

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

Council Chambers @ 7:00 P.M.

Tuesday, February 21, 2023

CALL TO ORDER

Vice President of Council Kevin Stokes called the meeting to order at 7:03pm.

ROLL CALL

Present were Stokes and Council members Marianne MacQueen, Gavin DeVore Leonard and Carmen Brown. Village Manager Josue Salmeron was present via Zoom. Also present were Planning and Zoning Administrator Denise Swinger, Public Works Director Johnnie Burns, Finance Director Amy Kemper and Police Chief Paige Burge. President Housh was absent from the meeting.

SWEARINGS-IN

Stokes swore in Frank Doden and Scott Osterholm as Alternate and Full members of Planning Commission, respectively.

ANNOUNCEMENTS

Salmeron made a statement to the effect that the situation in East Palestine, Ohio has and will have no bearing on the water quality for the Village of Yellow Springs.

The Clerk noted the passing of John Struewing, who had served as Planning Commission Chair for a number of years.

CONSENT AGENDA

1. Minutes of February 6, 2023 Regular Session
2. Credit Card Statement for February, 2023

DeVore Leonard MOVED and Brown SECONDED a MOTION TO APPROVE THE MINUTES of February 6, 2023. The MOTION PASSED 4-0 ON A VOICE VOTE.

DeVore Leonard MOVED and Brown SECONDED a MOTION TO APPROVE THE CREDIT CARD STATEMENT FOR FEBRUARY 2023. The MOTION PASSED 4-0 ON A VOICE VOTE.

REVIEW OF AGENDA

A brief informational item related to the banning of single use plastics was added to New Business.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

- Mark Heise re: Street Fair
- Brian Housh re: Green Events Guide
- Mayor's Clerk re: Mayor's Monthly Report (2)

Stokes reviewed the materials received.

PUBLIC HEARINGS/LEGISLATION

DeVore Leonard MOVED and MacQueen SECONDED a MOTION TO WAIVE THE FULL READING OF ALL ORDINANCES ON THE AGENDA. The MOTION PASSED 4-0 ON A VOICE VOTE.

Second Reading and Public Hearing of Ordinance 2023-02 Repealing and Replacing Section 1048.05 Service Charges of Chapter 1048 Sewers and Sewage of Title Four Public Utilities of Part Ten Streets, Utilities and Public Services of the Codified Ordinances of the Village of Yellow Springs, Ohio. Brown MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron referenced his presentation at the meeting on February 6th, noting that the only aspect of that presentation some had felt was missing was a five-year rate projection across the three affected utilities, given that the rates are percentage-based.

Stokes OPENED THE PUBLIC HEARING.

Salmeron then presented a five-year projection for water and sewer rates, and then one on electric increases.

Following the presentation, Stokes CLOSED THE PUBLIC HEARING and CALLED THE VOTE.

The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Second Reading and Public Hearing of Ordinance 2023-03 Repealing and Replacing Section 1046.02 Service Charges; Exemption of Chapter 1046 Water of Title Four Public Utilities of Part Ten Streets, Utilities and Public Services of the Codified Ordinances of the Village of Yellow Springs, Ohio. DeVore Leonard MOVED and MacQueen SECONDED a MOTION TO APPROVE.

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

Second Reading and Public Hearing of Ordinance 2023-04 Repealing and Replacing Section 1042.01 Electric Service Charges of Chapter 1042 Electricity; Municipal Light and Power of Title Four Public Utilities of Part Ten Streets, Utilities and Public Services Code of the Codified Ordinances of the Village of Yellow Springs, Ohio. Brown MOVED and MacQueen SECONDED a MOTION TO APPROVE.

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

Second Reading and Public Hearing of Ordinance 2023-05 Amending Chapter 432.45 Concerning Regulation of Text Based Communication While Driving of the Codified Ordinances of the Village of Yellow Springs. DeVore Leonard MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Burge explained that this ordinance allows YSPD to stop motorists for distracted driving as a primary offence and to cite that offense into Mayor's Court.

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

Second Reading and Public Hearing of Ordinance 2023-06 Repealing and Replacing Appendix A to Section 1272.04 of the Yellow Springs Zoning Code Establishing Permit Fees. MacQueen MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE.

Swinger reminded Council that a number of communities' fees had been examined, and that the end result is, in her view, fair.

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

Second Reading and Public Hearing of Ordinance 2023-07 Amending Section 242.01 "Composition; Classification" of the Codified Ordinances of the Village of Yellow Springs, Ohio to Add the Position of "Deputy Chief". Brown MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Burge offered to address questions. There were none.

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

Emergency Reading of Ordinance 2023-08 Repealing and Replacing Section 252.01 "Personnel Classification" of the Codified Ordinances of the Village of Yellow Springs, Ohio to Create Additional Positions and Adjusting Pay Levels and Declaring an Emergency. MacQueen MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE.

Stokes OPENED THE PUBLIC HEARING.

Burns explained that he is working to hire staff to start in March, and if the ordinance is not read as an emergency he will have to wait an additional month to offer positions to qualified candidates.

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

Emergency Reading of Ordinance 2023-09 Approving a Supplemental Appropriation for the First Quarter and Declaring an Emergency. Brown MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE.

Kemper explained the supplemental, noting that expenses for Lawson Place and for property taxes account for \$40,000.00.

Kemper noted that funds have been secured for the YSPD therapy dog as well as for food for persons experiencing homelessness, and these need to be entered.

Regarding a grant from OWPC, Kemper explained that water capital fund will receive up to 2 million in grant funds, but will need to cover the first month's expenses out of the general fund as a loan to the water fund, after which payments from OPWC will keep expenses covered.

