his understanding that the Bryan Center was closed to 501C3 entities but was open to entities wishing to engage in religious activities.

The Clerk clarified that this is false, but that there is a deed restriction on the property prohibiting religious activities. There are no restrictions prohibiting non-profit entities from renting space at the Bryan Center.

Gyamolah asked for a copy of the deed and/or the policy, and was directed to Samantha Stewart, who rents Bryan Center space.

## **SPECIAL REPORTS**

**Active Transportation Advisory Committee Report.** Chris Bongorno presented a report from the committee, noting actions taken and those under consideration, reiterating the goal of promoting pedestrian and cycle transportation in the Village.

There was some conversation around the removal of a bicycle parking rack on Xenia Avenue which had been placed there as a pilot. Burns stated that the rack was removed because the Village was sued, and the insurance company requested its removal.

## MANAGER'S REPORT

Salmeron reported the following:

The storm reroute project begins November 1.

The Antioch tower is finally down.

The supplemental's passage clears the way for sewer relining in one area of town.

DeVore Leonard asked why nothing could easily be done to address a recent concern regarding buzzards.

Salmeron responded that there is no simple way to address the problem.

## OLD BUSINESS

**Finance Committee Ongoing Conversation: Inflation, Taxation and Affordability: Vendor Registration Proposal.** Housh explained the item as a gauging of the level of Council interest as to whether to pursue this as a revenue source.

Salmeron stated that because the Village does not require registration, they cannot inquire with RITA as to a vendor's income earned within the Village. If the current exemption for wares made by the vendor were removed, then all vendors would have to register, thus enabling taxation. A vendor in need of assistance could receive a waiver to the registration requirement from the Village if this were deemed to be needed.

Housh characterized this as fair, since those making enough to have to pay taxes should, and those making less than that amount would not be taxed.

In response to a question from Brown, Salmeron stated that RITA would provide education for those needing to register if they did not already have a vendor's license from the State.

Heise commented that the Village sees many transient vendors, noting that there are two types of licenses; transient and standard.

Salmeron stated that he would bring the idea back for further discussion.

**Goals Revised Template.** Housh introduced a revised goals template, and asked that Council weigh in on the format and what to include. He commented that he has created a hierarchy of goals that identifies their interrelatedness, and which he hopes will better guide goals conversations.

Conversation ensued, with the general understanding that Council members will send changes and suggestions to the Clerk.

**Volunteer Program Update.** Brown noted a history of volunteerism in the Village, and suggested that it would provide value to have a single calendar of opportunities and sign-up opportunities.

Brown asked that a program be put in place to facilitate volunteerism, and commented that this would require volunteer coordinators and some training. Brown asked that the Workers Compensation piece be looked through by the Solicitor because she would like the program to be able to incorporate youth offenders in need of community service hours, for example.

Brown suggested that the Village use existing waivers, etc. to jumpstart the initial process.

MacQueen suggested use of the “Volunteer Toolbox” and suggested a contact from City of Dublin.

Brown commented that a volunteer coordinator would be needed.

Stokes asked whether the Miller Fellow Program might be a resource, and this possibility was discussed.

COS Florence Randolph noted that the Community Foundation has a list of volunteers and a web-based sign up tool for local volunteers wishing to assist non-profits, and suggested that the Village join this list if possible. She provided a contact name.

**Ellis Pond Cleanup.** Brown presented information from a volunteer who “has her PhD in pond scum” who has asserted that the pond flora are non-toxic and a normal part of pond life. Another volunteer from Central State backed up these assertions, and suggested that removal of the excess flora should be done as the flora are going dormant.

Brown stated that she had reached out to Xylem regarding the pond, and two employees there had discussed cleanup possibilities and volunteered to hold a cleanup day through their Watermark Program on October 27<sup>th</sup>.

Brown said that she is asking permission from the Village for this activity.

MacQueen stated that Xylem might be willing to engage in this as a regular volunteer activity, and stated that they were also requesting that the Village purchase pond rakes.

Housh expressed frustration that the proposal had not been submitted in writing, and noted that it is coming very last-minute.

MacQueen requested permission from Council for Watermark to remove and service the aerators and to remove plant life, etc.

MacQueen MOVED for a VOTE TO APPROVE THE VILLAGE MANAGER TO WORK WITH XYLEM TO ARRANGE FOR WATERMARK VOLUNTEERS TO WORK AT ELLIS POND. Brown SECONDED.

Housh stressed that this was not the proper way to bring forward a proposal, and that there should have been a comprehensive written proposal in the packet for consideration.

Brown responded that while she may lack experience on Council, she did let the Village Manager know that she would be bringing people to Ellis Pond to prepare to engage in work, and had required information pertinent to that plan in September.

Salmeron responded that he had produced the requested information, but had not had knowledge of the October 27<sup>th</sup> volunteering plan, and had scheduled time off starting October 22<sup>nd</sup>.

MacQueen stated that “Council gave the job of resolving the situation to EC”.

Housh responded that any suggestion has to come back to Council for consideration.

MacQueen stated that she had been unaware of the need to pass the idea through staff.

Brown asked that the Village Manager contact Xylem to discuss the possibilities.

Brown reiterated her impression that Council had given responsibility for Ellis Pond cleanup to EC.

MacQueen asked that a vote not be called.

Burns stated that he has already arranged for the pumps to be pulled, weatherized and stored, and needs to know what the plan is.

Housh commented that “we all want to get things done, but we have to work together as a team.”

Brown stated that Xylem would be willing to pull, repair and store and then replace the pumps.

Stokes asked that Xylem be followed up with on the issues discussed.

## **NEW BUSINESS**

There was no new business.

## **BOARD AND COMMISSION REPORTS**

MacQueen reported that Earth Day will be held at the Bryan Center, as discussed by EC. The date will be April 23<sup>rd</sup>.

There is a November 16<sup>th</sup> “Meet and Great” with the new Mediation Coordinator.

Brown reported that the VIDA award for fall went to the creators of the Little Library at Gaunt Park.

## **FUTURE AGENDA ITEMS**

- Oct. 27:** Council Work Session: 2023 Budget Session #1 (6-8:00pm)
- Nov. 2:** Council Work Session: 2023 Budget Session #2 (5:30-7:30pm)
- Nov. 7:** **Second Reading and Public Hearing of Ordinance 2022-36** Creating Chapter 635 and Regulating Busking in the Village of Yellow Springs  
Draft: Amending the Personnel Policy Manual to Incorporate Anti-Discrimination Language per OCRC Settlement  
Public Safety Work Session Draft Agenda  
Committee Structure Proposal
- Nov. 21:** **6-7pm Budget Review**  
**Second Reading and Public Hearing of Ordinance** re: Busking
- Dec. 1:** Council Work Session: Public Safety Discussion (3-5pm)
- Dec. 5:** **First Reading of 2023 Budget Ordinance**  
**Ordinance** Approving Preliminary Plat Plan for Millworks PUD and Declaring an Emergency
- Dec. 19:** **Second Reading/Public Hearing of 2023 Budget Ordinance**

**ADJOURNMENT**

At 9:48pm, MacQueen MOVED TO ADJOURN. DeVore Leonard SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

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Kevin Stokes, Council Vice President

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Attest: Judy Kintner, Clerk of Council