Kemper noted that Iron Table Holdings had paid permit fees which then need to be expended by the Village.

Brown asked for details regarding the application for non-profit status for Lawson Place.

Kemper stated that the Village hopes to receive this status within the next year.

MacQueen requested a three year pro-forma on Lawson Place.

Salmeron stated that this would be provided at the next Council meeting.

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

Reading of Resolution 2023-11 Authorizing Payment of Invoices with a Then and Now Certificate for the First Quarter of 2023. MacQueen MOVED and Brown SECONDED a MOTION TO APPROVE.

Kemper explained that the Then and Now covers a water treatment replacement loan for the second half of 2022 and covers additional insurance costs for Lawson Place.

Stokes CALLED THE VOTE. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

CITIZEN CONCERNS

There were no Citizen Concerns.

SPECIAL REPORTS

Public Arts and Culture Commission End of Year Report. Amy Wamsley, PACC Chair, presented the Planning Commission End of Year Report.

MANAGER'S REPORT

Salmeron spoke on the topic of gas aggregation for some time, noting that this is a good time to bring such a program back, since with low gas prices at present, now is an ideal time to lock in low rates for Villagers who wish to participate in the program.

Salmeron explained that an opt-out program had been voted in by citizens a number of years ago, and his intention is to bring back the same type of program. Participation would not change the billing for any customer, since the program would be run through Center Point Energy. He opined that he is likely to recommend SOPEC as the entity best aligned with Village values.

DeVore Leonard expressed willingness to move forward with legislation.

MacQueen stated a preference for a presentation.

Stokes commented that Council will look to Salmeron for next steps.

OLD BUSINESS

Next Steps in Review of Village Policing. DeVore Leonard commented that the memo he had provided previously is still valid in terms of presenting the steps he believes make sense for moving this topic forward.

DeVore Leonard explained his second recommendation, stating that he would like a representative from the Village to speak with a Township representative regarding the concept of merging fire and police services.

MacQueen volunteered for this action.

DeVore Leonard stated that he is recommending only one committee as the Policing review committee. He stressed that the committee should be in regular and thorough communication with Council.

Council discussed who should participate in conversation regarding the merging of police and fire operations.

DeVore Leonard stressed that the discussion around a merging of police and fire operations, if determined to be feasible by the elected bodies, will unfold over a number of years.

Regarding the recommendation that committee members gain familiarity with police operations, Stokes stated that he would like to be involved in this effort.

MacQueen stated that she would like to better understand policing and would like to do ride-alongs and anything else, but that she would not like to be involved in the policy considerations in which a committee might engage.

Burge asked whether there are other means of reaching understanding regarding police operations.

Stokes noted that Burge has in fact offered a great deal of information regarding police operations.

Following general discussion of the committee's approach and mission, Burge asked that Kemper, as Finance Director, be included as a member of the committee, since a significant goal is to reduce the YSPD budget if possible.

MacQueen asked whether Dispatch could be closed during certain hours and that function moved to County Dispatch during those times.

Burge commented that this would not be permitted.

MacQueen suggested that the Village compare itself to Cedarville, which spends significantly less on policing.

MacQueen asked that she and Stokes get together outside of Council meeting and determine which of them will participate on the proposed committee.

NEW BUSINESS

Housing Work Session Debrief. MacQueen referenced her notes from that meeting. Council agreed that the notes are accurate. MacQueen will bring a proposal to the next meeting.

Proposed Ban On Single Use Plastics. Blankenship explained that she has been in discussion with the Village Manger and looking into other communities' legislation on this issue. She asked for input from Council as to whether they want her to bring further information on this topic.

Blankenship explained that the bans vary in terms of scope, and that they all allow for substitute products that are either compostable or sustainable.

Council directed Blankenship to proceed with further information or legislation.

Mark Heise, Chamber President, stated that he is open to the discussion, but stressed that banning drink cups is a big ask and can take a long time to enact successfully as there are logistics that have to be worked out.

Rose Obrian commented in favor of the ban and against recyclable items as substitutes, stating that there is limited ability to recycle plastics in this region.

BOARD AND COMMISSION REPORTS

DeVore Leonard reported that PC had heard a presentation from Neighbors for More Neighbors, and text amendments will be considered at PC's March meeting.

FUTURE AGENDA ITEMS

- March 6:** Fourth Quarter Financials
Treasurer's Report
Committee Structure Proposal Update
Home, Inc. Request for Funding
Environmental Commission End of Year Report
Ordinance Authorizing Rates for EV Vehicle Charging Stations
Ordinance Regulating Vendors
Resolution 2023-13 Final Resolution Authorizing PID No: 113724
County/Route/Section: GRE Yellow Springs Multi-Modal FY23 Agreement No: 35530
Ordinance Adjusting Village of Yellow Springs Reciprocal Tax Adjustment
Discussion of Recommended Fees for Village Events
Gas Aggregation Discussion
Proposal for Housing Committee
Review of CASP Goals
- March 20:** Ordinance 2023-0X Amending the Personnel Policy Manual to Incorporate Anti-Discrimination Language per OCRC Settlement
Ordinance Adjusting Pool Fees for 2023
Resolution Formally Establishing a Volunteer Policy
Establishing a REC Policy
2022 Village Annual Report

ADJOURNMENT

At 8:58pm, MacQueen MOVED TO ADJOURN. DeVore Leonard SECONDED, and the MOTION PASSED 4-0 ON A VOICE VOTE.

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council